

MINUTES OF A PUBLIC HEARING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,
MONDAY, MAY 16, 1983, 7:30 P.M.

Mayor Joseph L. Nassif called the public hearing to order. Councilmembers present were:

Marilyn Boulton
Winston Broadfoot
Jonathan Howes
David Pasquini
R. D. Smith
Joseph Straley

Councilmembers Kawalec and Wallace were excused absences. Also present were Town Manager, David R. Taylor; Assistant Town Manager, Sonna Loewenthal; and Town Attorney, Grainger Barrett.

Mr. Taylor explained to the Council that the legal requirements for notice of a public hearing had been met, but that courtesy requirements had not been met. The developers had failed to include one property owner, Mr. D. St. Pierre Du Bose, Jr., on the list of adjoining property owners within a 500-foot radius. Because of this error, Mr. Du Bose had not received a courtesy notice advising him of the public hearing; therefore, he requested that the public hearing be continued for at least two weeks in order for him to have more time to prepare a statement of his position for presentation to the Council. Mr. Taylor explained that the developer did not object to a delay, if it were not for more than one week.

Mr. Jennings explained that the developer and his representatives would not arrive until later in the evening. Mr. Du Bose asked the Council to defer any decision re a date to continue this public hearing until he had had a chance to confer with the developers when they arrived.

Mayor Nassif and the Council agreed to the request.

Proposed Annexation of University Heights

Ms. Loewenthal stated that the area proposed for annexation was surrounded by U.S. 15-501, Memorial Cemetery, Wendy's, Colony Woods (unincorporated), Garden Street, Cooper Street, and Scarlett Drive.

Within 10-60 days from this meeting, the Council could consider passing an annexation ordinance which would set an effective date of annexation (within 40 days to 12 months from the date of passage of the annexation ordinance).

Upon annexation, the Town proposed to extend municipal services. Ms. Loewenthal stated that if the recently submitted Community Development (CD) grant application were awarded, sewer service would be provided. (Notification of awards was expected to be made in mid-August.) Whether or not the grant were awarded, the Town would still depend on OWASA to extend an outfall. OWASA proposed to assess benefiting property owners. State law required the construction of sewer system extension to begin within 12 months of annexation.

Currently, revisions to the North Carolina annexation laws were being considered in the General Assembly. If proposed revisions were adopted, amendments to the annexation ordinance would become necessary, allowing a single property owner to petition for extension of a sewer line from the outfall to the street right-of-way in front of his property, or to his property line. A decision on revisions was expected in July. Staff had attempted to incorporate any possible revisions into the annexation schedule.

The Town proposed to pay initial capital costs for sewer extension; OWASA was expected to pay \$48,000 for the sewer outfall. Annual projected revenues were expected to be approximately \$17,000; first-year operating costs were expected to be \$9,700.

Ms. Loewenthal explained to Councilmember Boulton that the unincorporated area near University Heights did not meet State statute requirements for annexation, as it was undeveloped.

Ms. Gina Cunningham, Chair of the Planning Board, stated that the Planning Board voted unanimously to recommend annexation of the area.

Mr. Taylor stated that the Manager's recommendation was to annex the area.

Ms. Anne Fleming, a resident of University Heights, asked Ms. Loewenthal if property owners in University Heights might be required to pay for sewer if the CD grant application were not awarded. She expressed concern that unanticipated expenses for sewer services might impose a financial hardship on some property owners. Ms. Loewenthal stated that OWASA proposed to assess the benefiting property owners. Currently, OWASA would accept a petition signed by 51% of the property owners to extend sewer services. In this case, the remaining 49% would be required to accept service. However, if current proposed revisions were adopted, the request of one person would be sufficient to extend services. Ms. Fleming stated that the outcome of the proposed revisions could determine how she felt about annexation.

Ms. Fleming wondered if there would be any way to stop the annexation process should the grant not be awarded or if revisions were passed by the Legislature. Ms. Loewenthal responded that legislative changes would be adopted before the effective date of annexation, allowing the Council time for reconsideration.

Ms. Loewenthal explained to Councilmember Smith that OWASA was in the process of considering the construction of an outfall, should the CD grant not be received. OWASA would need a petition from residents of the annexed area to schedule construction of collector lines within the neighborhood.

Mr. Taylor informed Councilmember Broadfoot that it was recommended that the Council adopt an annexation ordinance on July 5, 1983. If the CD grant were not approved, the Council could reconsider and adopt an ordinance to rescind the annexation ordinance.

Mr. Henry Whitfield, a citizen, stated that the need for sewer was primary in this area, but he felt that residents were also concerned for their need for fire protection and garbage collection.

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER STRALEY, TO REFER THE MATTER TO THE MANAGER. THE MOTION CARRIED UNANIMOUSLY.

Merritt Mill Townhouses--Request for a Planned Development-Housing Special Use Permit

Mr. David B. Roberts, Town Clerk, swore persons wishing to speak on this request.

Mr. Mike Jennings, Planning Director, outlined the request to construct 11 dwelling units on 1.22 acres zoned Residential-3. The property was located on the east side of Merritt Mill Road between Cameron Avenue and Edwards Street, and identified as Chapel Hill Township Tax Map 91, Block D, Lot 6. The surrounding property was zoned R-3 to the north, south, and west, and R-4 to the east.

Safety factors along Merritt Mill Road were principal concerns of the request. Staff recommended that the applicant provide a Chapel Hill gravel sidewalk, widen Merritt Mill Road with curb and gutter, and provide two travel lanes and a left-turn lane into the development. The applicant objected to the recommended roadway improvements.

Ms. Cunningham, Chair of the Planning Board, stated that the Board had considered the cost to the developer of widening Merritt Mill Road vs. public safety, and concurred with staff's recommendation. Board members opposing the recommendation felt that the cost for the improvements was too high to warrant the requirement.

Mr. Taylor stated that the Manager's recommendation was to grant the request with the proposed stipulations.

Mr. Jon Condoret, Chair of the Community Appearance Commission, stated that the Commission recommended unanimously that the project be approved with the recommended stipulations.

Mr. John McAdams, representing the applicant, addressed the applicant's objection to widening a portion of Merritt Mill Road. It was felt that to enhance safety, the entire road would need to be widened. In addition, cost for this improvement would be significant, causing a large portion of the cost to be passed on to the buyers.

Mr. McAdams submitted the Statement of Justification (please refer to files in the Planning Department).

Councilmember Smith felt that this section of Merritt Mill Road was dangerous and he did not feel that the cost to improve safety conditions was too high a price to pay for the life of a person. He felt that approval of this project should not be granted until a commitment from the State had been received to improve this road.

Councilmember Broadfoot stated that in the future he would like to know who the applicant of a request was, and what the applicant's interest in the land was.

Mr. Jennings stated that Mr. George Tate was the applicant.

Mayor Nassif stated that it was not required to know who the applicant was and that such information was not relevant to the public hearing.

Councilmember Broadfoot stated that he would continue to request this information until the Council adopted a policy that stated that such information could not be requested.

Mr. Jennings explained that applicants had expressed concern that bias might come into play. He did not come prepared with such information and often did not know who the applicant was.

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

Church Street Condominiums--Request for a Planned Development-Housing Special Use Permit

Mr. David B. Roberts swore citizens wishing to speak on this issue.

Mr. Jennings stated that the proposed construction of 51 dwelling units was located on 1.6 acres zoned Residential-4 and Town Center-2, and was located on the west side of Church Street between West Rosemary Street and Lindsay Street. The property was identified as Chapel Hill Township Tax Map 85, Block 1, Lots 13 and 14.

Property on the north, east, and west was generally zoned residential and to the south, commercial.

The maximum height of the proposed development was three stories (44 feet). Staff felt that the project had been designed to maintain maximum separation from adjacent residents and maintain surrounding property values. The development would serve as a transition between the busy commercial areas and the residential areas and would provide multi-family housing ownership in the central area of Town.

Ms. Joanne Keller, representing the applicant, submitted the Statement of Justification (please refer to files in the Planning Department). She stated that the development would comply with all requirements and standards of the Development Ordinance.

Ms. Gina Cunningham, Chair of the Planning Board, stated that the Planning Board unanimously recommended approval of the request.

Mr. Jon Condoret, Chair of the Community Appearance Commission, stated that the Commission voted unanimously to recommend approval of the project with the stipulation to provide gates on the refuse area. Mr. Condoret informed Councilmember Howes that the Commission did not feel that the height of the proposed development would be a problem.

Mr. Taylor stated that the Manager's recommendation was to grant the request for the Special Use Permit, subject to the proposed stipulations.

Mr. Robert Joesting, an area resident, felt that the height of the proposed development would not pose a problem. Traffic problems could be remedied by monitoring speed limits. He supported the request and praised the good design of the project.

Mr. David Phoenix, a resident, felt that the Council should consider problems created by traffic entering Franklin Street from Church Street.

Councilmember Broadfoot questioned if the development would still meet requirements if floor area ratios were considered separately for both R-4 and TC-2.

Mr. Jennings explained to Councilmember Broadfoot that such a development would be a less compatible design.

Councilmember Broadfoot was informed that the applicant was called "The Development Group," from South Carolina. The owner was John Mariakakis.

Ms. Joanne Keller explained to Mayor Nassif that the proposed development would have windows on the east and west sides. All entrances were on the court yard, which was approximately 90' x 100'. The distance between the units was approximately 20-25'.

Councilmember Smith felt that this development overcrowded the land. Mr. Jennings stated that the proposed development was a good use of the land and that it encouraged housing in the downtown area, one of the goals of the Comprehensive Plan.

Mr. Jennings explained to Councilmember Smith that the Development Ordinance required improved recreational space; it did not specify what the space would be used for.

It was explained to Councilmember Smith that the building height was necessary to supply adequate piping for sanitary sewer. Ninety-two (92) parking spaces were proposed. Approximately 1/2 of the parking would be below street level. Councilmember Smith felt that the garbage collection area was dangerous. Mr. Jennings explained that this issue had been discussed with the Public Works staff and this alternative was preferred over navigating through a parking area. Re its appearance, it was explained that the Community Appearance Commission proposed gates for the area.

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

Winding Ridge--Request for a Planned Development-Housing Special Use Permit

Mr. Roberts swore citizens wishing to speak on this request.

Mr. Jennings outlined the request for Planned Development-Housing to construct 60 dwelling units on 11.9 acres of land zoned Residential-2. Mr. Jennings identified the land as being located off Airport Road on Sparrow Trail. The property was identified as Chapel Hill Township Tax Map 34, Block C, Lots 7 and 8, and Tax Map 78, Block A, Lots 6A and 6B.

Surrounding properties were zoned R-1 to the north, and R-2 to the east, south, and west.

Mr. Jennings stated that the property was very steep. Clusters of units were proposed around a number of driveways. The applicant proposed a private road but staff recommended that the road be public, since it connected two public roads. Staff also recommended that the width of the road be 27 feet with curb and gutter, and that a 50-foot right-of-way be provided. The applicant proposed a circuitous pedestrian path. Due to the circuitous route of the proposed pedestrian path, the staff recommended a paved sidewalk on one side of the road.

Staff felt that dual access was necessary. In addition, it was felt that the circuitous and hilly route would not invite through traffic, a concern that had been expressed by the applicant. Staff also recommended that curb and gutter be provided along the driveways and parking areas to control storm water run-off.

Concerns had been expressed re the Bolin Creek sewer line. According to OWASA, the sewer line had the capacity of about 2.25 million gallons per day.

A certain amount of raw sewage leakage was evident after heavy rains. Ordinarily, the pipe was estimated to be 1/4 to 1/2 full.

During the next 5 years, OWASA planned to replace and upgrade the line. Winding Ridge would add about 21,000 gallons of sewage per day...or less than 1% of the designed capacity of the sewer system. This increase was not believed to exacerbate the existing conditions, as problems occurred primarily during heavy rains.

Mr. Josh Gurlitz, representing the applicant stated that there were no objections to making the road public. The applicant felt that a 24-foot wide road (rather than 27 feet, as recommended by staff) would be adequate. He stated that a wider road on this extremely rough and steep terrain would greatly increase the cost due to cutting and filling and compaction. In addition, a wider road would result in excessive tree-cutting and would disturb the natural vegetation which the applicant wished to retain. He did not believe that a wider road would be necessary, since excessive parking was provided for each cluster unit. A wider road might encourage faster traffic as well as turn the road into a cross-connector between other roads.

Stipulation #10 of the proposed resolution called for easement documents as approved by OWASA to be recorded prior to issuance of a Zoning Compliance Permit for each phase. Mr. Gurlitz felt that this stipulation was worded too vaguely. The draws were steep and the developers had avoided development in the draws to reduce run-off. He felt that OWASA might request an easement down a draw to attach to the sewer. The developer proposed to provide outfalls in each of the private drives and give OWASA an easement from any of these sites to one or two outfalls in the private drives. Since the draws were very sensitive, the developers did not feel that clear-cut clearing should be allowed. The stipulation did not guarantee that the draws would not be harmed.

Mr. Gurlitz requested that a stipulation be made that the developers grant OWASA an easement that connected to one of the proposed outfalls to avoid harming vegetation.

Mr. Gurlitz felt that the applicant's proposed pedestrian circulation system was superior to staff's recommendation for a paved sidewalk. Access from the units to the paths would be closer than to the proposed sidewalk, and it would separate pedestrian and vehicular circulation.

Mr. Gurlitz also felt that concrete sidewalks on the steep terrain would tend to buckle and heave; a more resilient asphalt or gravel walk was preferred.

Councilmember Straley expressed concern for run-off during heavy rains and its effect on the roadway. Mr. Giles stated that curb and gutter did not necessarily represent the best way to handle storm water run-off. Many of the units would be placed entirely off the ground to decrease run-off and allow the open ground to absorb water.

Mr. Gary Giles submitted the Statement of Justification (please refer to files in the Planning Department).

Ms. Gina Cunningham, Chair of the Planning Board, stated that concerns re road and sewer had been worked out satisfactorily. The Planning Board recommended approval of the request as proposed in resolution "a."

Mr. Jon Condoret, Chair of the Community Appearance Commission, stated that the current layout being considered by the Council was different from the one reviewed by the Commission. He did not feel that he could comment on behalf of other Commission members. The Commission, however, had not felt that the road needed to be wider.

Mr. Taylor stated that the Manager's preliminary recommendation was that the Special Use Permit be granted, subject to the stipulations contained in proposed resolution "a."

Ms. Ella Lee Murdaugh, a tenant of Stratford Hills Apartments for 8½ years, submitted a petition opposing the proposed development of Winding Ridge because

"it would endanger the public health and safety, damage the value of property in the Bolinwood Drive area, further overburden OWASA sewer lines along Bolin Creek, worsen sewage overflows into the creek and greenways, and subject pedestrians--especially children and older persons--to increased hazards and traffic."

Ms. Murdaugh stated that the tenants had hoped to have the maintenance superintendent speak on their behalf re problems with the sewer lines, but he was unable to attend because the sewer line in Building No. 34 had backed up and he had to stay and work.

Dr. Belle Dale Poole, a pediatrician, expressed concern for public health. The walk along Bolin Creek paralleled the sewer system and 50 yards from the walk was contamination from the sewer, particularly on rainy days. This created a threat to the health of people. The walk was used by joggers, young families, school children and older citizens.

Ms. Mary Wilson, Manager of Stratford Hills, expressed concern for traffic and health safety that would result from the proposed development. She also expressed concern for sewer leakage and water run-off.

Mr. Lightning Brown, a member of the Planning Board, stated that in 1981 the Council corresponded with OWASA re problems with this particular sewer line. OWASA did a study of the line and discovered that it leaked along the Bolin Creek greenway. Mr. Brown stated that he had contacted OWASA to determine why it took so long to repair such problems. OWASA had informed him that there were often more pressing types of construction which took priority over repair of old construction.

He felt it was the responsibility of the Council and of the Town for the health of its citizens to not allow this to continue. He felt that "if orderly development could not take place, then no development should take place."

Mr. Brown concluded that if this information had been available at the Planning Board meeting, he would have opposed the recommendation to grant the request; he asked the Council to concur.

Mr. Colin Hall, a resident, felt that the proposed development would cause erosion and flooding downstream. In 1978 the question of sewage problems was recognized by OWASA as a serious problem and had stated that the problem would be fixed by the summer of 1979. OWASA cemented the manhole covers, which forced raw sewage to leak out of the pipes.

He wondered about the legality of allowing more sewage to enter this line before it was repaired. He requested that the Council not allow development until the line was fixed.

Mr. Mark Owens, a Chapel Hill resident, expressed concern for traffic safety, resulting from the impact of the proposed development.

Mr. Tom Haulaford, a resident, asked Mr. Jennings if there had ever been a stipulation on the Stratford Hills development that an additional exit be built. Mr. Jennings stated that he did not believe that this had been a prime factor in issuing the permit.

Mr. Haulaford submitted that Airport Road and Hillsborough Street were totally inadequate to handle presently existing traffic conditions. He also felt that the project did not "reflect the basic character of the immediate surroundings," and that there would be adverse affects on the value of surrounding properties.

Ms. Helen Wolfson, a resident, expressed her concern for the potential decrease in quality of life resulting from increased traffic and sewer problems.

Mr. Gary Giles, developer, stated that the property was developable and that the proposed plans were far superior to what could be developed on that property and would have a less damaging affect on adjacent property values.

Councilmember Smith felt that the staff's recommendation for paved sidewalk along the road would be a safer route for children walking to the school bus, than the circuitous and wooded path proposed by the applicant.

Mr. Don Nicholson responded to Councilmember Broadfoot that the property was owned by four parties who were heirs of John Sparrow; Horner Associates had contracted with the owners. Horner Associates offices were located in Raleigh.

Mayor Nassif clarified that the Stratford Hills development had been required to construct streets to Town standards. Future extension of that road was planned at that time.

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

Dogwood Place--Request for Planned Development-Housing Special Use Permit

Mr. Jennings outlined the request to construct 200 dwelling units on 51.6 acres zoned Residential-1 and Residential-2. The site was identified as being on the west side of U.S. 15-501 south and bisected by Dogwood Acres Drive. The property was identified as Chapel Hill Township Tax Map 128, Block A, Lot 31. The surrounding properties were R-2 to the north, and R-1 to the south.

There were no major issues on the proposal. The proposal conformed to low-density residential classification of both Chapel Hill's Land Use Plan and Orange County's adopted Land Use Plan. There was concern about the "leap frog" nature of the proposed development (i.e., the proposed development would be 1.3 miles from the corporate limits).

Due to the provision of road improvements and gravity sewer at no cost to the Town, staff felt that it was preferable to allow this development at its proposed density rather than lot-by-lot developments with septic tanks and wells.

Mr. Ballentine, representing the applicant, informed the Council that the applicant proposed to provide turn lanes onto Dogwood Acres Drive and not turn lanes at the proposed southern (Wave Road) entrance, as they did not wish to encourage traffic turning into the local street. Streets within the development would be constructed to Town standards. Water and sewer would be constructed to OWASA's standards. The property was within the Southern Triangle Fire District and fire protection would be provided by contract between the Orange County Commissioners and the North Chatham Volunteer Fire Department. Mr. Ballentine requested that the Traffic Impact Analysis be entered into the official records of this public hearing. This information follows:

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**TRAFFIC IMPACT ANALYSIS
DOGWOOD PLACE
CHAPEL HILL, NORTH CAROLINA**

**Prepared for:
S. Rodin & H. Groten
Chapel Hill, North Carolina**

March 1983
Kimley-Horn and Associates, Inc.
901 Jones Franklin Road, Raleigh, N. C. 27606 • (919) 851-8260
Raleigh, West Palm Beach, Tampa, Orlando, Knoxville, Dallas

MAY 16 1983

Kimley-Horn and Associates, Inc. 901 Jones Franklin Road, Raleigh, N.C. 27606 • (919) 851-8260
Raleigh, West Palm Beach, Tampa, Orlando, Knoxville, Dallas

March 21, 1983

Mr. S. Rodin & H. Groten
c/o Mrs. S. Rodin
Route 8, Wisteria Drive
Chapel Hill, North Carolina 27511

Dear Mrs. Rodin:

Contained herein please find my independent report on the traffic impact for the proposed development of Dogwood Place, Chapel Hill, North Carolina.

This report and recommendations for traffic needs are based upon the site plan for development of Dogwood Place as provided by Atkins and O'Brien, Architects, Chapel Hill, North Carolina.

We appreciate the opportunity to provide these professional services and will be happy to answer any questions you may have.

Very truly yours,

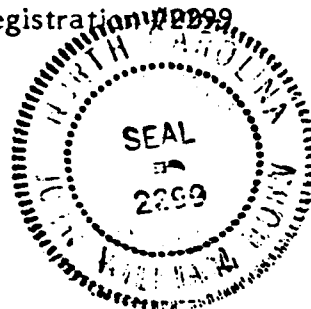
KIMLEY-HORN AND ASSOCIATES, INC.



J. W. (Bill) Horn, P.E., R.L.S.
Principal
North Carolina Registration #22899

JWH/dug

xc: Atkins & O'Brien



LOCATION OF PROPOSED SUBDIVISION

The proposed residential subdivision, Dogwood Place, is located adjacent to the west side of Route 15-501 approximately 1.5 miles south of the interchange of Route 54 and Routes 15-501 south of Chapel Hill, North Carolina (See Figure 1).

The fifty acre site consists of rolling woodland and sits astride Dogwood Drive which connects Smith Level Road and Route 15-501.

Dogwood Acres, an existing suburban residential neighborhood, is located across Fan Branch to the west of the proposed development. Dogwood Drive serves as a "collector" street for the neighborhood residential areas between Smith Level Road and Route 15-501.

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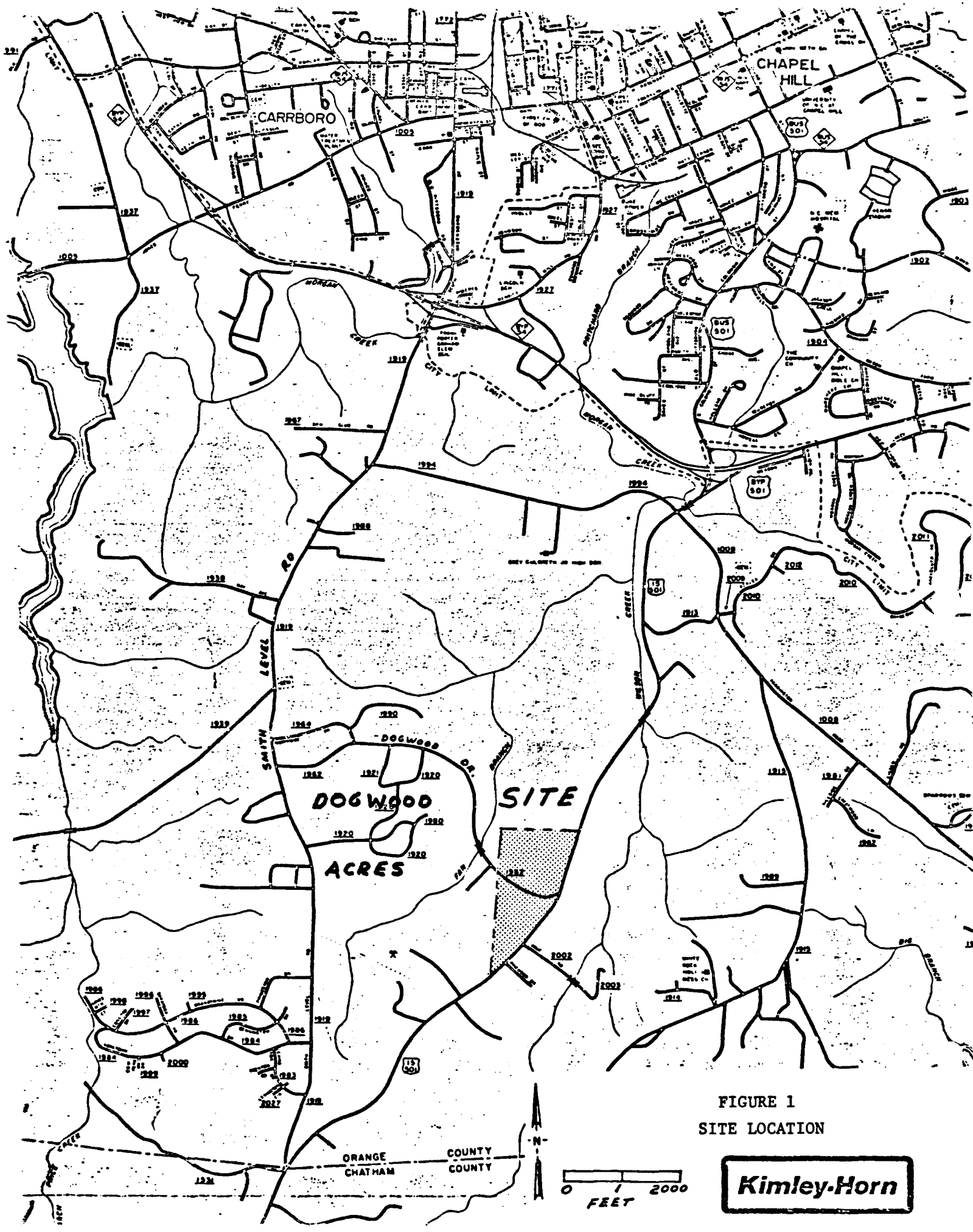


FIGURE 1
SITE LOCATION

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EXISTING TRAFFIC CONDITIONS

Route 15-501 (Pittsboro Road) is a two-lane primary highway, 24 feet in width and carries approximately 8,000 vehicles per day in the vicinity of the proposed development (see Figure 2). Smith Level Road, a secondary arterial road, carries approximately 5,000 vehicles per day as it passes Dogwood Acres.

Dogwood Drive, a two-lane secondary road, 18 feet in width accumulates an estimated 600 vehicular trips daily on its western terminus and 500 trips daily on its eastern terminus.

Dogwood Drive is controlled with stop signs at both its east and west terminus. Driver sight distance at the west terminus with Smith Level Road is relatively safe and sufficient, however, the driver sight distance at the intersection of Dogwood Drive and Route 15-501 is substandard and hazardous due to the sharp curve located immediately south of Dogwood Drive (See Figure 3). An improvement to this condition would be a benefit for both existing traffic and future traffic.

Route 15-501 has no separate turning lanes at the intersection of Dogwood Drive.

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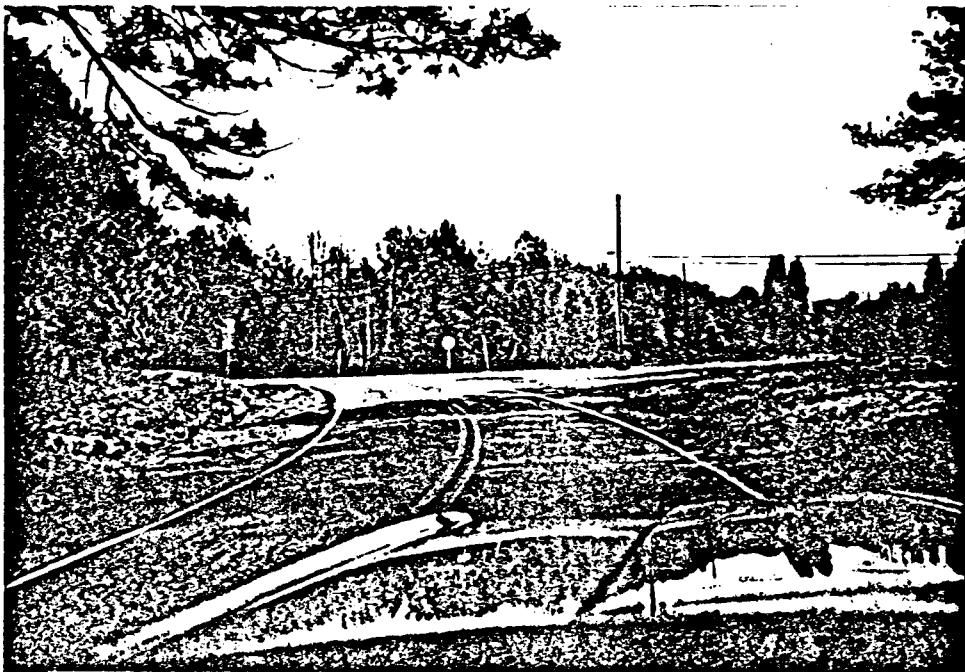
1981 - 82 DAILY VOLUMES
AND ROADWAY LANES

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ROUTE 15 - 501 NORTHBOUND AT DOGWOOD DRIVE



DOGWOOD DRIVE APPROACHING RT. 15 - 501

FIGURE 3

RESTRICTED DRIVER
SIGHT DISTANCE

TRAFFIC GENERATION BY THE PROPOSED NEW DEVELOPMENT

It is proposed that the fifty acre site contain 200 single-family dwelling units (see Figure 4). The total daily traffic generated by the new development is estimated as follows:

<u># DU's</u>	<u>Gen. Rate</u>	<u>Daily Traffic</u>
94	7/unit	658 (329 in & 329 out)
<u>106</u>	<u>7/unit</u>	<u>742</u> (371 in & 371 out)
Tot. 200		1,400 (700 in & 700 out)

Relocation of Dogwood Drive

As shown in Figure 5, it is proposed, as part of the subdivision plan, to realign Dogwood Drive through the subdivision to intersect with Route 15-501 at a point approximately 350 feet north of the existing intersection. This additional sight distance would eliminate much of the hazard now existing at the intersection of Dogwood Drive and Route 15-501.

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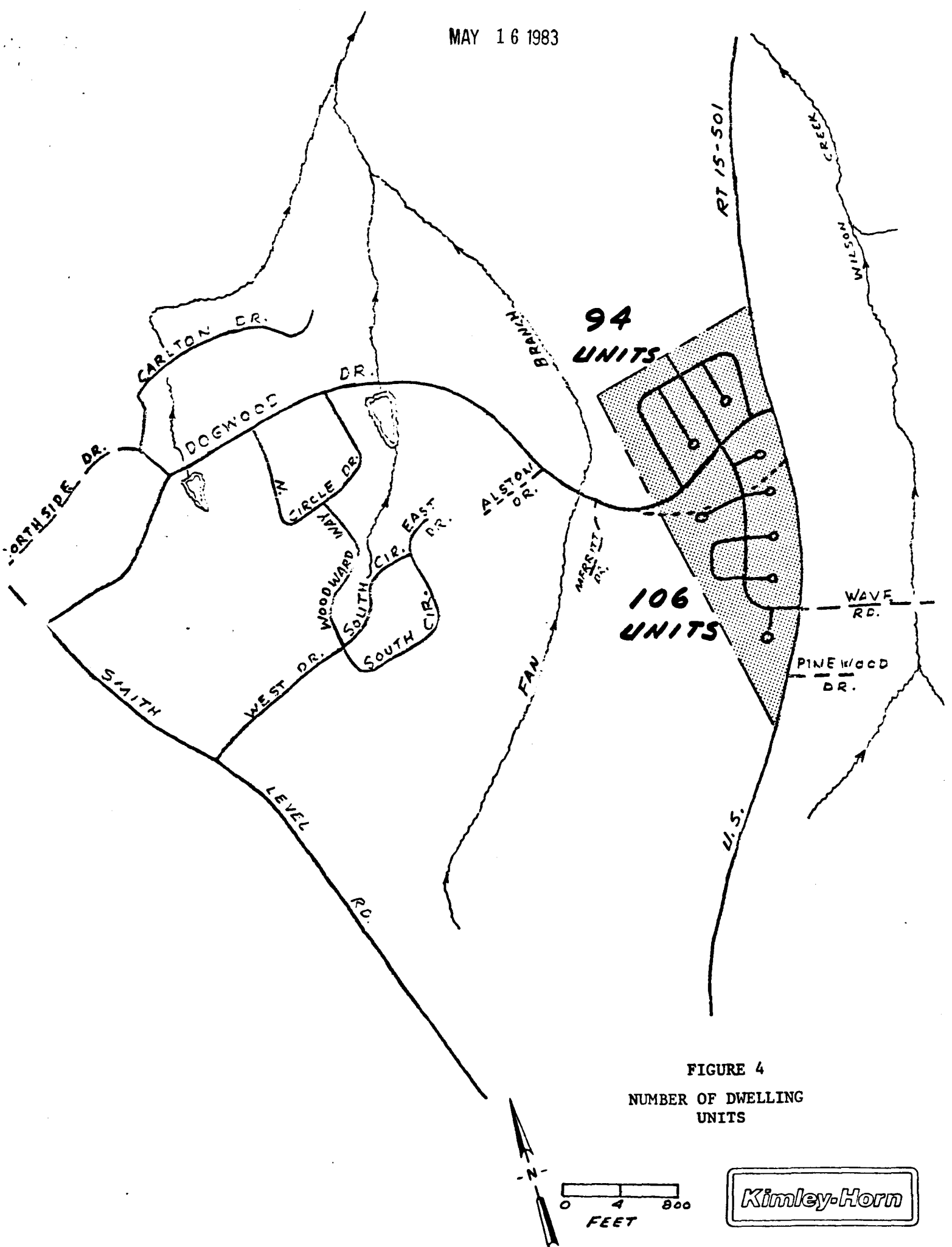


FIGURE 4
NUMBER OF DWELLING
UNITS

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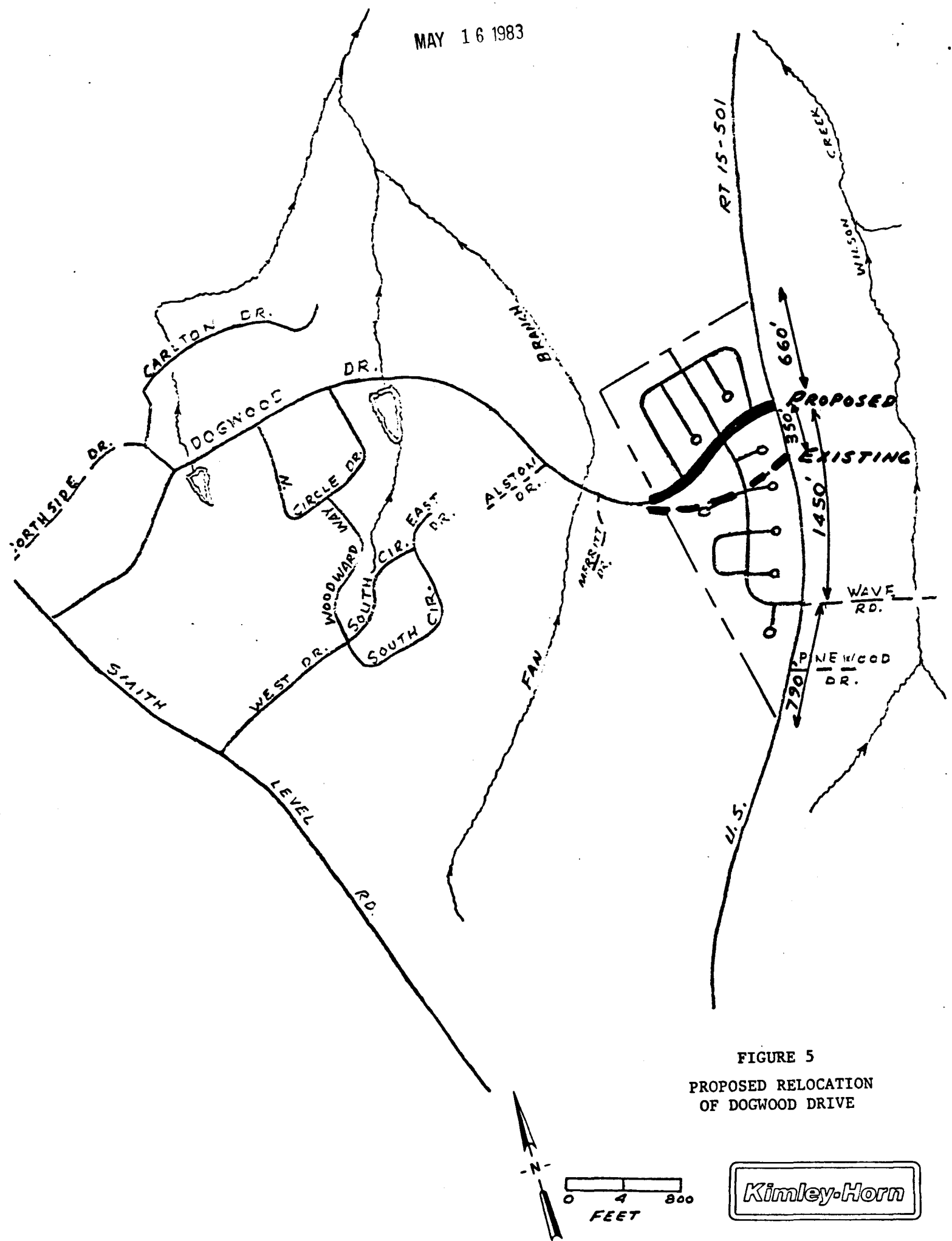


FIGURE 5
PROPOSED RELOCATION
OF DOGWOOD DRIVE

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DISTRIBUTION OF NEW TRAFFIC

The 1,400 new and additional daily trips, (700 in and 700 out) are projected to distribute onto the street system as shown in Figure 6. Approximately three-fourths of the total traffic generated (1,064 daily trips consisting of 532 ins and 532 outs) will utilize Route 15-501 to reach destinations to the north, whereas the remaining 336 daily trips will distribute south on Route 15-501 and west on Dogwood Drive.

With two access points on Route 15-501 and the internal scheme of streets as shown, Dogwood Drive, carrying approximately 896 vehicles daily, will serve as the major access for the northbound traffic. The southern most access at Wave Road will serve as a supplemental access for the southern portion of the development. A modest volume of traffic will use Dogwood Drive to reach Smith Level Road.

During the P.M. peak traffic periods an estimated fifteen percent of the traffic will be inbound and eight percent outbound. The P.M. peak hour traffic movements for the new development is shown on Figure 7.

The total P.M. peak hour movements, consisting of the sum of the existing volumes and the proposed new volumes, are shown on Figure 8.

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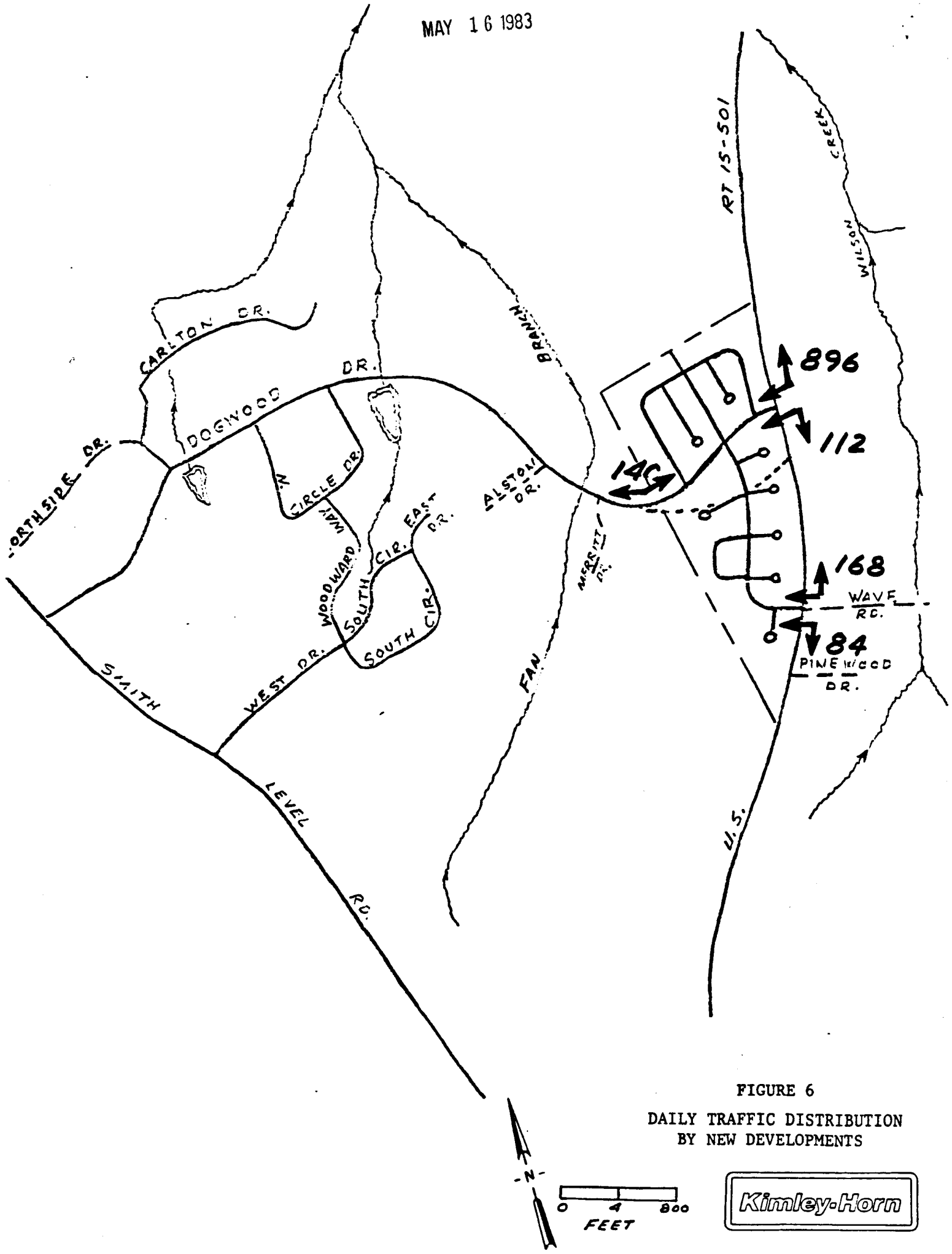


FIGURE 6
DAILY TRAFFIC DISTRIBUTION
BY NEW DEVELOPMENTS

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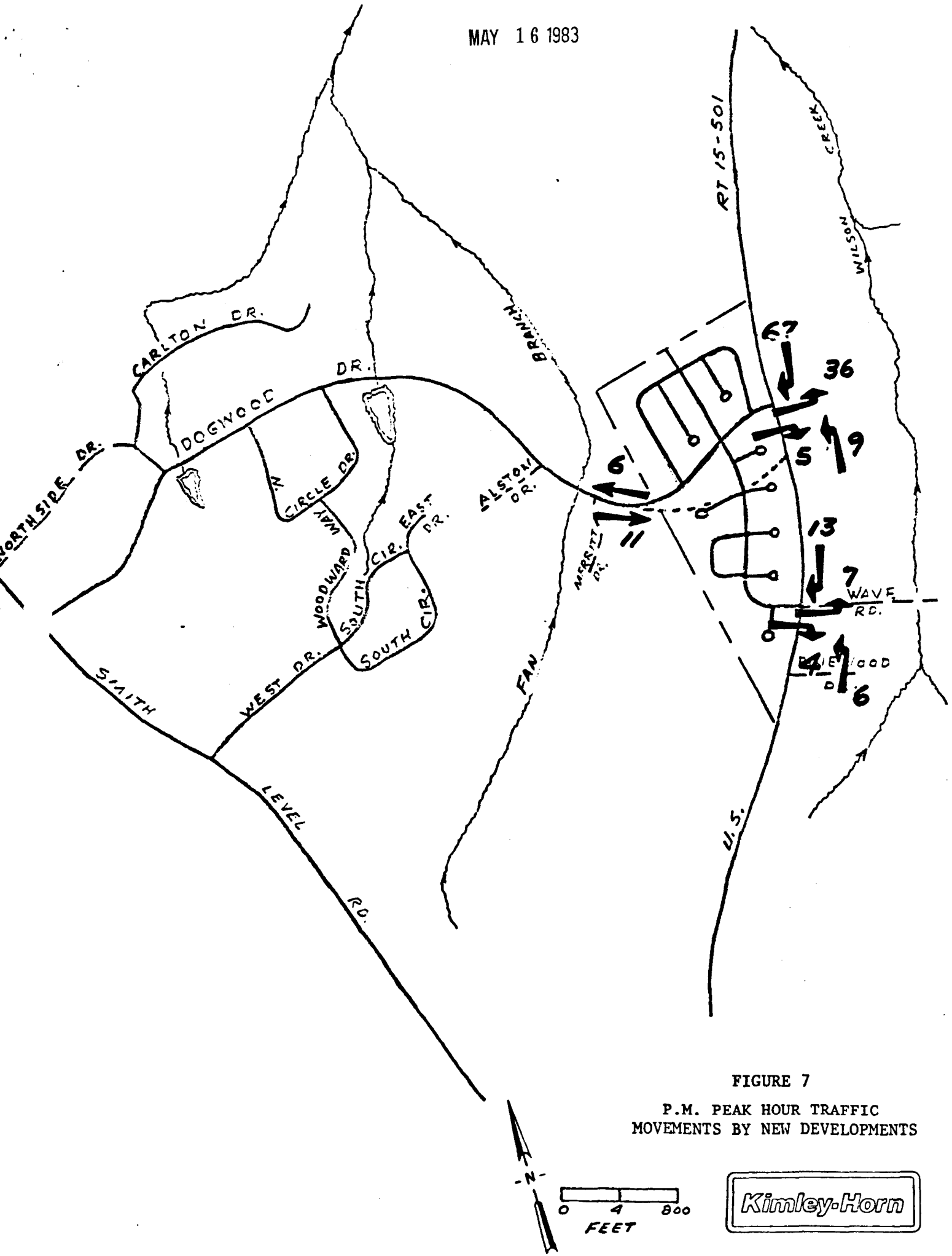


FIGURE 7
P.M. PEAK HOUR TRAFFIC
MOVEMENTS BY NEW DEVELOPMENTS

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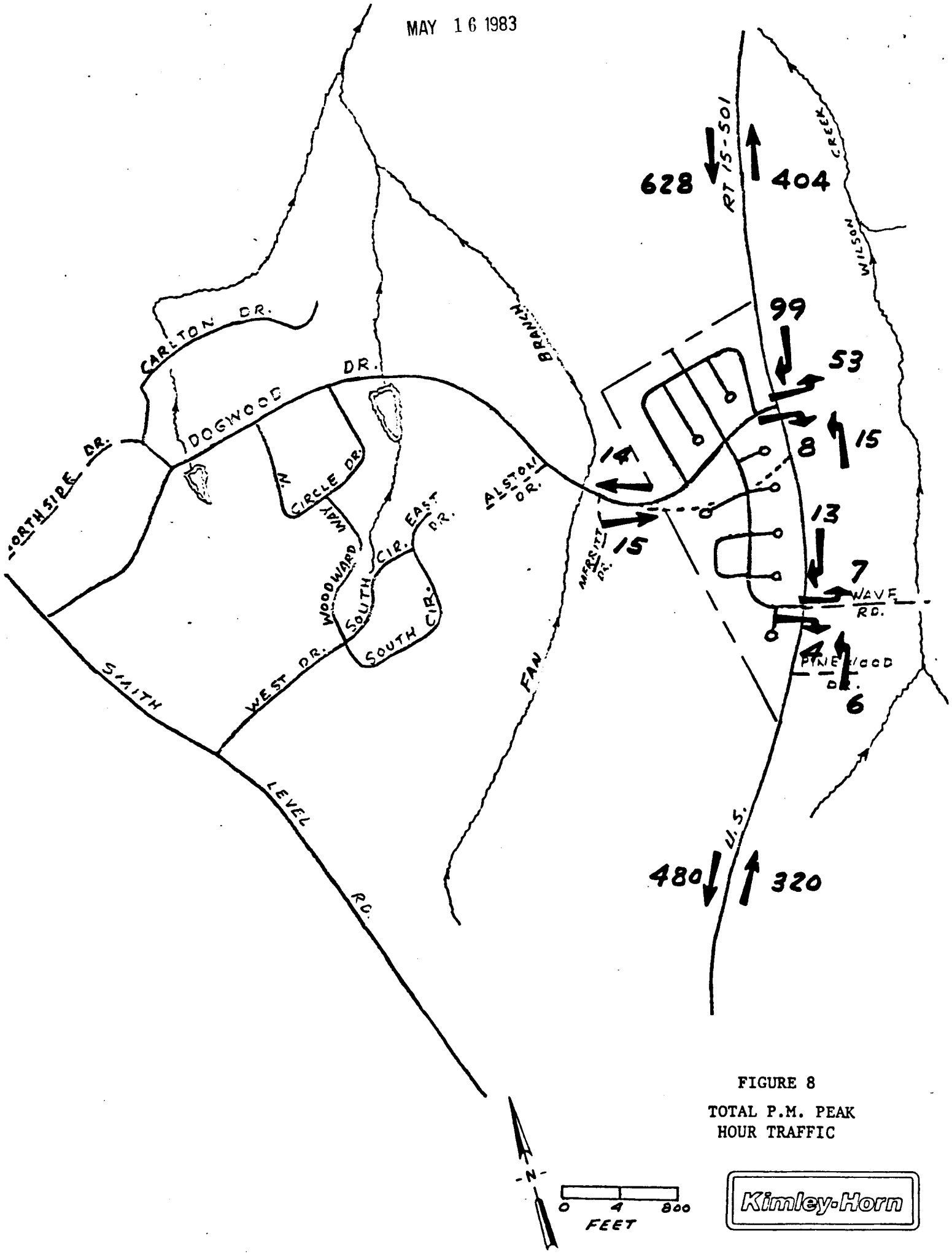


FIGURE 8
TOTAL P.M. PEAK
HOUR TRAFFIC

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ANALYSIS OF NEEDS

1. The turning movements at the intersection of Dogwood Drive and Route 15-501 will approximately triple. The volumes do not warrant a traffic signal and a stop sign control will work properly and safely if the driver sight distance is improved.
2. The daily volumes on Route 15-501 north of Dogwood Drive will increase approximately twelve percent due to the traffic from the new development. However, the increase from 8,600 to 9,650 vehicles daily can be accommodated on the existing two-lane roadway.
3. Due to the rural character and speed on Route 15-501, the turning movements at the intersection of Dogwood Drive warrant a southbound right turn lane on Route 15-501 and a northbound left turn lane on Route 15-501. (See Figure 9.) With stop sign control on Dogwood Drive, it is recommended that no separate left or right turn lane be provided on Dogwood Drive.
4. Because the turning volumes are so small at the southern access opposite Wave Road, no separate turning lanes are recommended for this intersection (see Figure 9).
5. The volumes on Dogwood Drive will increase from approximately 550 daily vehicles to approximately 700 vehicles daily. The existing roadway with its 35 mph speed limit can adequately and safely accommodate these volumes.

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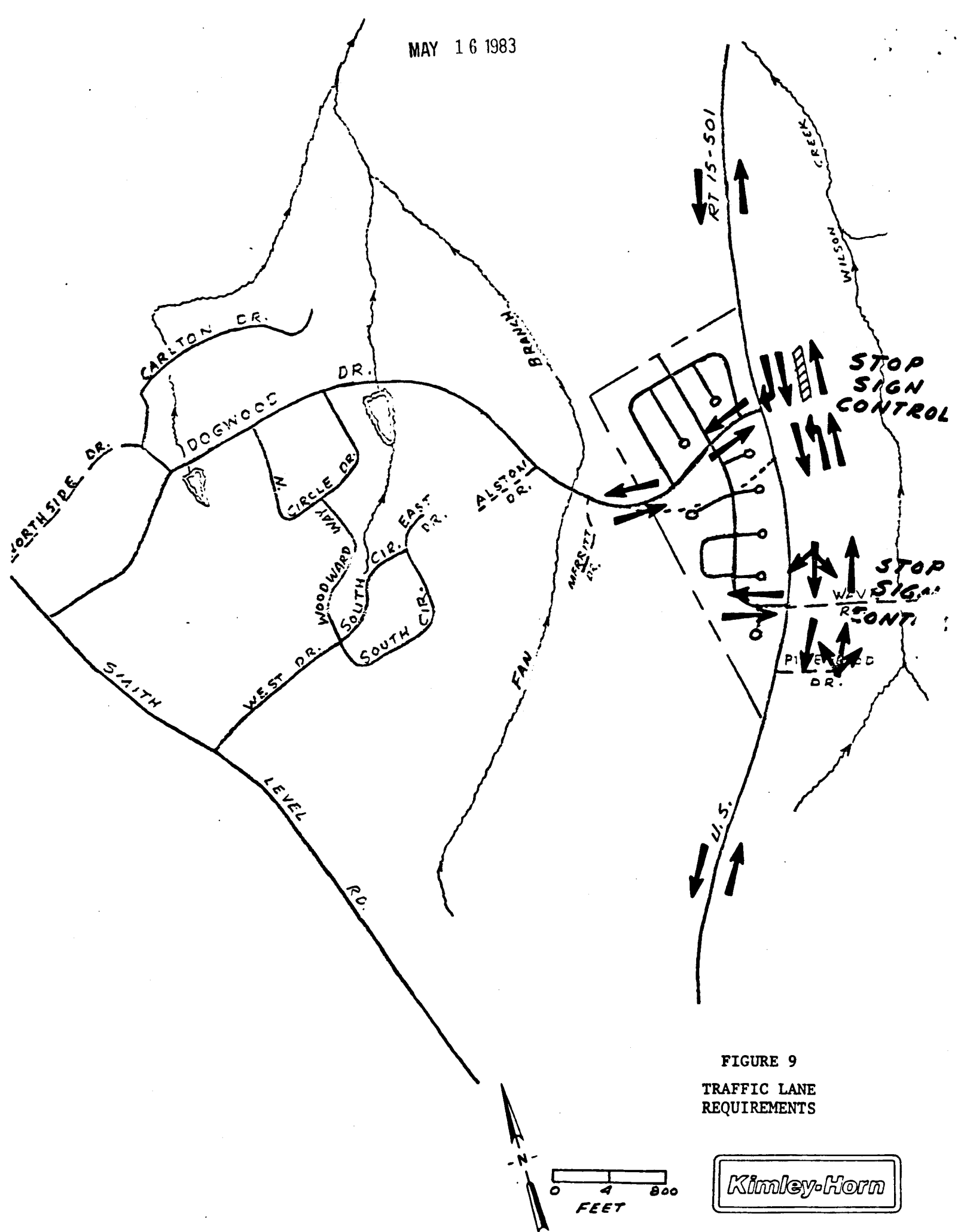


FIGURE 9
TRAFFIC LANE
REQUIREMENTS

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SUMMARY

With the improved driver sight distance at the intersection of Dogwood Drive and Route 15-501, and the provision of turning lanes on Route 15-501 at Dogwood Drive as described, it is the opinion of the undersigned that the traffic generated by the proposed Dogwood Place development will not cause any significant increase in traffic congestion or reduction in highway safety for the citizens of Chapel Hill or Orange County. With the improved driver sight distance at Dogwood Drive, the safety will actually be improved over existing conditions.

Mr. Jim Mason, speaking for the applicant, submitted the Statement of Justification and the Project Fact Sheet (please refer to the files in the Planning Department). All of the streets would meet Town standards; the project also complied with all of the density requirements. The project would enhance adjacent property values. The proposed project would meet the goals of the General Plan and would provide housing needs for moderate priced, single family homes.

Mr. Ballentine stated that the applicant did not concur with the proposed stipulation to stub-out the undeveloped property to the north. The applicant felt that compliance with this requirement would encourage traffic from the adjacent property through the proposed development. The applicant felt that the adjacent property had sufficient frontage on U.S. 15-501 to provide future street connections.

Ms. Gina Cunningham, Chair of the Planning Board, stated that the Board recommended adoption of proposed resolution "a."

Mr. Jon Condoret, Chair of the Community Appearance Commission, stated that the Commission recommended a right-of-way to the adjacent property to the north instead of a paved road stub-out.

Mr. Taylor stated that the Manager's preliminary recommendation was to grant the request, as proposed in resolution "a."

Mr. Mason explained to Councilmember Smith that the distance to the North Chatham Volunteer Fire Station from this project was approximately one mile. Councilmember Smith expressed concern that the nearby shopping center currently under construction would generate incoming traffic that would block north-bound traffic waiting to turn into the proposed development. He questioned why the applicant objected to the proposed turn lanes. Mr. Mason responded that they did not wish to encourage traffic turning left at this location.

Mr. Mason responded to Councilmember Broadfoot that the applicant and the land owners were Mrs. Sylvia Rodin and Dr. Harris Rodin.

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

Finley Forest--Request for a Planned Development-Housing Special Use Permit

Mr. Roberts swore citizens wishing to speak on this request.

Mr. Goldrich, a partner in the firm of Urban Associates, stated that he had no objections to the continuing of this public hearing in order to allow Mr. Du Bose to review the plans for development of this property, and to address the Council re his concerns.

Mr. Jennings explained that the property was on the west side of Barbee Chapel Road, south of N.C. 54, and identified as Chapel Hill Township Tax Map 66, Lot 2, and Durham County Tax Map 491, Block 6, Lot 1. The request was for 375 dwelling units on approximately 38 acres of land, zoned Residential-4. Property to the west was zoned O-I-2; UNC property was to the east and to the south. Property to the northeast was zoned Residential and Commercial along N.C. 54 both in Durham County's jurisdiction and Chapel Hill's.

Mr. Goldrich stated that the proposed development would consist of four phases, with quad-plex housing, townhouses, and apartments.

Mr. Hakan, an engineer, submitted the Statement of Justification and the Fact Sheet into the records (please refer to files in the Planning Department). Mr. Hakan explained to Councilmember Smith that the intersection at N.C. 54 and the access drive were currently at the "little or no traffic delay." After the development, the same area would be considered "very long traffic delay." The use of a traffic light would affect the level of service at "short traffic delays." A traffic light was suggested as part of the report, but the final analysis would be determined by North Carolina Department of Transportation (NCDOT). It was not sure who would be responsible for notifying NCDOT re the need for a traffic light.

Ms. Gina Cunningham, Chair of the Planning Board, stated that the Board concurred with the Manager's recommendation to approve the request as outlined in resolution "a."

Mr. Jon Condoret, Chair of the Community Appearance Commission, stated that the Commission agreed with the findings of the Planning Board, but felt that the stipulation to stub out Brookberry Circle and pave the road to a 33-foot width was not necessary.

Mr. Josh Gurlitz stated that there was no objection to stubbing out Brookberry Circle, but the objection was to the requirement to pave the road. If a road were not used, unused pavement had a life of approximately two years (if development did not occur within that time).

Mr. Leonard Burlow, an adjacent property owner, stated that he preferred to have the stubbed out portion of Brookberry Circle paved.

Mr. D. St. Pierre Du Bose, Jr. requested that the Council have the public hearing continued for two weeks.

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER BROADFOOT, TO CONTINUE THE PUBLIC HEARING FOR FINLEY FOREST SPECIAL USE APPLICATION UNTIL MAY 23, 1983, 7:30 P.M.

COUNCILMEMBER SMITH MOVED A SUBSTITUTE MOTION TO ASK FOR A SPECIAL MEETING TO CONSIDER THIS ITEM ON THE FIRST MONDAY IN JUNE TO ALLOW TWO WEEKS FOR MR. DU BOSE TO HAVE AMPLE TIME TO CONSIDER THE APPLICATION. THE MOTION FAILED FOR LACK OF A SECOND.

COUNCILMEMBER STRALEY MOVED A SUBSTITUTE MOTION, SECONDED BY COUNCILMEMBER SMITH, TO SCHEDULE A CONTINUATION OF THE PUBLIC HEARING FOR FINLEY FOREST SPECIAL USE APPLICATION FOR JUNE 13, 1983, at 7:30 P.M.

Mr. Taylor informed the Council that on June 13 all of the public hearing items being discussed at this meeting would come back to the Council for discussion and action in addition to other routine matters. The May 23 meeting would be shorter.

VOLE ON THE SUBSTITUTE MOTION FAILED 2 TO 5 WITH COUNCILMEMBERS SMITH AND STRALEY SUPPORTING, AND COUNCILMEMBERS HOWES, BOULTON, BROADFOOT, PASQUINI, AND MAYOR NASSIF OPPOSING.

VOLE ON THE MAIN MOTION CARRIED 6 TO 1 WITH COUNCILMEMBERS BOULTON, BROADFOOT, HOWES, PASQUINI, STRALEY, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBER SMITH OPPOSING.

Bolin Creek Center--Request for a Planned Development-Shopping Center Special Use Permit

Mr. Jennings informed the Council that the request was to allow expansion of parking into a Residential-4 zoning district and construction of a second office building at the site of the former Ranch House building. The site was listed as Chapel Hill Township Tax Map 82, Block B, Lots 19, 20, 21, and 30, and Block C, part of Lot 1. A Special Use Permit was required because the applicant proposed to use part of the R-4 property for commercial use.

Issues had been addressed in stipulations of the proposed resolution.

Mr. Alan Rimer, representing the applicant, submitted the Statement of Justification (please refer to files in the Planning Department). Mr. Rimer stated that the property was owned by a limited partnership recognized by the State of North Carolina.

Ms. Gina Cunningham, Chair of the Planning Board, stated that the Board approved the staff's recommendation unanimously.

Mr. Jon Condoret, Chair of the Community Appearance Commission, stated that the Commission recommended approval of the request.

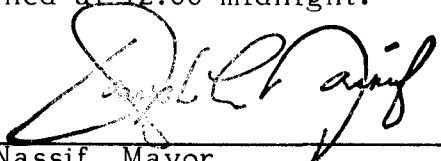
Ms. Vicki Morgan, a resident of Bolin Heights, submitted a petition signed by 95% of the residents of Bolin Heights and signatures of some of the home owners re concern for adequate buffer between the proposed parking area and the residential area. Mr. Rimer explained that stipulations for a buffer had been addressed in the proposed resolution to grant the Special Use Permit.

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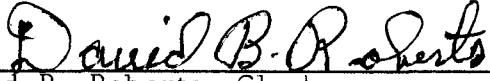
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COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER BOULTON, TO REFER THE MATTER TO THE MANAGER. THE MOTION CARRIED UNANIMOUSLY.

As there was no further business to come before the Council, the public hearing was adjourned at 12:00 midnight.



Joseph L. Nassif, Mayor



David B. Roberts, Clerk