

48

MINUTES OF A PUBLIC HEARING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,
MONDAY, FEBRUARY 20, 1984, 7:30 P.M.

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

Marilyn Boulton
Winston Broadfoot
Beverly Kawalec
David Pasquini
Nancy Preston
R. D. Smith
Bill Thorpe

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

Proposed Rezoning of 3.1 Acres at Southwest Corner of West Lakeview Drive and Durham Boulevard from R-2 to O/I-2

Mr. Mike Jennings, Planning Director, outlined the request to amend the Zoning Atlas by reclassifying 3.1 acres of gross land area from Residential-2 to O/I-2 (located on the southwest corner of the intersection of Lakeview Drive and Durham/Chapel Hill Boulevard).

Zoning reclassification to O/I would require a site plan approval by the Planning Board. R-2 would require a Special Use Permit, and a much lower density would be allowed than that allowed in O/I-2.

Staff did not feel that an error in zoning had been made, as the current zoning designation (R-2) was comparable to that designated in the old Zoning Ordinance (i.e., R-10).

Staff felt that planned and future changes (I-40--completion proposed for 1988; increased traffic to the Research Triangle Park and I-40; increased demand for O/I properties; and increased development at East Town Office Park) created sufficient changed conditions in the area to reclassify this area.

Staff felt that reclassification of this property would achieve the purposes of the Comprehensive Plan, as the property was within 500 feet of the proposed I-40 interchange, was close to existing office and commercial development, fronted on U.S. 15-501, and was suitable for O/I development. Only one person had attended the Planning Board meeting from the neighborhood, and that person had spoken in support of the request.

Staff recommended that the area be designated as R-4 to "minimize the footprint on the property."

Mr. Jennings explained to Councilmember Boulton and Mayor Nassif that a previous request to develop this property as Community Commercial had been denied. The previous applicant had not felt that alternative zones were satisfactory.

Mr. John Atkins, representing the applicant, O'Brien/Atkins Associates, stated that the applicant proposed to develop the property and occupy the proposed office building, if the property was rezoned. The O/I-2 zone request would most nearly meet the objectives for a 30,000 sq.ft. building; an R-4 zone would not.

Mr. Roscoe Reeve, Chair of the Planning Board, stated that the Board considered the request for change, the implications, and the site. The Board did not reach a majority vote on any zone, but by a substantial majority voted to recommend either an R-4 or R-5 zone.

Mr. Taylor stated that the preliminary recommendation of the Manager was to reclassify the property as R-4. In addition, he requested that the Council allow the Manager until April 9, 1984, to submit a final recommendation.

Mr. Jennings stated that this request had been submitted on November 14, 1983. Councilmember Thorpe felt that there should not be any further delays.

Re the request to rezone the property, and the fact that O'Brien/Atkins Associates had an option to buy this property, Mr. Barrett explained to Councilmember Pasquini that once the property was re-zoned that zoning designation would remain. The current property owner could then develop the property as he desired.

Mr. Taylor responded to Councilmember Preston that the Council had indicated a desire to have Special Use Permit control for multi-family housing developments in R-4, R-5, and R-6. If the Council decided to require a Special Use Permit in R-5 he would probably recommend an R-5 zone.

Mayor Nassif asserted that I-40 was in existence when these zones were designated and was not part of the changed conditions of the area. He also expressed concern that re-zoning was often considered with the individual requests and not with the process of the Development Ordinance. Mayor Nassif felt that the Council should decide what would be preferred in an area, not the developer.

Councilmember Broadfoot asked that the names of the owners, Mr. Ralph Rochelle, and Mr. Herman Lloyd, be entered into the record.

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER SMITH, TO REFER THIS MATTER TO THE MANAGER AND ATTORNEY AND THAT THE MANAGER'S REPORT TO THE COUNCIL COME BACK TO THE COUNCIL ON APRIL 9, 1984.

THE MOTION CARRIED UNANIMOUSLY.

Bolin Creek Center--Request for Modification of a Planned Development-Shopping Center Special Use Permit to a Planned Development-Mixed Use Special Use Permit

Persons wishing to speak on this item before the Council were sworn by the Deputy Town Clerk.

Mr. Taylor requested that the following items be entered into the records:

--Agenda #2 Memorandum, February 20, 1984, "Bolin Creek Center--Request for Modification of a Planned Development-Shopping Center Special Use Permit to a Planned Development-Mixed Use Special Use Permit."

--Applicant's Project Fact Sheet.

--Applicant's Statement of Justification.

--Applicant's Traffic Impact Report.

Mr. Jennings identified the property located on the west side of Airport Road (Chapel Hill Township Tax Map 82, Block C, Lots 1 and 1A) which consisted of 5.75 acres of gross land area, zoned R-4 and O/I-1.

The applicant proposed to construct (1) 30 multi-family dwelling units (27,500 sq.ft.), (2) office buildings (2,500 sq.ft.), and (3) a drive-in bank (2,500 sq.ft.). The dwelling units and office buildings were proposed to be elevated over a parking area. The number of proposed parking spaces exceeded the requirements of the Development Ordinance.

The applicant proposed two entrances from Airport Road and two entrances off of Green Street with paving (to 1/2 of a 27-foot width), curb, and gutter of Green Street.

Staff felt concern for the number of proposed and existing entrances onto Airport Road, but the applicant proposed to address these concerns.

Mr. Jennings responded to Councilmember Preston that the height of the buildings were not as high as those in the existing Bolin Creek Center across Airport Road.

Mr. Alan Rimer stated that he represented the applicant, CHR Associates. He explained that the proposal would retain the current ramp/drive onto Airport Road as an entrance into the residential section of the proposed development. The existing entrance onto Green Street would also provide access to the development, but he expressed concern that there was currently insufficient room to stack cars for a left-turn (north-bound) movement onto Green Street, due to the conflicting left-turn (southbound) traffic lane into the A&P store's property. Due to this lack of stacking space, the applicant stressed the need to retain the current ramp/drive point of access on Airport Road (the Planning Board had not recommended this second access).

Mr. Rimer asserted that to relocate the ramp to directly across from the A&P entrance--as proposed by the Planning staff--would also create stacking problems. To retain the existing entrance would allow ample stacking and reduce turning conflicts.

Buffers were proposed that would provide adequate property screening and at the same time permit safety checks by public safety officers from the road.

Mr. Rimer stated that the ramp length would allow the stacking of three cars exiting the project. He also proposed no left-turn exits from this location.

Mr. Roscoe Reeve, Chair of the Planning Board, stated that the Board had expressed concern for excessive turning conflicts on Airport Road. For this reason, the Board supported only one access point from Airport Road onto Green Street. There was also concern for traffic impact on Green Street.

The Board supported the mixed use concept of the project. Feeling that access should be controlled, the Board supported the proposed restriction of left-turn movements out of the project, if the second curb cut was approved.

No member of the Community Appearance Commission spoke on the proposal.

Mr. Taylor stated that the Manager's recommendation was that the project be approved with proposed stipulations.

Ms. Lynn Duncan, a resident of Green Street, felt that to restrict left-turns from the second proposed entrance would only exacerbate the current problem of left-turn movements from Green Street. She and neighbors also felt that the proposed drive-in bank would create additional traffic problems. Mr. Rimer stated that a left-turn lane from Green Street would be provided.

Ms. Duncan also expressed concern for water run-off that collected at this exit point and created hazardous driving conditions when icy.

Mr. Rimer informed Councilmember Broadfoot that the owners were Bolin Creek East Associates of Chapel Hill.

Mr. Rimer had responded to Mayor Nassif earlier that the plans presented to Council at this meeting showed the maximum height and width allowed, but he did not believe that the final plans would be the maximum allowed. Mayor Nassif stated that even though the Development Ordinance allowed a maximum height and width, there was no guarantee that the maximum would be allowed. He objected to "the abstract version of what you might like to put later." Mr. Jennings stated that the applicant had complied with Development Ordinance requirements. Mayor Nassif stated that the Council should know the exact dimensions of what would be built later. Because of the restrictive nature of the site, the plans needed to be defined. Mr. Rimer stated that since this was a problem on this site, he would submit "a maximum width based on good building practice" for the Council to review.

Councilmember Smith reasserted concerns for traffic safety and routing through the development (under the buildings). Mr. Jennings stated that the combination of parking and traffic under the buildings gave less area to be covered by asphalt. Councilmember Smith supported only one entrance at the southern end of the project and an entrance from Green Street. He also felt that the need for a traffic signal at the Green Street intersection should be discussed with the developer of this site and with the State Department of Transportation.

COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER BOULTON, TO REFER THIS MATTER TO THE MANAGER AND ATTORNEY.

THE MOTION CARRIED UNANIMOUSLY.

The public hearing was adjourned at 9:55 P.M.



Joseph L. Nassif, Mayor



Brenda P. Cherry, Deputy Town Clerk