

MINUTES OF A PUBLIC HEARING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,
MONDAY, JANUARY 17, 1983, 7:30 P.M.

Mayor Joseph L. Nassif called the Public Hearing to order. Present were:

Winston Broadfoot
Jonathan Howes
Beverly Kawalec
David Pasquini
R. D. Smith
Joseph Straley

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

The Town Clerk, David B. Roberts, swore witnesses who wished to speak regarding the Special Use Permit request for the Adelaide Walters Apartments.

Adelaide Walters Apartments--Request to Modify the Special Use Permit

Mr. Mike Jennings, Planning Director, stated that the request was to modify the Special Use Permit of the Adelaide Walters Apartments by constructing a two-story building instead of a 4-story building. The new plans would contain the same number of dwelling units. A larger portion of the lot would be covered by the proposed structure. The open space, livability space, and recreational space exceeded requirements of the Development Ordinance.

Ms. Martha Branscombe, representing the applicant, informed Council that the reasons for revisions in the design were because the rents HUD would allow were lower than had been anticipated and would not support the mortgage for the project as it had originally been designed.

Ms. Branscombe stated that changes involved redesigning the structural plans from four to two floors; reducing the size of the community room; and eliminating the two 4-bedroom shared apartments. The structure would now be a wooden frame with brick exterior, instead of concrete. Square footage of the apartments had been reduced, but each apartment would now be accessible for wheelchairs.

An advantage to these necessary changes was that the number of apartments had remained the same. In addition, Ms. Branscombe stated that tenants would now have ground level exits, there would be a sprinkler system, and rents would be lower (one-bedroom unit--\$359/month; two-bedroom unit--\$432/month).

Ms. Gina Cunningham, Chair of the Planning Board, stated that the Planning Board recommended approval of the request. One member of the Board strongly opposed any reduction in the number of parking spaces. The Planning Board recommended a stipulation that would allow additional spaces to be added in the future without modification of the Special Use Permit. In addition, a small sign would be posted stating that additional parking would be available in the Municipal Building employee's parking lot during non-working hours.

Mr. Taylor stated that the Manager's preliminary recommendation was that Council approve the requested modification, subject to the stipulations in the proposed resolution.

Mr. Gary Giles responded to a question from Mayor Nassif that the apartments would face both northwest and southeast.

Mr. Jennings responded to Councilmember Straley that the proposed livability space was sufficient to allow an increase in parking spaces (from the previously approved 22 spaces to a possible 37 spaces) and still meet the livability space requirements. The Planning Board did not wish to expand the parking unless it was necessary, as expansion would be at the expense of significant trees.

Ms. Branscombe informed Councilmember Broadfoot that HUD required tenants to pay 25% of their adjusted income. The balance would be subsidized by HUD.

Mr. Taylor informed Councilmember Broadfoot that final Council action had removed the stipulation that a name change be considered to avoid duplication of street names or names of developments. Council had asked management to discuss this issue with the Housing Authority. The Housing Authority had voted unanimously that "Adelaide Walters Street" should not be renamed. The question had not been settled and Mr. Taylor suggested that the Housing Authority be asked to reconsider the issue. The Council had the authority to change the name of the public street.

COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER HOWES, TO REFER THE ISSUE TO THE MANAGER. THE MOTION CARRIED UNANIMOUSLY.

Timberlyne Development--Petition to Annex 57.4 Acres

Mr. Jennings identified the property as being located south of Weaver Dairy Road. Timberlyne Office Park North was not part of the request. Tax anticipated from the intensity of the development would be more than the cost to provide services and would, therefore, not be a burden on taxpayers.

Mr. Bob Page, developer, stated that occupancy of the first development was anticipated for 1983. 1984-85 would show a total of approximately \$84 million worth of construction--a positive cash flow.

Mr. Page supported continued annexation along the U.S. Highway 86 corridor and toward I-40.

Ms. Cunningham, Chair of the Planning Board, stated that the Planning Board recommended adoption of the annexation ordinance.

Mr. Taylor stated that the Manager's preliminary recommendation was for Council to adopt the ordinance to annex the property.

Mr. Jennings informed Councilmember Broadfoot that a cost/revenue analysis for the Town was part of any annexation consideration.

Mr. Taylor informed Councilmember Howes that when annexation was at the request of property owners, no provisions of the general law applied; these provisions applied only when the Town initiated the annexation.

Mr. Taylor informed Councilmember Smith that the Transit Shared-Ride service would be available to the annexed area.

Mr. Page responded to Councilmember Smith that the Timberlyne Associates had contracts for the proposed day care center, half of the apartment sites, and the shopping center; construction was to begin in 1983. The water and sewer and streets would be paid for by the developer.

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER HOWES, THAT THE MATTER BE REFERRED TO THE MANAGER. THE MOTION CARRIED UNANIMOUSLY.

Development Ordinance--Proposed Text Amendments

4.3 Schedule of Use Regulations (Use Group C). Mr. Jennings explained that there were only two OI-3 districts in the Chapel Hill planning area: (1) a portion of the UNC campus, and (2) an undeveloped portion of the Horace Williams Airport. To allow extraction of earth products as a special use in these districts appeared unnecessary.

5.9.8 Minimum Solar Setback and

7.8.3 Regulations in Lot and Setback Requirements. The proposed amendment (to Section 5.9.8) would reduce the solar setback requirement from 17' to 10' in cluster subdivisions only in R-1, R-2, and R-3 zoning districts. Staff had found that adherence to current solar setback requirements substantially reduced the buildable area of smaller lots in cluster subdivisions.

Mr. Jennings informed Councilmember Pasquini that solar setback requirements had been written to allow total south wall solar access in low-density districts. The proposed change would reduce the setback requirements from 17' to 10'.

Mr. Jennings explained that, under the current ordinance requirements, the winter solstice (maximum) shadow created by a 24' building and falling onto the south wall of a 24' building (both buildings being the maximum allowed height) would be 9½', in the worst case. Under the proposed amendment (to reduce the solar setback requirement), the maximum shadow (created by a 24' building) falling onto a 24' building would be 13½', in the worst case.

The slope of the land would affect the amount of south wall solar access.

The second proposed amendment (to Section 7.8.3) would allow a building height increase from 24' to 34'. Were Council to pass the amendment to reduce the solar setback and the amendment to allow an increase in the building height, the maximum shadow cast (in the worst case) would be 23½'.

Were Council to pass only the amendment to increase the building height (and retain the current solar setback requirement) the maximum shadow cast (in the worst case) would be 19½'.

Varying sun angles would increase solar access.

Mr. Jennings informed Councilmember Howes that a change in the height requirement would benefit all developers in cluster subdivisions. Councilmember Howes felt that the developer could adhere to development regulations by redesigning his building. He questioned why Council should consider an ordinance change.

Mr. Jennings responded that a solar setback change would allow more flexibility and would encourage cluster subdivision development. Staff felt that construction of a reasonably sized building would create problems for the developer in a cluster subdivision.

Mr. Jennings informed Councilmember Howes that problems would not exist for a cluster subdivision development that planned streets with an east/west access. Redesign of a subdivision in question, to effect such access, would result in the loss of a number of lots. Staff felt that more would be gained than lost by allowing the flexibility of solar setback requirements.

Mayor Nassif questioned if the new ordinance prohibited construction of buildings in a subdivision, even though the preliminary sketch for a subdivision had been approved under the old Zoning Ordinance. Mayor Nassif felt that there might be some "carry-over" clause that would allow construction as originally approved.

Mr. Barrett stated that he was not sure what special transition provisions were in the Development Ordinance that would permit a continuation of development that had received prior approval. He stated that, generally speaking, the idea was to give the right to continue at the time the Building Permit were issued rather than at the time of a Preliminary Sketch was approved. Redesign of the building was an alternative.

Ms. Cunningham stated that the Planning Board recommended adoption of the proposed amendments to the Development Ordinance.

Mr. Taylor stated that the Manager's preliminary recommendation was that the proposed amendments be adopted.

Mr. Phil Post, engineer for the Forest Creek Subdivision, felt that the proposed amendment would affect this development. He stated that if all of the setback requirements of the ordinance were applied to a normal-sized lot, with east/west orientation, the area left would only allow construction of a 10' wide house. He did not feel that an east/west lot would be a good site for a solar construction.

Mr. Jennings explained to Mr. Bill Thompson, a Chapel Hill citizen, that the current ordinance made no provisions for solar subdivisions. The solar setback requirements were general provisions to protect south wall solar access developments in general.

Mr. Thompson felt that if the setback were changed from 17' to 10' on the north boundary, the setback on the south side should also be increased so that the amount of building area remained unchanged. This would prevent "dark alleys between developments." In this way, the building on the next lot would have an increased chance for solar access.

Mr. Jennings informed Councilmember Smith that houses constructed in the Piney Mountain development were single-story and did not pose the same solar setback problems as a cluster development that proposed 2-story constructions. Mr. Jennings stated that the suggestion made by Mr. Thompson had not been considered by the Planning Board. Councilmember Howes supported the ideas presented by Mr. Thompson and asked that the staff and Planning Board consider this option.

Mr. Barrett responded to Councilmember Howes that it was difficult to anticipate whether any reduction of solar access could become a court issue in North Carolina.

Mr. Jennings informed Councilmember Broadfoot that solar setback considerations were made to allow the use of a south-facing wall as a heat absorber, without interference from another building. There were no solar setback requirements in the old ordinance; there were, however, greater requirements for interior setbacks in the old ordinance.

Mr. Jennings stated that the proposed amendment would increase the allowable density that property owners had a right to all along and that the advantages outweighed any losses.

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

Executive Session

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER BROADFOOT, TO ADJOURN TO EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS. THE MOTION CARRIED UNANIMOUSLY.

As there was no further business to come before Council, the meeting was adjourned at 8:51 P.M.

Joseph L. Nassif, Mayor

David B. Roberts, Clerk