

The Council had received the following names from the Historic District Commission for consideration for the three vacancies: Eleanor Kinnaird, Dick Lamberton, Doug Johnston, Georgia Kyser, Josh Gurlitz, Ed Tenney, Albert Peloquin and Gary Freeze. The Commission had specifically recommended the reappointment of Eleanor Kinnaird and Dick Lamberton. Council member Herzenberg informed the Council that Mr. Freeze and Mr. Johnston were either leaving Chapel Hill or had done so.

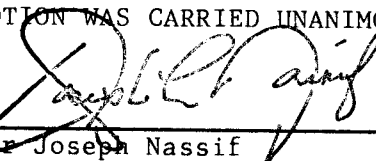
Future Agenda Items

Council member Boulton asked for a report on the joint planning with the County. This would be scheduled in conjunction with one of the work sessions on the comprehensive plan.

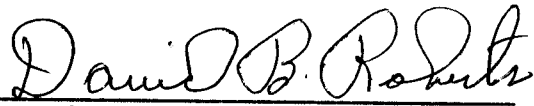
Council member Howes informed the Council he had been asked to testify in support of the reenactment of the Community Development Block Grant Program. He would distribute a copy of his testimony to the Council.

Executive Session

COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER SMITH, TO ADJOURN TO EXECUTIVE SESSION TO DISCUSS LITIGATION, AFTER WHICH THE COUNCIL WOULD ADJOURN. THE MOTION WAS CARRIED UNANIMOUSLY. After the session, the meeting was adjourned.



 Mayor Joseph Nassif



 Town Clerk David B. Roberts

MINUTES OF A PUBLIC HEARING OF THE
 MAYOR AND COUNCIL
 OF THE TOWN OF CHAPEL HILL
 MUNICIPAL BUILDING
 TUESDAY, MARCH 25, 1980
 7:30 P.M.

Mayor Nassif called the meeting to order. Present were:

Marilyn Boulton
 Joseph Herzenberg
 Jonathan Howes
 Beverly Kawalec
 R. D. Smith
 Joe Straley
 Bill Thorpe

Also present were Town Manager E. Shipman and Town Attorney E. Denny. Council member Wallace was excused.

Child Day Care Center Special Use Permit at 417 Landerwood Lane--Public Hearing

All witnesses were sworn. Mr. Jennings stated day care had been identified by Human Services as a need in Chapel Hill. He pointed out the location of the proposed center. Concerns expressed at the Planning Board hearing had centered around possibility of the venture becoming commercial should the property change ownership. The neighbors had also asked that a reasonable limit be placed on the number of children allowed.

Council member Boulton inquired about the difference between day care centers needing a special use permit and those not needing one. Mr. Jennings explained that those having more than 1/2 day operation and more than 5 children needed a state license and therefore a special use permit.

Ms. Dallmeyer submitted the statement of justification and a supplementary letter dated March 24, 1980, for the record. She explained that she had a small pre-school in her home in the mornings. Some of the children required care in the afternoons as well because their parents worked. She wanted to offer that care so the children would not have to be taken to another location. The existing structure would not be altered unless to add playground equipment. The State required 25 sq. ft. per child. Ms. Dallmeyer had a mother to help her each morning. She did not believe additional help would be necessary in the afternoons. The yard had a fence around it.

Mr. McDonald asked if signs would be allowed on the residence. Would the owner be allowed to add to the residence? He believed the traffic would create a hazard on this small street. Mr. Jennings responded that the applicant had stated she would have no signs. She was, however, allowed a 2 sq. ft. sign under the zoning ordinance. Anyone would be allowed to add to a residential structure as long as the primary use was not changed. The number of children could be limited by the special use permit as well as by the state.

Ms. Harris said her daughter attended the pre-school. The school had an excellent reputation.

Mr. Maroni was concerned with what would happen to the center when the Dallmeyers moved. He had no objection to the permit if limited to the time the Dallmeyers lived in the home and limited in the number of children allowed.

Ms. Shall commented that Ms. Dallmeyer had equipment to stimulate the children. The parents of children would agree to use only her drive if it would help.

Ms. Jensen asked that the permit expire when the Dallmeyers moved and that the number of children be limited. She added that they were not bothered by noise from the school.

Ms. Dallmeyer had gotten a fire inspection, building inspection and sanitation inspection from the state. COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

Mobile Home Park Special Use Permit for Tarheel Trailer Park--Public Hearing

All witnesses were sworn. Mr. Jennings pointed out the location of the existing mobile home park on Airport Road. The property was zoned commercial and agricultural. A convenience store and greenhouse were also located on the property. A portion of the property was outside the planning jurisdiction until the latest annexation. Concerns of the staff were that there was no sewer, and fire protection. The staff was working with the Health Department on the adequacy of the wastewater system, and the Fire Department wanted the units numbered logically so they would be easier to find.

In response to Council member Herzenberg, Mr. Jennings explained that with the permit the park would be conforming. Without it the park could continue, but could not replace any units which were moved. Council member Boulton asked about the setback requirements. The exterior setback requirement was 20'. Council member Boulton remarked that some of the trailers would have to be moved to meet this requirement. Mr. Page explained that he was working with the staff to define a lot for each trailer. Plans for the new arrangement would be filed before the Planning Board considered the matter.

Council member Straley questioned the fire code requirements. Mr. Page did not know the specific requirements, but each trailer had to meet state requirements before it was allowed in the State. Manufacturers also had to meet certain federal requirements and install alarms. Mr. Moody added that he had had one fire in 25 years, in which no one was hurt.

Mr. Reeve asked if the number of units would be limited. Mr. Jennings answered it would be limited to the number listed on the plan when completed. There were currently 65 units. The ordinance had a density requirement which had not been reached.

Council member Boulton asked if the number of resident in a mobile home was limited. Mr. Jennings said the town treated the unit as a detached unit; however, the park might have its own requirements.

Mayor Nassif questioned the zoning for mobile home parks. Mr. Jennings explained that mobile home subdivisions were allowed in R-7 zoning; however, mobile home parks were only allowed in agricultural zoning. The zoning allowed 2 homes per acre but mobile homes were allowed in 3900 ft. of space.

Council member Thorpe asked how much the rent would be. Mr. Moody said a one bedroom unit rent was approximately \$85 per month. The larger units were approximately \$150 to \$175 per month.

Mr. Page stated that prior to January 1961 the mobile home park had been allowed in suburban commercial districts. With a change in the zoning ordinance a special use permit was required. The record indicated Mr. Moody had filed for an extension of the mobile home park but no application for the existing park. The application for extension was denied. Mr. Page submitted the statement of justification and a letter from Mr. Stevens of the Department of Natural Resources.

Council member Straley inquired about the procedure for putting in a septic tank. Mr. Jennings explained the criteria used for getting a permit. The Health Department was responsible for compliance with regulations.

COUNCIL MEMBER BOULTON MOVED, SECONDED BY COUNCIL MEMBER SMITH, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

Zoning Map Amendment to Reclassify Approximately 1.3 Acres on the West Side of Weaver Dairy Road

Mr. Jennings presented the proposal to rezone a 1.3 acre tract of land from Agriculture to R-10. The property was located on the west side of Weaver Dairy Road next to the Booker Creek subdivision. The applicant, after the rezoning, proposed to combine this tract with another for a subdivision. Mr. Jennings reviewed the criteria for rezoning. Mr. Mintz had filed a letter of objection to the rezoning, but no legal petition had been filed.

Council member Smith asked for the zoning of the adjoining land. It was zoned R-10.

Council member Howes commented that Mr. Mintz' concerns apparently were because the land would be developed. He added that there had been no reason for Mr. Mintz to assume otherwise.

Council member Straley asked if this would be the last opportunity for citizens to speak on the project since Mr. Mintz and possibly others were not present. Mr. Denny explained that as this was not a special use, the Council could agree to hear persons when the rezoning ordinance was before them.

Mr. Page stated the tract was part of the Booker Creek subdivision but was not included in the original plan. The town had grown over the last ten years toward Weaver Dairy Road. The land use plan showed this area to be low density residential. He submitted the statement of justification.

Council member Smith inquired about the terrain. Mr. Page believed the area to be timbered. There was a sewer easement across the edge of the property. Council member Boulton was concerned about the number of driveways onto Weaver Dairy Road near its intersection with Mt. Moriah Church Road. However, this question would be addressed when and if the property was proposed for subdivision.

Mr. Jordan asked if the zoning would permit townhouse or condominium construction on the property. He did not believe the nature of the lot would lend itself to detached units. The neighbors were opposed to townhouses or condominiums. Mr. Jennings explained that townhouses or condominiums were permitted in any residential zoning with a special use permit. Mr. Jordan added that some of the neighbors had not received notice of the rezoning because they had bought their homes within the last year, nor was there a notice posted on the property. Mr. Jennings stated that a posted notice was not required but the staff put one up anyway. The notices were sometimes torn down. The list of property owners had been taken from the tax maps which were not up to date.

Mr. Grantham also objected to multiple housing on the tract. He was not opposed to single family housing.

Mr. Chen was not informed of the rezoning request either. His drive entered onto Weaver Dairy Road, which he stated was busy during peak hours. He thought a development would be a hazard in this area. He was opposed to multi-family housing.

Council member Straley commented that the objections made so far were to a project which was not being considered.

COUNCIL MEMBER BOULTON MOVED, SECONDED BY COUNCIL MEMBER HOWES, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION FOR RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

Unified Business Development Special Use Permit for an Addition to an Office Building and a Second Office Building at 410 Airport Road--Public Hearing

All witnesses were sworn. Mr. Jennings presented the proposal to construct an addition to the building currently used as a realty office, and to construct a second building. The existing building was a non-conforming use. The permit would bring the building into conformity with the zoning ordinance. The staff was concerned with emergency access to the second building and the effect on sedimentation and erosion control. The Planning Board was concerned with conformity with the comprehensive plan. The land use plan showed the property to be existing commercial use.

Mr. Heffner reviewed the background of the building which had never been used as a residence. He submitted the statement of justification. Mr. Heffner preferred not to build the second building, but it was required by the ordinance. If the town at any time in the future changed the requirement for the second building, he would apply to the town to delete it from the plans. Mr. Heffner had notified adjoining property owners of his plans. They had no objections to the proposal. Lighting had been omitted in the parking lot to prevent objections from Oak Terrace residents.

The Council questioned an addition which was attached to the existing building when the attachment meant a second building would be required. (Mr. Denny explained that under the building code any physical connection constituted an addition instead of a separate building.) Mr. Heffner responded that separation of the buildings would require employees to go outside in all kinds of weather and would make the management of the business inefficient. The second building could feasibly be used in the future. The design of the addition was also chosen so that none of the large oak trees would have to be removed.

Council member Kawalec questioned the allowing of a unified business in a residential area. Mr. Jennings explained that the ordinance allowed for unified business in a residential area, but policy was to locate such uses in an activity center. This tract was shown on the land use plan as commercial use. Mr. Heffner pointed out the Council had granted two other unified business permits in the area.

Council member Boulton asked if parking would be added with the second building. Mr. Heffner responded he had requested a 26% reduction in the parking requirement. With this reduction the project would be in compliance without additional parking. As requested Mr. Jennings explained to the Council the reason for the requirement of a second building.

Mr. Heffner added that under the R-4 zoning more square footage would be allowed in a residence. COUNCIL MEMBER BOULTON MOVED, SECONDED BY COUNCIL MEMBER HOWES, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. Mr. Rindfuss pointed out that commercial strip development was discouraged in the comprehensive plan. This project appeared to him to be strip development. Mr. Heffner again referred to the precedent of the Holland Office Building and the town offices. THE MOTION WAS CARRIED UNANIMOUSLY.

Petition by Frank G. Umstead for Annexation of land on the West Side of Estes Drive--Public Hearing

Mr. Jennings pointed out the location of the land. The applicant had requested that the special use permit for Ironwoods be considered before the annexation request. No citizens commented on the annexation. The applicant had presented his petition but was not present. COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER THORPE, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

There being no further business to come before the Council, the meeting was adjourned.

Mayor Joseph Nassif

Town Clerk David B. Roberts

