

MINUTES OF A PUBIC HEARING OF THE MAYOR AND COUNCIL  
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,  
MONDAY, NOVEMBER 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  
R. D. Smith  
Joseph Straley

Councilmember Wallace was absent. Also present were Town Manager, David R. Taylor; Assistant Town Manager, Sonna Loewenthal; and Deputy Town Attorney, Grainger Barrett.

Proposed Amendments to the Chapel Hill Development Ordinance and Zoning Atlas

Mr. Mike Jennings, Planning Director, presented the proposed amendments to the Chapel Hill Development Ordinance and Zoning Atlas, stating that staff and the Planning Board would not make recommendations until after the public hearing.

Ms. Virginia Cunningham, Chair of the Planning Board, presented "the position of the Planning Board on the proposal to delete references to the Comprehensive Plan from the Development Ordinance." She stated that "the Development Ordinance provides the implementation of the goals, objectives, and policies. References to the Comprehensive Plan in the Development Ordinance, therefore, reinforce the intent of the Town to work toward approved goals." She felt that the Planning Board needed references to the Comprehensive Plan in the Development Ordinance in making recommendations to Council.

Ms. Cunningham stated that she felt that the Council also needed references to the Comprehensive Plan. Without references to approved policies, she felt that Council would risk making inconsistent decisions.

Mr. Roger Baker, speaking as a citizen, presented suggestions to Council that he felt would "smooth out some snags for a more understandable and effective set of guidelines and regulations" of the Comprehensive Plan.

Mr. Baker felt that one problem was "the occasional discrepancy between detailed formulae of the Zoning Ordinance and the Comprehensive Plan." He felt that a solution would be to make the Zoning Ordinance, Map and the Subdivision regulations the controlling documents for land use and development.

Mr. Baker felt that another problem was that the Comprehensive Plan had no provisions for amendments. He also suggested that the Zoning Ordinance be amended to state that "the Comprehensive Plan identifies the general policy goals for the Zoning Ordinance and Subdivision regulations."

Lastly, Mr. Baker suggested that the Town consider purchasing a small personal computer for use by the Planning staff in determining land use intensities, etc.

Mr. Charles Thibaut, speaking on behalf of Mr. Strowd, requested that Zoning Map 93, Block M, Lot 16 be changed from Residential-3 to Town Center-2. Mr. Thibaut stated that this change would eliminate the R-3 setback requirement.

No other citizens requested to speak.

Councilmember Smith expressed concern that rezoning of this lot from R-3 to TC-2 would encourage a gradual "creeping up" of Town Center into a residential area. Other areas would be allowed to make similar requests, if this were permitted here. Mr. Jennings stated that staff did not feel that this would happen. Roberson Street was a good demarcation line between residential development and commercial development. Other zoning considerations had been made by staff, but none would allow a change in setback requirements needed for nearby property. Currently, setback requirements were the problem.

Mayor Nassif stated that instead of rezoning the church property, the Development Ordinance could be changed that would allow setback requirements to conform to the requirements of the zone.

Councilmember Broadfoot expressed his objection to statements made by Ms. Cunningham on behalf of the Planning Board as he felt that this was a contraction to the intent that the Planning Board and staff would not make recommendations regarding proposed changes in the Development Ordinance text until after the public hearing.

Councilmember Kawalec felt that a worksession on this issue would have been more appropriate.

Councilmember Broadfoot supported separation of the Comprehensive Plan and the Development Ordinance. He stated that the Development Ordinance contained several references that "the Development Ordinance was subservient to the Comprehensive Plan." He felt that this was not appropriate.

Councilmember Howes supported a size restriction for "earth stations."

Councilmember Howes felt that the 200 cu.ft. limit for home occupations was 'arbitrarily too small (depending on the type of home occupation)," as home occupations would become increasingly important as a means of additional income.

Regarding the Comprehensive Plan, Councilmember Howes felt that an amending process should be established and stated that he would like to see the Planning Board consider how and when amendments could be made.

Councilmember Kawalec stated that one of the major reasons to rewrite the Zoning Ordinance was to make it conform to the Comprehensive Plan. She also asked if there was a better way to deal with installation of earth stations other than through Special Use Permits.

Councilmember Straley felt that local governments could establish limits on size and suggested that the Development Ordinance be worded to state that earth stations would not be accepted. When technological advances permitted, a limit could be stated at that time.

Regarding the Zero Lot Line Setback Modification, Councilmember Straley was informed by Mr. Jennings that a setback variance could be granted if the next-door neighbor agreed to it. Councilmember Straley felt that this issue should be considered with caution, as it was a potential source of conflict.

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER STRALEY, TO REFER THE ISSUE TO THE PLANNING BOARD AND THE MANAGER. THE MOTION CARRIED UNANIMOUSLY.

Mayor Nassif informed those present that all persons should continue to feel free to make comments at public hearings, whether those comments were for or against a particular issue.

Mayor Nassif closed the public hearing.

Presentation on Future Development of the Triangle Area (by Mr. Ray Green of the Triangle J Council of Governments)

Councilmember Straley introduced Mr. Ray Green of the Triangle J Council of Governments. Mr. Green made a slide presentation that demonstrated the Triangle Area Development Plan. Mr. Green stated that plans and mechanisms to accommodate growth were needed to prevent damage to the quality of life that could result through haphazard development. The question was what could be done now to have a positive impact on protection of these valued resources.

Main growth and related concerns centered around (1) intense pressure for development; (2) water quality, (3) aesthetics; (4) farm land preservation; and (5) public expenditures.

Mr. Green stated that the Triangle Area Development Plan had identified a study area that would focus attention on these issues. The study area was between Chapel Hill and Raleigh, the most critical growth corridor in this region.

Mr. Green stated that over 1/2 of the land in the study area contained red clay and poor soil, was not good for farming, and was not well suited for septic tanks. Such problems limited uses of the land. The addition of water and sewer services would render the area "very suitable for urban development."

The Triangle Area Development Plan Task Force was soliciting input and participation from the citizenry of the Triangle area regarding these issues. Mr. Green asked that Chapel Hill join with other governments in the area and the Triangle J Council of Governments in co-sponsoring a major forum on the Triangle area's growth. The forum was being planned for the spring of 1982.

Mr. Green responded to Councilmember Smith that the goal of the economic development program was to uplift the economic capacity of the region. This was not to be regarded as an industry-hunting effort.

Councilmember Broadfoot felt that the quality of life would be better with less growth. Councilmember Straley stated that local governments did not necessarily stop or generate growth, but rather controlled growth and the nature of that growth. Councilmember Howes felt that "bigger" could and should be better when cooperation was practiced between government and the private sector, as exemplified by the Research Triangle Park.

Mr. Roscoe Reeve, member of the Planning Board, felt that it was important for each area to assist in assimilating information regarding resources and the amount of available land in the area.

The meeting was adjourned at approximately 9:15 P.M.

---

Joseph L. Nassif, Mayor

---

David B. Roberts, Clerk