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MINUTES OF A PUBLIC HEARING OF THE MAYOR AND COUNCIL OF THE TOWN
OF CHAPEL HILL, PHILLIPS SCHOOL AUDITORIUM, MONDAY, MARCH 16, 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 was Town Manager E. Shipman. Mayor Nassif asked that all those wishing to speak on the first item, the zoning ordinance, sign the register to allow for an orderly progression of speakers.

Proposed Zoning Ordinance and Map for Chapel Hill and Surrounding Areas -
Public Hearing

Mr. Jennings stated the zoning ordinance was a part of the overall comprehensive planning process by the Town. In 1977, the Council had adopted the Goals and Objectives of the Comprehensive Plan and the Land Use Plan. In 1979 they had adopted the Community Facilities Plan and it was anticipated Thoroughfare Plan adoption would occur next fall. The Comprehensive Plan was implemented through ordinances adopted by the Council.

In October 1979, the Council had held the first public hearing on the proposed zoning ordinance. Since then revisions had been made to address concerns of the citizens expressed at that hearing. Achieving the goals of energy conversation, discouraging urban sprawl, encouraging development of low and moderate income housing, would result in some conflicts of competing objectives. Mr. Jennings explained the resolution for some of these conflicts. Mr. Jennings then compared the existing map with the proposed map on a lot-by-lot basis and for multi-family units. The major changes to residential property was on undeveloped land and along major thoroughfares such as 15-501 east of Town where tracts of land had been zoned R-4. Property along Weaver Dairy Road was zoned R-2; and property along Airport Road and NC 86 would be zoned R-4 and R-5.

Mayor Nassif then called for comments from citizens.

Mr. Whitfield asked for an explanation of the flood plain overlay. Mr. Jennings stated the ordinance had a flood hazard district in which certain uses would be prohibited. There would be lower intensity of development in this district.

Mr. James Haar, President of Piney Mountain Neighborhood Association, opposed the new R-1 and R-2 zoning as they would be less than equivalent to the R-15 and R-10 zoning at which the area was currently developed. The residents had submitted a protest petition. Although the planning staff encouraged infill development, Mr. Haar thought this undesirable in an area which had private roads, inadequate public transportation, no shopping facilities, and uncertain water and sewer facilities. The higher density would also mean higher taxes. Mr. Haar did not believe the proposed ordinance would discourage urban sprawl but would encourage it as people wanting large lots would buy outside of Town. Housing would not cost less because land prices would be driven up. Speculators and land developers would profit from the ordinance.

Mr. John Gastineau, President of the Greater Chapel Hill-Carrboro Chamber of Commerce, stated the Chamber had sent its recommendations on the ordinance to the Council on February 24, 1981. He asked that these be included in the record. The Chamber had since made some revisions to their recommendations which Mr. Gastineau reviewed and which were submitted for the record. On the whole the Chamber supported the zoning ordinance.

Mr. William Kalsbeck stated there were problems of interpreting the allowable density under the new ordinance. He did not believe it adequately reflected density classifications.

Mr. Tom Mariakakis objected to the restrictions on property in the flood plain.

Mr. William Spann asked for the purpose of restricting additional development in the Eastgate area. Mr. Jennings responded that the area was indicated as critically environmental since it was in the flood way or flood fringe. The intent was to provide another layer of control in addition to the flood damage ordinance. The property if destroyed could be developed commercial but at a lower intensity than currently. The restrictive floor area ratio would only apply to that portion of the property in the floodway. Mr. Spann stated that businessmen as well as homeowners expected to continue under the same circumstances as when they bought their property. He asked that this section be sent back to the Planning Board for a more equitable solution.

Mr. Harold Shapiro asked how the line between R-1 and R-2 was drawn along Honeysuckle Road. Mr. Jennings explained the R-2 zoning would be for undeveloped property to encourage new development, while the R-1 zoning was to keep the impact on existing neighborhoods as small as possible. Mr. Shapiro said it seemed to follow major thoroughfares.

Mr. Donald Boulton, Vice Chancellor for Student Affairs, stated the University supported the Greek system. It provided many opportunities for students. Mr. Boulton quoted statistics on how many students lived in fraternity and sorority houses and how many received their meals there in Chapel Hill. The sororities met some of the increasing needs for housing for women. The students needed low cost housing in close proximity to the University. The University looked to the expansion of the Greek system to provide some of this housing over the next 10 years. The Finley Golf Course area would not be suitable for a sorority court for security reasons. Mr. Boulton wanted the new zoning ordinance to allow the use of certain properties near the campus for sorority courts.

Mr. Roger Baker requested a tract of land, owned by himself, located along Franklin Street, be rezoned to Office/Institutional rather than R-5. He explained that the property was surrounded by other property in office or commercial uses.

Mr. Robert Page stated the Council had denied a rezoning request of property near S. Columbia Street last week. He asked that the Council consider rezoning this property R-3 under the new zoning map. This would conform with the comprehensive plan.

Mr. Donald Fox from the Piney Mountain Neighborhood Association, was opposed to higher density development in the existing single-family neighborhoods. This would cause property taxes to increase. The lot size on which the floor area ratio would be based could include the street in front of homes so that lots could be much smaller. Mr. Fox was concerned that the zoning would not prevent multi-family housing in any neighborhood as it was allowed under planned development. He did not think the Town should pursue efforts to be exempted from the state regulations governing protest petitions.

Mr. Charles Peterson gave his qualifications as a pilot. He asked that the Council close Horace Williams Airport. He thought the airport environment the most dangerous part of flying. Eighty per cent of the accidents occurred during landing or take-off proceedings. Mr. Peterson said the schools were in a high risk area. Accidents could be prevented by moving the airport.

Mr. Peregrine White supported the agricultural zoning of the Dubois property on Hwy 54. He thought this one of the best entrances to the Town. Mr. White questioned the size of some of the lots as shown by the Planning staff. He thought some of the terms used in the zoning ordinance vague, such as accessibility, as there was no adequate definition. Although citizens could drive to different points in Chapel Hill, they could not park to shop. He suggested there be mini-bus service from the Airport lot to Town, with printed schedules at the stops. These buses should run frequently during peak hours.

Mr. Bill Olsen thought zoning for apartments should be away from other buildings to allow for landscaping. He also objected to the parking requirements for churches. They should be allowed to count the available parking in surrounding areas, as their utilization of parking was at times other businesses would not be

using it. Mr. Olsen questioned the 500' separation between group homes. Mr. Olsen asked that real estate signs be allowed on the right-of-way as they could frequently not be seen when hidden by shrubbery.

Mr. Michael Gage, of the Piney Mountain Neighborhood Association, objected to increased density in his neighborhood. He did not think Chapel Hill needed the increased growth. He stated this increased land use was premature, coming before adequate transportation and thoroughfares, and certainty of water.

Mr. Gerry Cohen asked that the Council encourage development of multi-family housing along the thoroughfares where public transportation could be made available. This would help to reduce energy costs and taxes. He did not believe duplexes in residential neighborhoods were bad. Mr. Cohen thought sororities and fraternities should be located in Town where students could walk.

Mr. Henry Whitfield complained of the restrictions placed on property in the flood hazard district. He believed if there were no restrictions, the owners would build, and when flooded would rebuild. With restrictions, the tax base would be reduced. Mr. Whitfield thought that cleaning debris from the creeks would help drainage. He had been authorized by the owners of D & E Shopping Center to express their concern over the restrictions on property in the flood plain. Mr. Whitfield also suggested the Town "takeover" the University maintenance complex on Airport Road for all Town offices and move the University's maintenance closer to the campus.

Mr. Dan Boone asked for an interpretation on the section on Airports. Mayor Nassif explained that the University had requested clarification on the definition of commercial operations. Commercial referred to all operations not pertaining to the airport itself. Mr. Boone was a commercial pilot who did not believe the airport was a hazard. The number of accidents at the airport was very low compared with traffic fatalities. He stated the aircraft operating at Horace Williams were not the type which statistically were involved in many accidents. Mr. Boone did not think the length of the runway should be limited, as the safety depended on the length. He also objected to the restriction on maintenance to be performed at the airport, as owners of planes would tend not to have maintenance performed if they had to go to another airport.

Mr. Joe Capowski objected to any higher density zoning of the South Columbia Street area as requested by Mr. Page. The proposed R-2 zoning would be higher density than existed and any higher zoning would not comply with the comprehensive plan.

Mr. Olin Mouzon thought the Town should specify certain areas for fraternities and sororities because of noise problems with adjoining neighborhoods. He wanted to maintain current restrictions.

Mr. Scott Wallace, a resident of Timberlyne, stated the area had been designed and built as single-family, low density residential area. The roads were built on that basis and were barely adequate for that purpose. The developer had then requested higher density zoning. The residents and developer had reached a compromise. The proposed zoning ordinance would nullify this compromise, and impose undesirable zoning on the community. He believed the ordinance would be destructive to neighborhoods.

Ms. Margaret Taylor, of King's Mill Road, said the citizens did not realize how extensive the proposed zoning ordinance would be. She asked that the ordinance be advertised much more and people given an opportunity to respond. Mayor Nassif said the process had been going on for over a year. The Council had held numerous worksessions which had been publicized.

Mr. Barry Housel, representing Citizens for Airport Planning, wanted the airport phased out. He said the University and Town had failed to address the basic issue of finding another site for the airport. Five schools were near the airport with a subdivision recently approved close to the runway. The zoning ordinance allowed high density housing near the hazard zone. Although the airport had been non-conforming, with the proposed zoning ordinance, it would become a permitted use. He reminded the Council the School Board had been opposed to the airport location for 10 years. There was difficulty in regulating traffic at the airport. The group wanted the airport relocated. Mayor Nassif responded the Council had not chosen the location of the schools near the airport, the School Board had.

Mr. Jeffry Andresen said the Horace Williams Airport was a danger and nuisance to the community. It had grown with the acquiescence of Town Councils. The majority of uses was not related to the University. Making the airport a conforming use would make the airport permanent. The Town should restrict the uses at the airport and phase it out.

Mr. Bill Cherry had found it difficult to determine what current zoning would be equivalent to in the new ordinance, and how his property would be affected. The intent of the ordinance was to promote stability of neighborhoods and protect them against depreciation. He suggested the ordinance should be compatible with existing zoning. Converting to higher density would be harmful to old neighborhoods.

Mr. James Scatliff did not think the fraternities were best in all neighborhoods. He suggested the University look at cooperative housing.

Ms. Betsy Brady, representative of the Panhellenic Council, said the sororities did not plan extensive growth over the next 10 years. Two existing sororities were in need of housing. She said the Raleigh Road area was convenient for housing as it was near the campus and near other housing. She said sororities were well-maintained and did not detract from neighborhoods. They did not cause traffic problems when located near the campus. Wild parties were not allowed in the houses so they would not disturb the neighborhoods. The housing market in Chapel Hill was tight. She asked the Council to consider the needs of sororities.

Mr. David Reed, of the Piney Mountain Neighborhood Association, said the proposed ordinance would have no impact on urban sprawl; rather it would lead to deterioration of developed areas. Citizens were not being served by less restrictive design standards. There was no inherent right to higher density. He did not believe growth and density desirable. Mr. Reed did not believe the higher density would result in lower cost housing as the developers would divide the property into smaller lots, but sell them at a high price. The quality of life would not be improved by the proposed zoning ordinance.

Mr. James Yankaskas stated that he was concerned with preventing accidents. He said the airport provided a useful function to the Town and the State and should be maintained without further restrictions. It provided opportunities for travel and medical training to the State. The aircraft were much safer than automobiles. He suggested the citizens direct their efforts to the greater need of automobile and school bus safety.

Mr. Robert Bryan suggested the Council allow light manufacturing in the Town center. He thought the Council would discourage such companies as the microprocessors who wanted to locate in the area. He questioned the definition of multi-family housing and did not think it would be allowed anywhere but in R-4 and R-5 zoning. He did not think the floor area ratio large enough for housing in R-1, R-2, and R-3 zoning. Mr. Bryan objected to the prohibition against parking lot under 20 spaces in the Town center, as many offices had small lots for their employees and customers. The Town should encourage parking downtown. Mr. Bryan stated that if existing special use permits were no longer in effect if the property was zoned commercial, the Town would lose its controls.

Mr. Dave Ripley asked how property owners would be notified of amendments to the zoning ordinance and developments under the proposed zoning ordinance. Mr. Jennings said the notification process would be the same as is currently used.

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

Request for a Special Use Permit for an Additional Parking Area at the Chapel Hill Public Library - Public Hearing

All witnesses were sworn. Mr. Jennings pointed out the location of the project and explained that a special use permit was required for more than 5 cars on a lot in a residential area.

Councilmember Herzenberg questioned the 5' setback. Mr. Jennings explained an exemption would be needed for the rear yard setback requirement. Councilmember Smith asked how the Town would ensure the lot was used only by patrons of the library. Mr. Giles said the only way besides demand would be to police the lot and tow cars which were parked there all day.

Mr. Giles said the additional parking had resulted because of the need for parking. The parking would be almost doubled. The plans had been reviewed by the Historic District Commission. He reviewed the plans for landscaping and screening from adjacent residences and from Boundary Street. Traffic would circle within the lot, instead of on the street as they now do. The lot would be graveled to provide better drainage. Mr. Giles discussed the type of lighting proposed for the lot. He submitted the statement of justification.

Mr. Rindfuss said the sight distance at the existing exit was poor. Mr. Giles said he would investigate this and see if it could be corrected before construction of the lot.

Mayor Nassif suggested Mr. Giles consider a catch basin to improve drainage from the lot without flooding Boundary Street.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER SMITH, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. Councilmember Smith added that the Planning Board should consider the matter of controlling parking. THE MOTION WAS CARRIED UNANIMOUSLY.

Councilmember Kawalec was excused from the meeting.

Request by Alpha Delta Pi Sorority for a Special Use Permit - Public Hearing

All witnesses were sworn. Mr. Jennings stated the house was an existing non-conforming use. The special use permit would allow an addition and make the use conforming. The site was partially zoned R-10A. The ordinance provided for extension of the zoning for 35' on the property.

Mr. O'Brien stated there was a 130' setback to the rear. Seventy-five per cent of the work would be done under the existing structure. There would be no increase in the membership living at the house. The dining facilities would be enlarged to accommodate members currently dining there. The structure would be extended 10' to 12' beyond the R-10A zoning. Mr. O'Brien submitted the statement of justification for the record.

COUNCILMEMBER HERZENBERG MOVED, SECONDED BY COUNCILMEMBER STRALEY, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

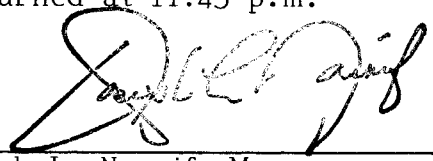
Petition by the Commissioners of the Chapel Hill Housing Authority for Annexation of the Public Housing Site on Legion Road - Public Hearing

Mr. Jennings pointed out the location of the property. He explained that HUD required the annexation before residents could move in.

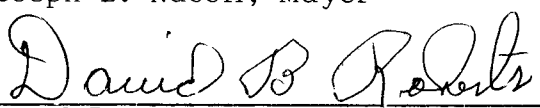
Councilmember Smith asked where the current Town boundaries were. Mr. Jennings pointed out the boundaries and explained the property was adjacent to the Town on its southern boundary at Colony Woods and the cemetery. Councilmember Boulton asked why the property had not been annexed when bought. Mr. Bigger responded there was an administrative error.

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER HERZENBERG, 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 at 11:45 p.m.



Joseph L. Nassif, Mayor



David B. Roberts, Clerk