

MINUTES OF A PUBLIC HEARING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,
MONDAY, NOVEMBER 21, 1983, 7:30 P.M.

Mayor Pro-tem Boulton called the meeting to order. Councilmembers present were:

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

Also present were David R. Taylor, Town Manager; Assistant Town Managers, Sonna Loewenthal, and Ron Secrist; and Town Attorney, Grainger Barrett.

Mayor Pro-tem Boulton invited Councilmembers-elect Nancy Preston and Bill Thorpe to join the Town Councilmembers, as items on the agenda would be decided on by the new Council in December.

Proposed Rezoning of Six (6) Properties

Mayor Pro-tem Boulton stated that five (5) of the six (6) properties considered for rezoning were as follows:

- Kingswood Apartments (Tax Map 112, Block B, Lots 3, 3A, and 5);
- Village Green Condominia (Tax Map 77a);
- Camelot Apartments (Tax Map 48, Block A, Lot 21);
- Ridgefield Apartments (Tax Map 52, Lot 11); and
- Part of a 27-acre tract on the east side of Old Oxford Road (Tax Map 27, Block A, part of Lot 3A).

Mr. Mike Jennings, Planning Director, stated that intensity designations in the new Development Ordinance were intended to be comparable to those designated in the old Zoning Ordinance.

These 5 properties were in a proposed flood hazard district area. If the proposed flood hazard district had been imposed, these properties would have become non-conforming. To prevent non-conformity, the intensity of the underlying zones was increased on all five (5) properties.

The flood hazard district was not adopted; the intensity of these five (5) properties under the new Development Ordinance was not reconsidered and had remained classified at a higher intensity than was intended in the overall revision.

The proposed re-zoning classifications would not make these properties non-conforming.

Mr. Roscoe Reeve, Chair of the Planning Board, concurred with Mr. Jennings' statements re the intent of the zoning designations at the time the flood hazard district was considered, the eventual demise of the flood hazard district, and the incorrect zoning designation that remained. The Board concurred that these areas should be rezoned.

Mr. Taylor stated that the Manager's preliminary recommendation was that the proposed ordinance to rezone the properties be adopted.

Mayor Pro-tem Boulton requested that citizens speak to each re-zoning proposal individually:

1. Kingswood Apartments (Tax Map 122, Block B, Lots 3, 3A, and 5; to rezone from R-5 to R-4)

Mr. Charlie Carpenter, representing BCDR, Ltd., owners of the Kingswood Apartments, stated that there was no objection to the proposed rezoning other than the fact that there had not been enough time to consider if their buildings would become non-conforming by this change. He questioned the necessity of the proposed zone change.

There were no questions from citizens or from the Council.

2. Village Green Condominia (Tax Map 77A; to rezone from R-4 to R-3)

No citizens requested to speak; there were no questions from the Council.

3. Camelot Apartments (Tax Map 48, Block A, Lot 21; to rezone from R-4 to R-3)

No citizens requested to speak; there were no questions from the Council.

4. Ridgefield Apartments (Tax Map 52, Lot 11; to rezone from R-4 to R-3)

No citizens requested to speak; there were no questions from the Council.

5. Part of a 27-Acre Tract on East Side of Old Oxford Road (Tax Map 27, Block A, Part of Lot 3A; to rezone from R-4 to R-2)

Mr. Jennings stated that there was no development on this property at this time.

Dr. Paul Marion, a resident of Markham Court, stated that he represented many Chapel Hill citizens who felt that the current R-4 intensity classification would:

- Cause serious safety and traffic problems on area streets;
- Negatively affect the values of contiguous properties due to increased traffic;
- Create environmental problems as a result of R-4 intensity development on this steep terrain, and make achievement of the Land Use Plan more difficult.

It was felt that R-2 zoning classification would reduce these potential problems and he encouraged the Council to correct this zoning oversight.

Ms. Sandra Greene, a resident of Rolling Road, stated that she and Dr. Marion represented residents of Clarks Hills, Coker Hills, and Lake Forest, and supported the proposed re-zoning from R-4 to R-. Residents felt that:

- This was a zoning oversight;
- The proposed R-2 zoning would be as economically feasible as it was when purchased under the R-2 zoning designation of the old Zoning Ordinance.

Ms. Greene concluded that residents did not oppose the development of the site as apartments, but did oppose the intensity of development allowed under the R-4 zoning designation. She requested that the Council correct this zoning oversight.

Mr. John McAdams, a consulting engineer representing the Chapel Hill Electric Company and other owners of the 27-acre tract of land on old Oxford Road, objected to the proposed rezoning from R-4 to R-2. He submitted that had the apartments been built, they would have become non-conforming in an R-2 zoning designation.

Mr. McAdams also submitted that the current zonie was not inappropriate, as (1) a traffic consultant with Kimley-Horn and Associates, Inc., had reported at the June 20, 1983, public hearing that the area roads with the proposed improvements could accommodate predicted traffic increases resulting from the then-proposed 233 units in the R-4 zone; (2) a real estate appraiser had testified that "properties would not reasonably be expected to be devalued by this development"; and (3) the Planning Board and Community Appearance Commission had also recommended approval of the then-proposed 233 units.

Mr. McAdams submitted that the property in question was appropriately zoned in light of the surrounding zoning designations (R-4 on the south, southeast and northeast, and OI-2 and R-1 on the remaining borders).

Mr. Tom Worth, Jr., a Raleigh attorney, representing Chapel Hill Electric Company and other owners of this property, referenced the findings outlined in Article 19.1 of the Town Code that the Council was required to make when rezoning properties. He stated that he felt that the finding "to correct a

manifest error," could not be made as the zoning of this property had been examined extensively prior to adoption of the current Development Ordinance as well as during consideration of this Special Use request. In addition, he asserted that (1) changed conditions were not sufficient to rezone the property; and (2) the staff had stated on June 7 and 8, 1983, that the Special Use request for 233 units achieved the purposes of the Comprehensive Plan.

Mr. John Mabe, a Raleigh attorney representing the Chapel Hill Electric Company and owners of the property, requested that the following documents be entered into the record of this meeting:

- November 1, 1978, memorandum from Mr. Jennings, Planning Director, to the Planning Board and Community Appearance Commission;
- November 15, 1978, memorandum from Mr. Jennings, Planning Director, to the Chapel Hill Planning Board and Community Appearance Commission;
- May 16, 1978, memorandum from Mr. Jennings, Planning Director, to the Chapel Hill Planning Board and Community Appearance Commission;
- May 17, 1978, memorandum from Mr. Jennings to the Planning Board and Community Appearance Commission;
- June 7, 1983, memorandum from Mr. Jennings to the Planning Board and Community Appearance Commission;
- June 8, 1983, memorandum, from Mr. Jennings to the Planning Board and Community Appearance Commission;
- September 6, 1983, memorandum from Mr. Jennings to the Planning Board;
- September 19, 1983, presentation of petitioner in Special Use application (Minute Book 39, pp 104-112);
- October 10, 1983, presentation of petitioner in Special Use application (Minute Book 39, pp 149-153).

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER SMITH, THAT THESE ITEMS AND THE ENTIRE RECORD OF THE SPECIAL USE REQUEST BE INCORPORATED INTO THE MINUTES OF THIS MEETING. THE MOTION CARRIED UNANIMOUSLY (please refer to the Clerk's files and Minute Book 39, pp 104-112), *(and pp 149-153)*.

Councilmember Broadfoot felt it was appropriate to try to correct an error and to rezone this property from the previous R-10 to a comparable R-2. He felt that Mr. McAdam's comments were more pertinent to the Special Use request than to the rezoning issue; therefore, he requested that the records show that traffic count figures presented at the public hearing for this request left many unanswered questions and that "I don't believe the figures that were presented."

Mr. McAdams responded that he felt that the old Zoning Ordinance addressed "control of density...through the number of units...per area of land," and did not address the size of the units. The new Development Ordinance, he felt, contained "a more appropriate...way of controlling intensity of use of land...[through] square feet [allowed] on an acre of land." He asserted that R-10 was not equivalent to R-2 and that that zoning designation was more of a manifest error than was R-4.

Mr. McAdams stated to Councilmember Broadfoot that he supported the traffic figures presented by Kimley-Horn and Associates, Inc. He asserted to Councilmember Broadfoot that he had not intended to dwell on the merits of the Special Use Permit request.

Mr. Worth asserted that he felt that remarks re the question of buffer were germane to the efforts to downzone this tract. He also asserted that traffic matters were appropriate in zoning considerations.

The sixth area considered for rezoning was:

6. A 30-Acre Tract Near Velma Drive (Tax Map 38, Block B, Lot 18)

Mr. Jennings stated that this property was an undeveloped 30-acre tract currently zoned R-1, R-4 and R-5 and was proposed to be rezoned to R-1. The R-4 and R-5 current zoning designations for this portion of the property did not follow the general guidelines used by the Planning Board in its recommendations to the Council. The Council was aware of these guidelines when considering adoption of the Development Ordinance. The R-4 portion of

this property greatly increased the allowable intensity. There was no frontage on Franklin Street. An R-1 designation for the entire tract was proposed. The zoning designation change would reduce the allowable floor area from about .309 to .081.

Mr. Reeve, Chair of the Planning Board, stated that this rezoning consideration did not involve a flood plain overlay consideration, but rather involved standards for zoning of developable property as set forth in the Development Ordinance. These standards would allow high-density development in sparsely developed areas along major arterials with excess capacity. As the property did not front on a major artery, the Board recommended that the property be downzoned from R-4 and R-5 to R-1.

Mr. Taylor stated that the Manager's recommendation was to rezone the property to R-1.

Ms. Patty Krebs, Vice President of the Coker Hills Neighborhood Association, submitted a petition of 158 Coker Hills residents supporting the Manager's and Planning Board's recommendations to downzone this property to R-1. The petitioners felt that high-density development on this property would (1) have a severe negative impact on Coker Hills by further congesting the bottlenecks at the fire house and elementary school; (2) endanger the safety of school children, and (3) possibly increase the response time of emergency vehicles. Rezoning would correct a manifest zoning error. She felt that development of the property as an R-1 single-family neighborhood would be fair to both the property owner and to area residents.

She asserted that the preservation of old established neighborhoods contributed to a sound development plan and to the character of the Town and that "it doesn't make sense for Chapel Hill to place one of its stronger neighborhoods at risk."

Mayor Pro-tem Boulton stated that Mr. Pritchard, owner of this property, had been notified of the proposal to downzone this property.

Ms. Mary Penta, a resident of Granville Road, submitted a petition of 100 residents of Estes Hills (please refer to the Clerk's files) in support of the proposed downzoning of this property to R-1 to correct a 1981 manifest error. Petitioners felt that high-density development on this property would add to present traffic congestion, depreciate property values on three sides, and destroy the low/high-density ratio recommended for this area in the Comprehensive Land Use Plan.

Dr. Taylor, Chair of the Chapel Hill Homeowner's Association, stated that Chapel Hill homeowners concurred with the Council's proposal to downzone these properties to correct a manifest error.

Mr. David Frankstone, representing Mr. Bill Pritchard and family, stated that the current zoning designation was not a manifest error. The concept of "infill" was popular in 1981. A deviation from this concept would mean a major change in the Comprehensive Plan.

Mr. Joseph Herzenberg, a Chapel Hill citizen, stated that he opposed the rezoning of this property but felt that (1) this property should not have been considered for rezoning with the other five properties, as there was no common factor; (2) the October 18, 1983, minutes of the Planning Board were not yet available for Council's consideration; and (3) the proposed rezoning did not meet any of the criteria for rezoning.

COUNCILMEMBER BROADFOOT MOVED, SECONDED BY COUNCILMEMBER HOWES, TO REFER THE MATTER TO THE MANAGER AND ATTORNEY. THE MOTION CARRIED UNANIMOUSLY (8 TO 0).

Councilmembers Wallace and Straley were excused from the meeting at 9:10 P.M.

The Shire of Chapel Hill--Request for Planned Development-Housing Special Use Permit

This public hearing was continued from the September 20, 1983, public hearing to allow the applicant sufficient time to revise the site plan to address specific concerns.

The Deputy Town Clerk swore citizens wishing to speak on this request.

Mr. Taylor requested to have the following items entered into the records of this meeting (please refer to the Clerk's files):

- November 21, 1983, Manager's memorandum re The Shire of Chapel Hill--Request for a Planned Development--Housing Special Use Permit;
- The applicant's Project Fact Sheet;
- The applicant's Statement of Justification;
- The applicant's Traffic Impact Report of September 20, 1983;
- The Minutes of the September 20, 1983, public hearing regarding this request (Minute Book #39, pp _____).

Mr. Jennings stated that the Council had asked the applicant to submit a revised site plan to preserve the wall, existing vegetation, and the existing building as a recreation facility. The revised site plan showed:

1. The visual impact of the buildings fronting the property along Erwin Road was altered and the total number of dwelling units was reduced from 212 to 202.
2. The site plan was altered to save one rock wall, but the plan could not be further revised to save the rock wall near Erwin Road and still address traffic safety concerns.
3. Parking spaces were reduced from 421 to 358; 24% of the parking would now be for compact cars; more landscaping would be provided in the parking area; and the double-tier parking lot was eliminated.

The applicant had agreed to the proposed road improvements if the right-of-way were available; if the right-of-way were not available, the Zoning Compliance Permit would not be issued.

The Parks and Recreation Commission and staff did not recommend that the structure on the property be retained as a recreational facility. There was agreement, however, to the stipulation that the existing house be made available for relocation or preservation for a minimum of 180 days after approval of the request.

Mr. Cal Holland, President of Holland Construction Company that proposed to build The Shire of Chapel Hill, stated that the technical data for this project had been presented to the Council previously. He compared the proposed site for The Shire of Chapel Hill with the adjoining site for The Highlands and asserted that the developers' concerns for The Shire of Chapel Hill were not less sensitive or any different from that of the adjoining property. In addition, The Shire of Chapel Hill developers had requested to have the flexibility to alter plans to address the concerns of the Planning Board. The Manager had requested that the Council grant this flexibility for the purpose of retaining the walls and significant trees. Subsequently, the plans had been altered.

Mr. Holland questioned if the stipulation to construct left-turn lanes on Erwin Road would appreciably affect traffic movement. He asserted that the Town Traffic Engineer had, in his opinion, concluded "that the extension of Sage Road is...the ultimate solution to the traffic problems in this area."

Mr. Holland stated that the applicant concurred with all stipulations but expressed some opposition to the stipulation to delete two units from Building 5 to add space between buildings. This had not been required of the adjoining developers of the Highlands. He stated that the applicant would, however, agree to this stipulation if compliance ultimately meant approval.

He asserted that if existing landscape and walls were not preserved "it is...not...as a result of our...plan. We reaffirm our commitment to preserve all...that is within our power to preserve."

Mr. Jennings affirmed that plans referenced and displayed by Mr. Holland were the approved site for The Highlands.

Mr. Reeve, Chair of the Planning Board, stated that the Board had considered, at the direction of the Council, the modified plans and was convinced that the modified plans would not preserve the site as desired by the Council. The Board felt the site was worth preserving and would be detrimentally affected by (1) road improvements necessary to ensure traffic safety; (2) the necessary right-of-way; and (3) the proposed buildings. The Board "failed to make a positive...recommendation...to approve this in relationship to the referral of the Council."

The Parks and Recreation Commission made no formal presentation; Mr. Taylor requested that the Parks and Recreation memorandum be entered into the record (please refer to the Clerk's files).

Mr. Jennings reported for the Community Appearance Commission that the Commission concurred with the Manager's recommendation and the proposed stipulation that a grading plan be provided that would guarantee that the trees would be saved.

Ms. Norton responded to Councilmember Kawalec that without a grading plan, it could not be assured that the existing trees would be preserved.

Mr. Taylor stated that the Manager's recommendation was that the Special Use Request be granted, subject to the proposed stipulations.

Mr. David Falk, representing Parker, Drucker, and Falk, a firm that manages 5 apartment projects in the Chapel Hill area (and other projects throughout North Carolina), assured the Council of the quality of the proposed development.

Mr. Bill Olsen, a Chapel Hill realtor and listing agent for the Heusner property, concurred with the statements made by Mr. David Falk.

Mr. Ed Bynum, a resident of Booker Creek, expressed concern for the increase in development and density in this area of Chapel Hill and the subsequent negative affects on traffic safety in the area. He felt development in this area was "beyond what is reasonable."

Mr. Bynum felt that stipulations for road widening and improvements, with a timetable for completion, should be met before approval of a Special Use Permit was issued.

Mr. Douglas Lay, a Booker Creek resident, expressing concerns for traffic safety on Erwin Road between Weaver Dairy Road and U.S. 15-501, stated that this was the only access road to Durham, the Research Triangle park, and Raleigh for at least 10 developments in this area. He stated that the 1978 traffic count for this portion of Erwin Road was about 6,000 vehicles/day. The road consisted of a blind curve, a blind intersection, a steep hill, and numerous access points for existing or proposed developments. Peak A.M. and P.M. traffic into and off of Erwin Road caused congestion problems with traffic delays of approximately 5-7 minutes. In addition, the intersection of Erwin Road and U.S. 15-501 was reported by the Chapel Hill Police Department to have more accidents than any other intersection in Chapel Hill.

Mr. Lay concurred with the concerns of Mr. Bynum re the impact of the numerous approved developments in this area. He also stated that the Town did not have right-of-way rights on Sage Road and that Sage Road was not yet a reality.

Mr. Lay concluded that it was "not too late to stop further development and degradation of traffic, safety, and congestion...and...suggest[ed] serious consideration [should be given] to a longterm traffic thoroughfare plan in that area to tie...developments that [will] occur."

Mr. Bill DeHart, speaking for other Booker Creek residents, stated that "residents are not opposed to orderly and reasonable growth per se...[but] view with concern the thrust of this development inasmuch as it entails a rapid transition from low to high density housing...." Mr. DeHart referenced the following developments proposed for this area: (1) The Highlands, @ 3 x the density of Booker Creek; (2) Booker Creek Village, @ 2 x the density of Booker Creek; and (3) The Shire of Chapel Hill, proposed @ $3\frac{1}{2}$ x the density of Booker Creek.

He concluded that "this trend towards unconstrained growth along the very inadequate Erwin Road corridor must be reconsidered and reappraised now while there is still an opportunity..." and requested that the Council deny the request or reduce its scope significantly.

Mr. Stanley Kopczynski, a resident of Booker Creek, stated that growth should be well-planned and protect the safety, quality of life and the character of existing neighborhoods. He felt that high-density developments adversely affected the quality of life by increasing air pollution levels. Such growth would place excessive demands on our existing water and on Town services.

The Shire of Chapel Hill, if approved, would turn the beautiful landscape of the Heusner property into a crowded apartment complex, 22 feet off Erwin Road with no buffer and no aesthetic appeal, and would only increase traffic problems. In addition, the plan showed recreation sites that sloped downward toward the road, creating a potential safety hazard for children.

Mr. Kopczynski also stated that storm water retention plans were not sited in the stipulation of the proposed resolution and felt it should be included. He summarized that the proposal failed to "maintain or promote public health, safety, and general welfare" and requested denial of the request.

Ms. Jane Norton, speaking as a citizen, stated that as a student, she had analyzed the site re soil, geology, vegetation, etc., and suggested that a new grading plan was necessary to address these concerns. She asserted that a lower density development with optimal use of the site could be proposed and still be environmentally sensitive.

Mr. Jennings showed that the Sage Road connection would not be located on this property. Councilmember Smith expressed concern that the State would require this right-of-way before constructing a road. He questioned whether approval would be a wise decision, in light of area traffic concerns and in light of the question if the right-of-way could be acquired. He felt the Town should be sure of adequate right-of-way in order to build roads to better serve traffic needs of any area. He also questioned the amount of traffic that had been considered in the Traffic Impact Statement. Mr. Jennings responded that staff had considered potential traffic generations. Adequate right-of-way was required of the developer to construct adequate roads, but could not be required off-site. A current problem in this area was that the same property owner owned land on both sides of this road. If the applicant of this proposal was not able to obtain the right-of-way necessary for road improvements, then a Zoning Compliance Permit would not be issued.

Councilmember Pasquini requested that the Council receive a list of approved projects between Carol Woods on Weaver Dairy Road and U.S. 15-501, to include the scale of the units, the number of units, the Council's approval date, the completion date of the project, and any pending projects that staff might be aware of that would impact this area.

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

The Chapel Hill Flying Club--Request for Special Use Permit for Temporary Portable Building at Horace Williams Airport

Citizens were sworn by the Deputy Town Clerk.

Mr. Taylor requested that the November 21, 1983, Manager's memorandum re the Chapel Hill Flying Club's request for a temporary building Special Use Permit be entered into the records of this meeting (please refer to the Clerk's files).

Mr. Jennings stated that a previous request had been granted on May 14, 1979, with the stipulation that the building be removed by January 1, 1984. Under the Development Ordinance, the applicant could request a new time for removal of the building. There were no other location alternatives at this time.

Under the Development Ordinance, the Airport was not a permitted use, but staff felt approval of this request would affect the non-conforming status of the Airport.

Mr. Phillip Ray, President of the Chapel Hill Flying Club, Inc., a non-profit club, had been in existence since 1971 for education and training. The portable building was used as an office and meeting space, and was maintained, buffered, and in harmony with other structures at the airport.

Mr. Reeve, Chair of the Planning Board, stated that the Board unanimously recommended approval of the request.

Mr. Taylor stated that the Manager's preliminary recommendation was to approve the request, subject to stipulations.

Ms. Julianne Andresen, and Ms. Mary Penta, represented Citizens for Airport Planning. She felt that this group would not increase its activity level at the

airport, but expressed concerns for air traffic safety over nearby Estes Hills School and Phillips Jr. High School. She felt risks were sufficient to deny the request. If the request were not denied, she felt that any extension of the permit beyond 1986 should be denied.

Ms. Andresen informed Councilmember Smith that the Midway Airport could be opened prior to 1986. Councilmember Smith felt that the resolution should stipulate that the building would be removed from the site when the Midway Airport opened.

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

The Woods at Laurel Hill--Request for Modification of a Planned Development-Housing Special Use Permit

Citizens were sworn by the Deputy Town Clerk.

Mr. Taylor requested that Agenda #4 (dated November 21, 1983) re this request be entered into the records of this hearing (please refer to the Clerk's files).

Mr. Jennings stated that the applicant proposed to build two-car garages and add 10 parking spaces. Staff found no major concerns.

Mr. Jim Plymire, representing the applicant, stated that the request would allow construction of garages to close in current parking spaces to provide the benefit of garage and storage areas for residents.

Mr. Reeve, Chair of the Planning Board, stated that the Board had no major concerns and voted to recommend approval.

Mr. Plymire responded to the Council that there would not be plumbing or heating in the buildings; there would be some open parking spaces.

No citizens requested to speak.

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

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

The Deputy Town Clerk swore citizens wishing to speak on this matter.

Mr. Taylor requested that the Manager's memorandum, dated November 21, 1983, re this request be entered into the record of this meeting along with the applicant's Project Fact Sheet, the applicant's Statement of Justification, and the applicant's Traffic Impact Report (please refer to the Clerk's files).

Mr. Jennings stated that the request was to allow construction of 62 dwelling units on 7.67 acres of gross land area zoned R-1 and R-4. The property was located on the east side of Airport Road between Piney Mountain Road and Taylor Street (Chapel Hill Tax Map 29, Lots 2D and 2E).

A power line easement crossed the property north toward Taylor Street. Taylor Street had previously been closed at the request of Taylor Street residents; there was only one means of access onto Taylor Street.

The applicant proposed to provide access to his property that would eventually allow properties to the south to tie in. The proposed access road was not technically a cul-de-sac. It was stated that Airport Road was proposed to be constructed to five lanes at a future date; a constant center turn lane was proposed. Currently, Airport Road carried approximately 13,000 vehicles/day and had a capacity of 20-25,000 vehicles/day. With the proposed 5 lanes, there was no need for deceleration lanes--none were proposed or recommended.

The applicant agreed to the stipulation to widen Airport Road and provide curb and gutter along the frontage of this property, but requested to be allowed to make a payment instead, since the frontage of his property was so small. Staff had no objection to the request. The money would be applied for future improvements to Airport Road.

Staff recommended that a bikeway easement be provided on the site along the Duke Power easement to provide safe access to area schools.

It was customarily required that screening be provided between the parking area and adjoining properties, but an easement for Duke Power vehicles was required to be open; as staff also desired a pedestrian/bikeway easement in this area, it was felt that the applicant could be exempted from this requirement.

The Council was currently considering an amendment to eliminate transfer of density. The applicant proposed to transfer density within the R-1 portion of the development which would increase slightly the land use intensity of the floor area ratio allowed in an R-2 zone. The applicant's intent re this transfer was to provide a good buffer, recreational space in the R-4 area, and to provide spacing throughout the project. Staff had no objection to the proposed transfer.

There would be no grading in the 70-foot vegetative buffer that currently existed between the proposed development and Taylor Street.

This was one of the areas in Town that had been rezoned from low-density classification to a high-density classification.

Mr. Taylor stated that the Council's consideration for density transfer was scheduled for December 5, 1983; the Glenshire Forest proposal would be considered by the Council on December 12, 1983.

Mr. Josh Gurlitz, applicant, stated that the applicant's Statement of Justification contained relevant facts and information re the project. He stated that the reasons behind proposing to transfer density was to be able to distribute the proposed units more evenly throughout the entire property and to allow more open space per unit; and to achieve adequate visual protection from Airport Road.

Mr. Gurlitz stated that he supported the stipulation for payment in lieu of improving Airport Road, as there were currently no plans to improve this road at this time. Payment could earn interest until needed for these improvements.

Mr. Reeve, Chair of the Planning Board, stated that the Board had expressed concerns for intensity transfers, appropriate bike/pedestrian lanes, and the effect of the location of the road on the value of surrounding properties. The Board had also expressed a great deal of appreciation for the plan's demonstrated sensitivity to existing neighbors and a majority voted to recommend approval of the request with proposed stipulations. No traffic problems were perceived re Airport Road.

Mr. Taylor stated that the Manager's recommendation was that the Council grant the Special Use Permit request subject to stipulations in alternate resolution "a".

Mr. Jim Huegerich, a resident of and speaking for other residents of Taylor Street, submitted a petition outlining objections to this request (please refer to the Clerk's files). He submitted that:

1. The cost of housing for this project would not help the housing needs for low to moderate income families in Chapel Hill;
2. The proposed development would have adverse affects on the single-family character of this neighborhood;
3. The proposed development would adversely affect ingress/egress on Airport Road; and
4. The proposed development needed to be reduced. The Council had ruled in 1981 to retain the R-1 designation of a portion of this property; he asserted that the proposed number of units on this site, once setback distances and rights-of-way were deducted, 44 units on this site would be too crowded. Theproposed development needed to be reduced.

Mr. Huegerich responded to Councilmember Boulton that Taylor Street was zoned R-2, but built as R-1; there were no duplexes on Taylor Street.

Mr. James Ford, a resident of Taylor Street, opposed the proposed development.

Ms. Betty Riggsbee, a resident of Taylor Street, stated that she did not know her property had been rezoned. She expressed concern for possible noise from the proposed development. She stated that she would like to see her property rezoned to a lesser density.

Ms. Mary Alexander, a resident of Taylor Street, stated that she opposed the proposed development and the adverse affect on adjoining properties because of noise and reduced privacy. She preferred to see single family dwellings on this property.

Mr. Al Wurth stated that he was the only tenant on Taylor Street and that he opposed the proposed transfer of density.

Mr. Randy Moore, a resident of Taylor Street for 15 years, opposed the request based on concerns for traffic safety.

Mr. Albert Sawyer, a resident of Ellen Place, opposed the proposed project on the basis that it would exacerbate current access problems onto Airport Road.

Ms. Darlene Blake, a resident of Taylor Street, opposed the proposed project.

Mr. Gurlitz informed Councilmember Broadfoot that the project would consist of only condominiums; no apartments were proposed.

Councilmember Broadfoot stated that he had questions re traffic impact and the traffic consultant was not available to respond to questions; he questioned Mr. Barrett whether this was a proper way for the Council to proceed.

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

Proposed Amendment to Development Ordinance (re: representation of Durham County on Chapel Hill Planning Board and Board of Adjustment--if the Town's extra-territorial planning area were extended into Durham County)

Mr. Jennings stated that another regular member would be needed on the Chapel Hill Board of Adjustment and the Chapel Hill Planning Board, as required by state law, to represent Durham County, should Chapel Hill's planning area be extended.

The Chapel Hill Board of Adjustment did not wish to increase their membership.


Mr. Reeve, Chair of the Planning Board, stated that the vote was not unanimous, but the Board did vote to approve the appointment.

Mr. Taylor stated that the Manager's recommendation was to approve the request.

No citizens requested to speak; the Council had no questions.

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

As there were no issues to be considered at the public hearing, the meeting was adjourned at 11:41 P.M.



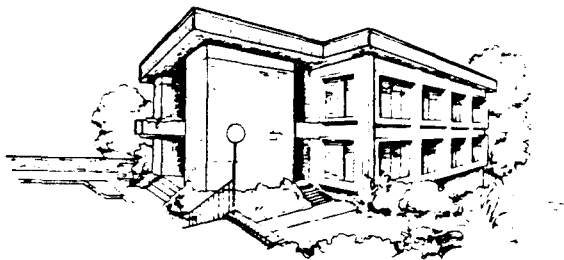
Joseph L. Nassif, Mayor



David B. Roberts, Clerk

TOWN OF CHAPEL HILL

306 NORTH COLUMBIA ST.
CHAPEL HILL, N.C., 27514
(919) 929-1111

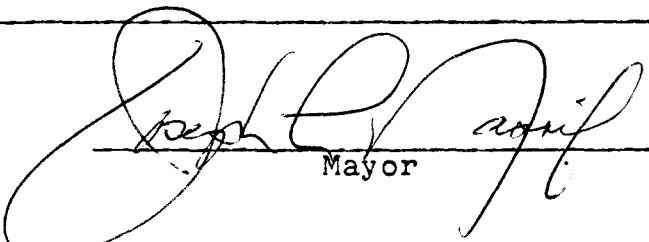


NOTICE OF SPECIAL MEETING OF THE CHAPEL HILL TOWN COUNCIL

TO: Mayor Joseph L. Nassif
Marilyn Boulton
Winston Broadfoot
Jonathan Howes 316-12-3-83
Beverly Kawalec
David Pasquini
R. D. Smith
Joe Straley
Jim Wallace

Bill Thorpe
Nancy Preston 335-12-3-83

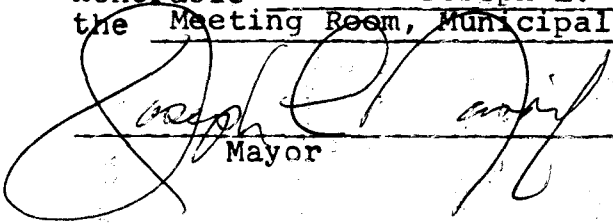
You, and each of you, are hereby notified that the Town Council has called a Special Meeting, to be held in the Meeting Room, at 6:30 P.M. on Monday, Dec. 5, 1983, to discuss litigation.



Mayor

ACCEPTANCE OF NOTICE

We, the undersigned, members of the Chapel Hill Town Council, hereby accept notice of a Special Meeting of the Council, called by Honorable Joseph L. Nassif, Mayor, to be held in the Meeting Room, Municipal Building, December 5, 1983, 6:30 P.M.



Mayor

R. D. Smith
David A. Pasquini
Joe W. Straley
Beverly Kawalec
James C. Wallace
Bill Thorpe
Marilyn M. Boulton
Winston Broadfoot

