

MINUTES OF A PUBLIC HEARING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,
MONDAY, MARCH 15, 1982, 7:30 P.M.

Mayor Nassif called the meeting to order. Present were:

- Marilyn Boulton
- Winston Broadfoot
- Jonathan Howes
- Beverly Kawalec
- David Pasquini
- Joe Straley

Councilmembers Smith and Wallace were excused absences. Also present were Town Manager, David R. Taylor; Assistant Town Manager, Sonna Loewenthal; and Town Attorney, Emery Denny.

Persons who wished to speak on issues regarding Special Use Permits for Agenda Items #1-3 were sworn by Mr. David B. Roberts, Town Clerk.

Adelaide Walters Planned Development-Housing Special Use Permit Request

Planning Director, Mike Jennings, outlined the request for a Planned Development-Housing Special Use Permit: to construct 24 dwelling units for the elderly and handicapped on approximately 57,975 sq.ft. The area was zoned R-4 and was located on the west side of Airport Road between Stephens Street and Longview Street. A sprinkler system would be required in the four-story structure. The applicant requested a reduction in the number of parking spaces (21 instead of the required 37). This request met Zoning Ordinance requirements.

Mr. Warren Piver, representing the applicant, stated that the project was an effort to provide housing for the elderly and physically handicapped. The project would be called the Adelaide Walters Apartments, in honor of the late Ms. Adelaide Walters who had provided strong leadership and inspirational support for two previous projects in Chapel Hill.

Funds for construction and rent subsidies were available to non-profit community groups from HUD.

Mr. Gary Giles submitted the Statement of Justification (please refer to permanent files in the Planning Department) and presented design aspects of the proposed project: there would be a terraced pedestrian ramp from the street to the "plateau." The building would be a four-story structure, U-shaped with a southern orientation. A commons recreational courtyard area would be formed by the "U" with a ramp from the ground level to higher elevations. The design of the building promoted privacy.

In response to questions from Councilmember Boulton, Mr. Giles explained that there would only be one elevator and that it would accommodate two wheelchairs or one stretcher. The elevator would provide the primary exit from the building; however, the second level would be constructed to have an exit at the ground level. The third and fourth levels would have additional means of access by a stairtower at either end of the building. The building would have a sprinkler system. An exterior open-air corridor would provide access to individual living quarters.

In response to Councilmember Straley's questions, Mr. Giles stated that the exposure was to the south, providing ample sun and protection from winds during the winter months. The structure's architectural design would provide shading during the summer months. Central air would be an added feature; windows would be operable. The grade of the drive would be approximately 15%.

Councilmember Broadfoot asked about the change in the number of parking spaces. Mr. Giles responded that the necessary change in the location of the entrance drive necessitated the deletion of two parking spaces.

Councilmember Broadfoot inquired about the proposed "mix" of subsidized tenants for the proposed project. Ms. Ruth Mace, consultant for the Inter-Faith Council, responded that HUD would provide funds to subsidize rent for 22 of the 24 apartments. Councilmember Broadfoot felt that a better mix could be obtained by subsidizing a certain percentage of tenants.

Ms. Mace responded to another question from Councilmember Broadfoot: a new corporation was needed for this project because of the mortgage liability on a non-profit sponsor.

Ms. Shirley Marshall stressed the importance of this project in that it allowed individuals to maintain their independence as long as possible. This would have a positive effect by relieving the community of the expense and responsibility until persons actually required the assistance of nursing homes.

Mr. Thomas Heffner, a local real estate appraiser, described the proposed project as being compatible with the surrounding property, not having an adverse effect on the surrounding property values.

Mr. Jennings stated that staff recommended approval of the request subject to the conditions listed in the proposed resolution.

Mr. Roscoe Reeve, Chairman of the Planning Board, stated that he had been concerned about emergency procedures in leaving the building. However, he felt more satisfied since a sprinkler system would be required, especially in light of the fact that emergency vehicles could not get to all sides of the building in emergency situations.

The Planning Board concurred with staff recommendation to approve the request subject to stipulations.

Councilmember Howes was assured that the grade for the pedestrian ramp would meet Town standards.

Councilmember Broadfoot expressed concern that an area street named after Ms. Walters might cause confusion if this housing project were named after Ms. Walters also.

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER HOWES, TO REFER THE MATTER TO THE MANAGER. THE MOTION CARRIED UNANIMOUSLY (7 TO 0).

Stonehenge Apartments--Request for Planned Development--Housing Special Use Permit

Mr. Jennings, Planning Director, outlined the request and location: to construct 39 dwelling units, 5 of which were proposed in the Chapel Hill Planning Area. Mr. Jennings stated that the property was located on the east side of US 15-501 South, approximately 900 feet north of the Smith Level Road/US 15-501 intersection. Approximately 2 acres, zoned R-2, lay within the Chapel Hill Planning Area.

Mr. Jennings stated that Orange County had asked the Council for a Courtesy Review for the portion of the project that was within the Chapel Hill Planning jurisdiction.

Staff recommended stipulations that addressed concerns regarding fire protection, water and sewer provisions, traffic and pedestrian safety, and compliance with both the Zoning Ordinance and Comprehensive Land Use Plan.

Mr. Robert Page, representing the applicants (Mr. and Mrs. Anker Bell) of the Stonehenge Apartments, submitted the Statement of Justification (please refer to permanent files in the Planning Department). He addressed staff's concern for police and fire protection, asserting that the area would be patrolled by the Orange County Sheriff's Department as many as four or five times per day, depending upon the number of personnel available. Fire protection for the area was currently provided by the North Chatham Volunteer Fire Department and would be under contract for fire protection by the Southern Triangle Fire District when collections for that district began.

Mr. Bruce Ballentine, representing the Consulting Engineers for the Stonehenge development, reviewed the technical aspects in support of Findings #1 and #2: (1) water and sewer systems and improvements to traffic engineering would meet local and state standards; and (2) all requirements of the Zoning Ordinance would be met.

Mr. Thomas Heffner, a local real estate appraiser, informed Council that, in his opinion, the proposed project would have minimal impact on the adjoining property values.

Mr. Jennings outlined stipulations that would be placed on the applicant that would bring the proposed project into compliance with requirements of the Zoning Ordinance.

Staff recommended that all four findings be made, subject to stipulations.

For the County Courtesy Review, the same stipulations were proposed with two additional proposed stipulations:

1. That the cul-de-sac at the end of the main entrance be redesigned to provide adequate turning radius for trash vehicles, etc.
2. That a 60-ft. right-of-way be provided at the rear of the property to allow for access of adjacent properties as they may develop.

Mayor Nassif felt it would be better to design a network of streets that would become public eventually or that would be state maintained, aiding the development of this property in a more orderly way. Mr. Jennings did not feel that the streets nor the development had been designed for this type of traffic. Considerable expense would be incurred to make such an alteration.

Mr. Roscoe Reeve, Chairman of the Planning Board, addressed concerns expressed by the Planning Board regarding the adequate sewer provisions, drainage problems, and traffic safety for the entire complex. In light of stipulations recommended by staff, however, the Planning Board recommended approval of the request.

Councilmember Kawalec was informed that there were several other subdivisions in the area that had inter-basin transfers. OWASA was aware of this proposal and had reviewed the stipulations. Low-density residential development did not require individual septic tanks.

Mr. James McCoy, adjacent property owner, felt that this proposed development would add to already existing problems of hazardous traffic conditions, and inadequate police protection. He encouraged the Council to view the project as a whole to determine if the entire project "filled the spirit of zoning regulations."

Mr. Phillip Poythress, adjacent property owner, expressed concerns for fire and public safety, and traffic safety. He did not feel that this proposal would enhance adjacent property, referencing sewer problems that would be created by the development.

Mrs. Terry Poythress, adjacent property owner, expressed concern for adequate buffers, wishing to maintain the privacy and quietness of the area.

Mr. Robert Poythress, adjacent land owner, expressed concerns for the need for traffic safety, and adequate police and fire protection.

Mr. Stepney Edwards, a citizen, felt that the community was not prepared, environmentally, to handle a complex of this size. He expressed concerns for traffic safety and environmental problems that could result from this development.

Mr. Marvin Poythress presented a petition signed by residents of the area who opposed the proposed development (please refer to permanent files in the Clerk's Office). He expressed concerns for traffic safety, health problems that could result from sewer problems, and current inadequate police protection related to understaffing of the Orange County Sheriff's Department.

Mr. Charles Burns questioned the definition of low density. He felt that the proposed development would increase the current density from approximately two persons per acre to about seven persons per acre. He expressed concerns for water run-off problems, public health and safety, and sufficient buffer zones.

Mr. W. Wade Whitfield, adjacent property owner, concurred with previous statements made regarding the need for adequate fire protection.

Mr. Paul Messick, representing some of the area property owners, felt that there were a number of unanswered questions with regard to police and fire protection, utilities and drainage. He suggested that Council postpone a decision until more information was available from OWASA and the State Department of Transportation.

Mr. William B. Partin, an area resident, expressed concern for potential drainage problems.

Mr. Jimmy Woodall, a renter on adjoining property, voiced his concern for traffic safety, adequate police protection, and maintenance of privacy for area residents.

Ms. Ann Burns, a former resident of the area, opposed the project as it was too far from the existing urbanized areas to be considered continuous infill development, and did not contribute to the desirable developmental plan for the area. She also expressed concerns for traffic safety.

Mr. Kim Partin, adjoining land owner, was concerned with potential run-off problems.

Mr. Floy Oldham, Jr., "an heir of an adjacent, adjacent land owner," expressed concerns for traffic hazards, and sewer problems that other properties would inherit, doubting that the proposed project would enhance the value of any adjacent property.

Mrs. Aline Poythress questioned the need for the apartments as this was an area for single-family development. She expressed concern for run-off problems.

There were no other citizens who spoke either for or against the proposed development.

Mayor Nassif asked the Manager and staff to, in the future, show surrounding area development on maps in order to assist Council in understanding the disposition of the project in relation to the surrounding area.

Councilmember Kawalec asked staff to prepare a resolution to recommend to the County Commissioners that they deny the rezoning and the special use application for this project.

Mr. Jennings informed Councilmember Kawalec that the Planning Board had discussed the rezoning of this tract of land to R-2, due to its close proximity to Star Point. He stated that the R-2 zoning allowed 5.5 dwelling units on 1200 sq.ft. of land; the County currently zoned the area R-1, which allowed only 1 unit per acre.

Councilmember Straley asked Mr. Reeve to explain how Council would appropriately respond regarding hydrologic and water drainage plans if the County had already approved the plans.

Mr. Reeve explained that Council was only being asked to pay particularly close attention to this aspect of development before final approval.

Councilmember Straley did not feel that sufficient data was provided to allow Council to make this decision at this time.

Mayor Nassif stated that staff recommendation to Council would be presented in three weeks.

Mayor Nassif informed Councilmember Pasquini that if Council were to deny the Special Use Permit, there would be no development of the project within the Chapel Hill zoning jurisdiction. Council would vote on the five units as well as the Courtesy Review recommendation to the County for the zone change and the Special Use Permit.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER KAWALEC, TO REFER THE MATTER TO THE MANAGER. THE MOTION CARRIED UNANIMOUSLY (7 TO 0).

Sigma Phi Epsilon Fraternity--Request for Special Use Permit

Mr. Jennings outlined the request: to build a 10,760 sq.ft. fraternity house at the southwest corner of Pittsboro Street and Cameron Avenue. Mr. Jennings reviewed recommended stipulations that would bring the proposal into conformance with the Zoning Ordinance.

Mr. Ronald Merritt, representing the applicant, submitted the Statement of Justification (please refer to permanent files in the Planning Department). He stated that the proposed project would beautify the area, maintain the present use of the property, and promote infill development. The applicant requested a variance in the number of required parking spaces in order to save significant trees on the site.

Mr. John Farabow, project architect, felt that stipulations recommended by the Planning staff would bring the proposed project into compliance with the Zoning Ordinance, warranting Council approval.

Mr. Thomas Heffner, a local real estate appraiser, spoke in support of the request, stating that the proposed project was compatible with other structures in the area and would have a positive impact on adjoining property values.

Mr. Kurt Jenne represented the Board of Trustees of the United Church. The church was adjacent to the proposed development. Mr. Jenne supported the request and the stipulations that the parking lot be paved, that a detailed drainage plan be approved, and that sidewalk improvements be required. An additional request was that sufficient buffers be required between the parking areas.

Mr. Jennings stated that staff recommendation was for approval of the request, subject to stipulations.

Mr. Roscoe Reeve, Chairman of the Planning Board, stated that the Planning Board concurred with staff recommendations.

No other citizens spoke regarding this request.

Councilmember Howes asked if there was sufficient land between the two parking lots to provide buffers. Mr. Jennings responded that the defined area was limited, possibly precluding a desirable buffer.

Councilmember Straley questioned why this buffer had not been considered earlier. Mr. Bill Morris, Town Engineer, responded that the parking lot now met minimum requirements and the only reduction that could be made would be to the house.

Councilmember Kawalec suggested that staff formulate a stipulation in accordance with the request of Mr. Jenne.

Mayor Nassif suggested that paving around the large Oak tree not be permitted, but was informed that paving was already in existence. This paving had not harmed the tree.

COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER HOWES, TO REFER THE MATTER TO THE MANAGER. THE MOTION CARRIED UNANIMOUSLY (7 TO 0).

Persons speaking for or against Agenda Items #4-6 were sworn by the Town Clerk.

Central Carolina Bank--Request to Modify the Special Use Permit for the Branch Bank and to Subdivide the Property

Mr. Jennings outlined the request: to convert the existing Unified Business Special Use Permit to a Drive-Up Window Special Use Permit and to subdivide the property into two lots. The site was located on the northwest corner of US 15-501 and Sage Road. Council would need to approve both requests.

Mr. Robert Page, representing the applicant, submitted the Statement of Justification (please refer to files in the Planning Department).

No citizens spoke regarding the proposed request.

Mr. Jennings stated that staff recommendation was to approve the request.

Mr. Roscoe Reeve, Chairman of the Planning Board, stated that the Planning Board concurred with staff recommendation.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER KAWALEC, TO REFER THE MATTER TO THE MANAGER. THE MOTION CARRIED UNANIMOUSLY (7 TO 0).

First Citizens Bank and Trust Company--Request to Modify the Special Use Permit for the Branch Bank and to Subdivide the Property

Mr. Jennings outlined the request for a Special Use Permit modification to convert the existing Unified Business Special Use Permit to a Drive-Up window Special Use Permit and to subdivide the property into two lots. Mr. Jennings stated that the property was located on the southwest corner of the East Franklin Street and Elliott Road intersection, zoned Office-Institutional-2.

Mr. Robert Page, representative for the applicant, submitted the Statement of Justification (please refer to files in the Planning Department).

No citizens spoke regarding the request.

Staff recommended approval of the request.

Mr. Roscoe Reeve, Chairman of the Planning Board, stated the Board's concurrence with staff recommendation.

COUNCILMEMBER STRALEY MOVED, SECONDED BY COUNCILMEMBER PASQUINI, TO REFER THE MATTER TO THE MANAGER. THE MOTION CARRIED UNANIMOUSLY (7 TO 0).

Burger King--Request for a Drive-Up Window Special Use Permit

Mr. Jennings described the request to add a drive-up window to the existing Burger King Restaurant on the southwest corner of Elliott Road and US 15-501 Bypass. The applicant proposed to use the current curb cut on Elliott Road for access to the one-way lane toward the call box. The design provided maximum separation between pedestrian and vehicular traffic. A buffer would be required along the access drive to offset confusion created by on-coming headlights. The covered dining area would remain.

Mr. Michael Olander, representing Burger King, submitted the Statement of Justification (please refer to files in the Planning Department).

Mr. Roscoe Reeve, Chairman of the Planning Board commended the proposed separation of vehicles and pedestrians and stated that the Planning Board supported staff recommendation to approve the request.

No citizens spoke for or against the request.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER BROADFOOT, TO REFER THE MATTER TO THE MANAGER. THE MOTION CARRIED UNANIMOUSLY (7 TO 0).

Carolina Avenue--Request to Close an Unopened Portion

The property under consideration was described as being on the west side of Franklin Street near Roosevelt Drive. Mr. Jennings stated that staff would not make a recommendation at this time, but would evaluate comments made during this meeting. Council could close this portion of Carolina Avenue if they found that such closing was not contrary to public interest and would not deprive property owners of reasonable access to their property.

Mr. Joe Hakan, representing Ms. Carol Hakan (petitioner), presented background information regarding this portion of Carolina Avenue. He felt that for safety reasons the road should be closed.

Mr. Joe Wall, a resident of Carolina Avenue, opposed the proposed closing. He presented background information on property deeds for this location. He felt that the property in question was the property of the Durham heirs and not property of the Hakans. He asserted that other property owners had bought property with the understanding that Carolina Avenue was a two-exit road. He did not feel that there were safety problems. He submitted that to close Carolina Avenue would significantly diminish access to his property and eliminate access for undeveloped property.

Mr. Richard A. Beutel, property owner on Carolina Avenue, supported closing the road. He felt that the topography of this road did present safety problems.

Mr. Denny stated that there appeared to be a number of legal questions involved that did not involve the Town: (1) the Town had never accepted the dedication of that area for any purpose; (2) there was concern whether all persons who might be affected by a loop road had been notified; and (3) there could be deficiencies in the petition. There were many questions and many options. He did not know if it were up to the Town to research this and to provide definitive answers, other than what action would be appropriate for Council to take.

Councilmember Broadfoot asked why action was requested, if Council's authority was not certain.

Mr. Denny stated that there was a statutory procedure that permitted governmental bodies (local) to close streets. There were other methods by which this could be accomplished. However, no action other than referral would be taken by Council at this time. Staff would make appropriate recommendations that would be within the authority of the Council.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER STRALEY, TO REFER THE MATTER TO THE MANAGER AND ATTORNEY. THE MOTION CARRIED UNANIMOUSLY (7 TO 0).

Design Manual and Revised Subdivision Ordinance

Ms. Sonna Loewenthal, Assistant Town Manager, presented background information regarding comprehensive revisions of the Town's zoning and subdivision regulations since June of 1978.

The intent of such revisions had been to combine zoning and subdivision regulations into one ordinance, and to create a separate Design Manual which established design standards for land development in Chapel Hill. This approach was intended to bring together the major land development ordinances into one place and to allow flexibility in design standards, by adopting them as a manual instead of an ordinance.

The Subdivision Ordinance would be renamed the Development Ordinance and would be included as Article 7 of the current Zoning Ordinance.

Major proposed changes would:

1. Classify subdivisions into (a) minor subdivisions--acted on by the Manager, and (b) major subdivisions--the preliminary sketch would be acted on by the Council and the final plat would be acted on by the Manager.
2. Allow the Manager, instead of Council, to reapprove preliminary sketches after the one-year approval period had lapsed, unless paramount considerations of health, safety or welfare required reconsideration by Council.
3. Require that subdivisions containing large lots be arranged to allow future orderly subdivision of the large lots, including provisions for streets.
4. Set standards to correct flag lots.
5. Use a recreation space ratio to determine required open space.
6. Combine mapping and certification requirements in one place.

The Design Manual was the result of over two years of staff and professional work toward a comprehensive interpretation of performance standards and other requirements of Town ordinances. The efforts centered around a desire to (1) preserve the quality of life in Chapel Hill, (2) prevent problems created by lack of forethought, and (3) balance the cost of design requirements equitably and practically.

The Design Manual would be an administrative tool to interpret performance standards and other requirements of Town ordinances. However, if there was another way to meet the objectives of the ordinance (unique design, etc.) the alternate proposal would be reviewed by the Manager to determine its conformance.

The Planning Board requested more time to review both the Subdivision Ordinance and the Design Manual before making recommendations to Council. They requested that the hearing be adjourned until March 22, 1982.

Mr. Bill Morris, Town Engineer, detailed changes in the Design Manual. Views of the development community differed significantly from staff views regarding off-site improvement requirements proposed for developers. The Design Manual covered (1) street classifications and standards, (2) standards for storm drainage, (3) bike trail standards, (4) off-street parking requirements for paving and shading, (5) refuse receptacle pad requirements, and (6) driveway standards. Mr. Morris stated that OWASA's imminent adoption of standards specifications would greatly shorten Town standards requirements for water and sewer.

Mr. Tom Heffner concurred with proposed changes and with the flexibility of the Subdivision Ordinance. Ms. Loewenthal responded to a question from Mr. Heffner that the Town would require the developer to post bond to assure maintenance of common areas until the Town or a Homeowner's Association assumed maintenance of those areas. Mr. Heffner felt that this requirement could produce the eventual effect of an increase in the cost of lot ownership in Chapel Hill. Thus, the possibility of having less expensive lots in Chapel Hill would be even more remote. This was a major concern of the development community. He was also concerned that the cost of development and the complexity of development might inhibit infill development, encouraging large developers to develop the majority of land in Chapel Hill.

Mr. Bob Page, a developer, wished to see the Town require a more responsible role on the part of franchise utilities. Currently, developers were required to correct street and property damage caused by utilities. He also stated that he felt that the Town was "overdesigning" lots and felt that more input was necessary before adoption of the Design Manual.

Mr. Roger Baker addressed several points regarding the Design Manual: (1) flexible performance standards were essential, helping to contain design costs; (2) a method of continued review and dialogue was essential in maintaining an up-to-date document; and (3) how the Town assessed developers' costs needed to be clarified--a method that would be equitable to both the Town and the developer.

Mr. Ballentine wished to see the Design Manual give direction to designers while allowing flexibility. He felt that the first chapter defined that intent, but that subsequent chapters deviated from that purpose.

He felt that many standards needed further proofreading and defining, and many were overly restrictive. He suggested that the staff and Planning Board review each of these areas to see if the standards were too restrictive and if provisions were justified:

1. Site distances.
2. Geometric design standards of roads and trails.
3. Council to accept newly-constructed streets, as opposed to the Manager.
4. Off-site street improvement requirements.
5. Requirements that the developer install street signs.
6. 100-year flood design on arterials (DOT uses 25 or 50 year design).
7. Curb and gutter driveways required on streets that have no curb and gutter.
8. To pave temporary turn-arounds in a phase development.
9. The unnecessary use of guard rails (perhaps redefine where they should be required).
10. Further define the location of installation of bus shelters.
11. Reconsider the entire section on storm drainage and management; also off-site improvements, design storms, storm water detention, and discharge control.
12. Review chapter on utilities as there was considerable overlapping of duties of the Town and OWASA and other franchise utilities companies.
13. Steep terrain in Chapel Hill should be viewed as an asset and not a liability.
14. Erosion design standards.

Mr. Roscoe Reeve stated that the Planning Board had three basic problems with the Design Manual and the Subdivision Ordinance: (1) technical details, (2) impact of these documents and the consensus of the development community regarding the restrictiveness of the standards, and (3) insufficient time for Planning Board members to assimilate the material and make recommendation to Council. The Planning Board, therefore, requested Council to delay action until adequate recommendations could be made.

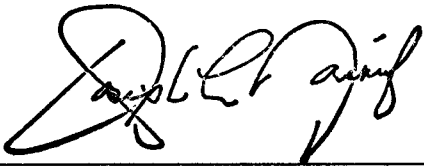
Mr. Everett Billingsley, Executive Director, OWASA, felt that the Design Manual should speak more toward performance standards and leave the more specific designs to the professionals in the area. He felt that if the Design Manual were left in its current form, there would be administrative over laps. A conflict would result between the Town and third parties, and OWASA and third parties. One of the obligations of both the Town and OWASA was to try to accomplish things for the good of the community without a burden on developers. He suggested staff review to formulate a clear and concise document.

Councilmember Straley felt that comments regarding overly restrictive standards of the document should be considered further by Council.

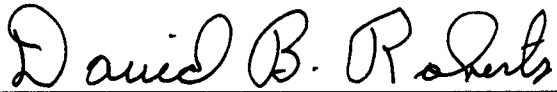
Mr. Taylor recommended that the item be adjourned, allowing staff and Planning Board to continue working on the contents.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER STRALEY, TO REFER THE MATTER TO THE MANAGER FOR RECOMMENDATION. THE MOTION CARRIED UNANIMOUSLY (7 TO 0).

The public hearing adjourned at approximately 11:51 P.M.



Joseph L. Nassif, Mayor



David B. Roberts, Clerk