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MINUTES OF A PUBLIC HEARING OF THE MAYOR AND COUNCIL OF THE TOWN
OF CHAPEL HILL, MUNICIPAL BUILDING, MONDAY, JANUARY 19, 1981, 7:30 P.M.

Mayor Nassif called the meeting to order. Present were:

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

Also present were Town Manager E. Shipman and Town Attorney E. Denny. A quorum of the Planning Board was present. Councilmember Wallace was absent.

Request to Rezone 26 Lots on Both Sides of South Columbia Street between
Chase Avenue and Purefoy Road From R-10 to R-3 - Public Hearing

Mr. Jennings presented the request and pointed out the location of the subject property. The difference between the two zones was the minimum square footage required for a residence. The area was indicated as low density residential on the Comprehensive Land Use Plan. The proposed zoning ordinance would allow slightly higher density, but still proposed low density residential development for the area. A protest petition had been filed in opposition to the rezoning. Counsel would advise as to the validity of the petition when the Council considered acting on the rezoning.

Mr. Page represented several owners of the property subject to the requested rezoning. He stated the site was within walking distance of the University and the CBD. Land in the vicinity was zoned R-5. Many of the structures on the property were used as rental units. They were in need of major renovations. Property adjacent to the area was used for apartments. Mr. Page pointed out the Town had indicated an interest in increasing the density of the land near the University. The rezoning would be in keeping with the policy of in-fill development. The site was already served by utilities, roads and mass transportation. The University would benefit from increased density near the University.

Mr. Page reviewed the three criteria considered for rezoning a property. He noted that although there was no error in the zoning at the time of its inception, the zoning had not been changed in 23 years. The area in that time had changed from single-family residential use to rental and multi-family residential use. Even with the rezoning, anyone wishing to increase the density on his individual property to more than two units would need a special use permit.

Mr. Page submitted a petition signed by over 90% of the owners of the subject property in support of the rezoning. This represented about 15 individuals.

Councilmember Smith asked what percentage of the property had dwellings on it. Mr. Page said about one-half of the property. He did not know what percentage of the dwellings were unsafe. Councilmember Smith inquired whether the houses had been inspected by the Building Inspector. Mr. Shipman said the Inspector had a systematic plan for inspecting all structures in the Town, but he did not know when this area was last inspected.

Mr. Joe Capowski spoke against the rezoning. He stated the rezoning had been initiated by a non-resident property owner. Mr. Capowski presented the following arguments against the rezoning: (1) the area is the southern entrance into town and is especially sensitive as it forms the first impression of those entering the town; (2) many of the older homes had expensive renovations; (3) many of the streets were narrow and in poor condition; (4) the neighborhood was a mature one; and (5) intersections of side streets with S. Columbia Street were dangerous. He commented that rezoning before the State had completely formulated plans for widening S. Columbia Street would not allow for planning setbacks of new buildings.

Mr. Capowski pointed out the initiator of the rezoning request, Mr. Carlisle, had been instructed by the Building Inspector to obtain a special use permit for rental units on his property. Without this permit he was not in compliance with the zoning regulations.

Mr. Capowski read a letter from Mr. Bob Ayers, a land surveyor in Chapel Hill, stating that the neighborhood had changed very little since its zoning in 1955. He believed it to be a "static" area. Four buildings had been constructed since 1960 with two structures torn down.

With the rezoning 280 units could be built. Mr. Capowski believed the impact on traffic, the appearance of the neighborhood, and cost to the town to be severe. He stated the area was not in a state of decline. Significant private investment was taking place without inducement from the town.

Mr. Capowski submitted letters from four of the property owners who had signed Mr. Page's petition, withdrawing their support for the rezoning. He also submitted a petition signed by adjoining land owners opposing the rezoning. Mr. Capowski read a letter from Mr. Temple stating the University would not be directly impacted by the rezoning. It would not support or oppose the rezoning.

Mr. Dan Olson, a resident of the neighborhood for many years, opposed the rezoning. He requested the Council to vote against it.

Ms. Helen Costello supported Mr. Capowski's statements. She believed the neighborhood a stable one. She opposed the rezoning.

Mr. Martin Feinstein stated that although there was a need for more rental property in Chapel Hill, there was already land zoned R-3 which had not yet been developed. He opposed the rezoning.

Mr. Fred Vogler stated there had not been a change in the neighborhood. He asked the Council to deny the rezoning request.

Mr. John Allcott stated he liked the character of the neighborhood as it was. He did not want the density increased.

Ms. Berthe Marti stated that many retired people lived in the area because it was quiet. The rezoning would change the quality of the neighborhood.

Mr. Wesley Egan stated he had begun acquiring property in the area in 1965. He had intended to live there, but determined the area was a rental neighborhood. The Town needed more places for young people to live within a reasonable distance of the University. The area could be developed with smaller units there were not high-rise.

Mr. Fields stated that most of the houses in the area were rental. As owner of many of them he supported the rezoning.

Ms. Ellen Wittig said there were many small homes in the area which gave young couples an opportunity to buy their own home. If the area was changed to rental, they would not have this opportunity.

Mr. B. B. Sparrow stated there were rental units within his home. Most of the tenants walked so there was no traffic problem.

There were no further comments. COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER BOULTON, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

Request for a Special Use Permit to Construct a High-Voltage Electric Power Transmission Line and an Electric Power Substation - Public Hearing

All persons giving evidence were sworn. Mr. Jennings presented the two requests for a high-voltage power transmission line and an electric power substation. Much of this would be across University property and across the Botanical Gardens. Mr. Jennings traced the route of the transmission line. He stated one of the issues to be considered was the protection of environmentally critical areas such as the Botanical Gardens. Another would be the development across a part of the floodway which was also an environmentally critical area. Appearance would be an issue. The applicant proposed to landscape the site to separate it from Old Mason Farm Road.

Councilmember Smith asked for the distance from the substation to the residential property. The closest property line was 530 feet. The nearest building was 640 feet away.

Mr. Gordon Rutherford represented the University. He emphasized the need for the substation. The present capacity would be exceeded by 1984. Significant construction such as the Cancer Center would add to the demand. Failure along the current transmission line could result in a lengthy power outage to the hospital.

Mr. Rutherford then reviewed the alternatives considered, such as expanding the present substation and alternative sites and routes for the transmission line. The further away from the campus the line was constructed, the less efficient and more costly it would be.

Mr. Rutherford submitted the statement of justification for the record. He also submitted the floodway survey for the record.

Mr. Phil Post described the construction area in relation to the flood fringe area.

Mr. Rutherford addressed the four findings necessary for the special use permit. There would be no traffic created by the project. The use would meet all specifications and conditions.

Mr. John McKee had inspected the site and site plan. He described current and proposed landscaping for the project. He did not believe there would be a negative market value effect on the adjoining property.

Mr. Rutherford said in his opinion the project would be a public necessity. He said the project had been located to have as little impact as possible on residential neighborhoods. Although a building for the substation had been suggested at the public discussion, Mr. Rutherford believed a building would be more intrusive on the landscape.

Councilmember Straley asked about the incremental loss for moving the substation nearer the sewage plant. Mr. Rutherford was not sure, but as the yearly electric bill was \$5 million, a small percentage would be a large amount. He believed the University had a responsibility to conserve energy. He discussed the University's energy conservation program.

Councilmember Boulton questioned Mr. Rutherford about moving the substation for landscaping. He responded that it would be only 10 feet. Several ideas had been suggested for landscaping.

Councilmember Kawalec asked for more detail about the choosing of the proposed route. Mr. Rutherford explained that an overhead transmission would necessitate a 68 foot right-of-way. An underground 100,000 volt distribution would take a different right-of-way. The underground distribution however, would cost much more. The University had not thought cutting a 68 foot right-of-way through the botanical gardens an acceptable solution. Mr. Rutherford continued to discuss the chosen path in detail. He hoped to use the highway right-of-way to reduce the cut across the botanical gardens. The lines on the campus would be underground.

Ms. Susie Ross represented several Highland Woods' residents who were concerned about the impact on the project on the community. She submitted a petition opposing the substation because it was not in harmony with the area. They believed it could be considered in harmony with the area if located near the sewage treatment plant.

Mr. James Ingram stated the environmental impact assessment was inadequate. Although the project would not harm residential neighborhoods, it would damage the environment in which it was located. It would be more in harmony with an industrial location.

Ms. Peg Parker was concerned the substation would be located in the flood plain. She thought future construction on campus would change the elevation of the flood line. She pointed out that although the University had considered a berm for landscaping, OWASA did not want it higher than 4 feet on their sewer line, and

the burm must be 20 feet across on top to accommodate a truck. This meant no trees could be planted on the burm. Ms. Parker submitted a report from PEPCO on screening substations. An empty barn to enclose the substation would cost approximately \$300,000, not the \$1 million suggested by the University.

Mr. Andrew Scott argued that alternatives to the substation location had not been seriously considered. He commented that in all of the meetings to discuss the location, the residents in the area had not been consulted. In his opinion, cost considerations were not necessarily the most important in choosing locations for projects. He suggested the lines be put underground across the old golf course. The substation could be near the sewage treatment plant. Mr. Scott suggested a neutral party be asked to evaluate the alternative locations and cost considerations.

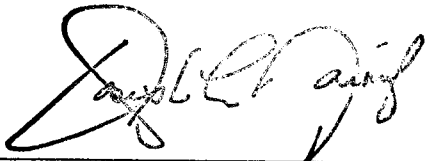
Mr. Rutherford noted that OWASA owned the land which was near the sewage treatment plant, not the University. OWASA had plans for expansion. The University could fill in the flood fringe for construction, but could not build in the floodway. Distance problems would also make construction difficult. Cutting across the golf course would alter some of the holes on the golf course. In response to Councilmember Straley, Mr. Rutherford stated moving the line would cost approximately \$250 per foot (2,000 ft.) plus cost for crossing the stream and extra construction cost in the flood area, over \$500,000. (The burm would cost approximately \$100,000.)

Mr. Rutherford submitted the preliminary landscape plan. Councilmember Howes inquired about OWASA's regulations for the burm on the sewer easement. Ms. Parker reported they would require a cleared area of 10 feet. Mr. Rutherford stated the burm would not be on the sewer line to require a 20 foot burm. Trees could be planted.

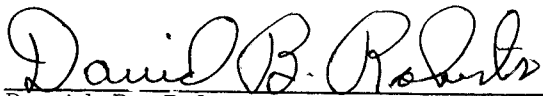
Councilmember Boulton asked for clarification on the neighborhood feeling. Ms. Ingram said that not everyone in the neighborhood felt the same, but most did not believe the project would impact the residential area significantly. Mr. Scott added that they were speaking to the environmental question.

There were no further comments. COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER SMITH, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

The meeting was adjourned at 10:40 p.m.



Joseph L. Nassif, Mayor



David B. Roberts, Clerk