

MINUTES OF A PUBLIC HEARING OF THE MAYOR AND COUNCIL  
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,  
MONDAY, APRIL 16, 1984, 7:30 P.M.

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

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

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

Request to Rezone 91 Acres (on East Side of U.S. 15-501 Between Bennett Road and Wave Road) from Residential-1 to Residential-2 (7.46 Acres) and Community Commercial (16.4 Acres)

Mr. Mike Jennings, Planning Director, identified the location of the property, the surrounding properties, and the zone change requested from R-1 to R-2 (low-density) and Community Commercial.

Staff felt that there was no manifest error in the current zoning designation. The staff did, however, feel that the changed conditions (approving developments of Southbridge, Bennett's Ridge, Woodlake, and Dogwood Place, for a total of 695 dwelling units) to the west of this property warranted consideration of the zoning change request. Since the Land Use Plan indicated an activity center and high-density residential development for this area.

The request for a community commercial zone was felt to be appropriate in light of current development and the need for a shopping center in this area.

Mr. John McAdams, representing the applicant (Obey's Creek), stated that changing conditions related to the proposed southern loop of the Thoroughfare would also be sufficient to approve the request.

R-2 zoning would allow greater flexibility in site design, as the terrain was steep, and would also allow a greater degree of clustering of multi-family units and allow more buffers.

Mr. McAdams stated that there was a need for an activity center in this area due to the distance from other commercially zoned areas and uses, and the amount of anticipated intense residential development and concentration of people in the area.

Mr. Roscoe Reeve, Chair of the Planning Board, stated that even though the Board felt that development for this entire area had been encouraged and was felt to be appropriate according to the Land Use Plan, the Board unanimously felt that the zoning request should be denied until the Board completed its review of the Land Use Plan. Mr. Reeve stated that the Board had not anticipated this rate of development in this area and felt that a zone change before full consideration might "swing this area in a direction that we perhaps would not...want to go" and set a development momentum. A review of the Land Use Plan should be completed before submitting a recommendation for this request.

Mr. Taylor, Town Manager, recommended that the request be approved.

Mr. Tom Walston, a citizen, requested that the Council consider the effect of this request on the overall development of this area.

Mr. E. S. Huang, Associate Professor at the University of North Carolina School of Medicine and one of the applicants, stated that an activity center was needed in this area, and would be consistent with a similar approved develop-

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ment (Timberlyne).

Mr. Reeve responded to Councilmember Boulton that review of the Land Use Plan was high priority for the Board and could possibly be completed by the end of June.

Mr. Taylor responded to Councilmember Boulton that the Chapel Hill entryways extended through the Chapel Hill planning jurisdiction. The Entranceways Task Force would define specific locations of the entryways.

Mr. McAdams informed Councilmember Broadfoot that the Obey's Creek partnership were the land owners. He stated that the distance from Cole Park Plaza to Watts Hotel was 1 1/2 miles. Councilmember Broadfoot felt that this distance between activity centers was not excessive and was actually closer than distances between other activity centers in Chapel Hill.

Mr. Jennings stated that University Mall, Eastgate, Town Center, and Timberlyne were all "community serving areas," and this definition was different from that of Neighborhood Commercial and Community Commercial zoning classifications. A "community serving area" in this location would be appropriate in relation to the location of other "community serving" activity centers in Chapel Hill.

Mr. Taylor explained to Councilmember Preston that the owner would be required to extend OWASA's sewer system at his own expense; therefore, the owner desired an R-2 zone (allowing 7 units per acre) as opposed to an R-1 zone (allowing 3 units per acre).

Councilmember Smith felt that the proposed outer loop of the Thoroughfare was not sufficient basis to approve a rezoning request and should be deleted from the consideration of this project, as it might not be completed for many years.

Mayor Nassif did not concur; he felt that the proposed loop was a valid factor in planning for commercial development. He stated that the Land Use Plan should be reviewed before more rezoning requests for parcels were considered. He did not feel that approved developments in the area were appropriate reasons for rezoning. A request for higher density, however, "to float the sewer line" was a more appropriate reason for the request.

COUNCILMEMBER PRESTON MOVED, SECONDED BY COUNCILMEMBER SMITH, TO REFER THIS MATTER TO THE MANAGER AND ATTORNEY. THE MOTION CARRIED UNANIMOUSLY.

Special Use Request for a Planned Development-Housing for Hillsborough Street Townhouses (7 Units)

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

Mr. Taylor entered the following documents into the record:

- Agenda #2, memorandum dated 4/16/84, "Hillsborough Street Townhouses Request for Planned Development-Housing Special Use Permit.
- Applicant's Project Fact Sheet.
- Applicant's Statement of Justification.
- Applicant's Traffic Impact Report.

Mr. Mike Jennings, Planning Director, stated that the property was located on the east side of Hillsborough Street between North Street and Bolin Creek Road and the request was for construction of 7 dwelling units on 1.49 acres of gross land area zoned R-2.

Access was located to minimize traffic conflicts. Curb and gutter of the drive and parking area was recommended to reduce the rate of run-off and minimize erosion.

Mr. Jerry Barrett, representing the applicant, stated that the proposed development was less dense than allowed for this area. He stated that curb and gutter was not felt to be necessary, as it would disturb the small site and

existing vegetation.

Mr. Roscoe Reeve, Chair of the Planning Board, stated that the Board unanimously recommended approval of the request. The Board supported staff's recommendation for curb and gutter.

No one represented the Community Appearance Commission.

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

Mr. Jennings responded to Councilmember Preston that the Council could stipulate that trees on the site be saved. He estimated that approximately 20 percent of the development was impervious coverage.

Mr. Jerry Barrett responded to Councilmember Broadfoot that he was the owner of The Little Creek Company, applicant and owner of the property.

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

#### Minimum Land Area for Planned Developments

Mr. Jennings, Planning Director, stated that this public hearing was to consider requiring a 5-acre minimum land area for all Planned Developments and to eliminate the provisions of Section 8.8.3 of the Development Ordinance.

Section 8.8.3 provided that if the Council felt that a proposed development did not meet requirements, the request could be denied; therefore, staff recommended that Section 8.8.3 be retained.

Staff felt that a 5-acre minimum was unduly restrictive for high density development, but was appropriate for R-1 and R-2 zones.

Mr. Roscoe Reeve, Chair of the Planning Board, stated that the Board unanimously supported staff recommendation to retain Section 8.8.3 to provide flexibility in site design.

Mr. Taylor stated that the Manager's recommendation was to approve proposed ordinance "a."

Mr. Watts Hill, Jr., speaking for the Chamber of Commerce, endorsed the recommendation of the Planning Board. He felt Section 8.8.3 should be retained, as a development "should stand or fall on its own merits."

Mayor Nassif stated that R-1 and R-2 should not be excluded from high density development, as it was not equitable. He would oppose this proposal on this basis.

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER KAWALEC, TO REFER THE MATTER TO THE MANAGER AND THE ATTORNEY. THE MOTION CARRIED UNANIMOUSLY.

#### Consideration of Starting Periods for Special Use Permits and Site Plan Reviews

Mr. Jennings, Planning Director, stated that the reasons for implementing a starting time was (1) to discourage speculation, (2) to discourage premature development, (3) to provide better growth management, and (4) to re-evaluate a proposal if the deadline was not met.

Staff was concerned about the possibility of no time extension for a development that was near onset, but was delayed by circumstances beyond his/her control. Allowing time extensions would provide a way to discourage speculators without undue supervision by staff.

Mr. Roscoe Reeve, Chair of the Planning Board, stated that the Board supported staff recommendation.

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Mr. Taylor stated that the Manager's recommendation was for adoption of ordinance "a" which would void a Special Use Permit and Site Plan review if construction was not begun within the 18-month stipulated time frame. An extension could be granted.

Mr. Watts Hill, Jr., speaking for the Chamber of Commerce, endorsed the Manager's recommendation. He felt that "good faith efforts," however, should be more clearly defined (i.e., were factors outside the developer's control considered "good faith effort"?).

Councilmember Broadfoot felt that there should be a more specific time for the onset of construction. He also concurred with Mr. Hill's remarks.

Councilmember Kawalec stated that she did not feel that developers were frivolous or speculative in requesting a Special Use Permit and that this limit was not necessary.

Councilmember Howes felt that tightening the ordinance was necessary as it would require developers to be certain of the probability of their proposal. Mr. Hill felt that developers had to know whether their proposal would be approved before carrying out further developmental steps. Councilmember Howes felt that there should be criteria for extension.

Councilmember Smith concurred with Mr. Hill re clarification of terms.

Mayor Nassif stated that this matter was to promote the orderly development of the Town. He did not concur with Mr. Hill's remarks re the needs of developers. He felt that the Town also needed to know information so that growth could be monitored and other proposals could be reviewed. He did not concur with an extension time, and also felt that 18 months to begin construction was too short. He preferred a longer time with no extension.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER PASQUINI, TO REFER THE MATTER TO THE MANAGER AND ATTORNEY. THE MOTION CARRIED UNANIMOUSLY.

Proposal that Planned Developments Be Approved by a Zoning Atlas Amendment Instead of a Special Use Permit or in Addition to a Special Use Permit

Mr. Jennings, Planning Director, explained that there were 3 processes for Planned Development approvals: (1) special use, (2) re-zoning--overlay, and (3) special use district (which combined the first two).

Mr. Jennings stated that the staff recommended that no action be taken, but that the Manager be directed to study and prepare enabling legislation to go to the General Assembly, so that Chapel Hill could improve their system.

Mr. Roscoe Reeve, Chair of the Planning Board, stated that the Board concurred with staff recommendation that the proposal be studied.

Mr. Taylor stated that the Manager's recommendation was to allow further study and possibly draft enabling legislation.

Mr. Watts Hill, Jr., speaking for the Chamber of Commerce, concurred with the Manager's recommendation.

Councilmember Broadfoot felt that more control of Planned Use Developments was needed.

Mr. Taylor stated that this proposal allowed study and the possible request for more authority and control than the Town now had.

Councilmember Smith expressed concern that the Planning Board lacked time to complete its work, delaying developers as well as the Council's consideration of certain projects.

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER PASQUINI, TO REFER THE ITEM TO THE MANAGER AND ATTORNEY. THE MOTION CARRIED UNANIMOUSLY.

The public hearing was adjourned at 9:28 P.M.