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MINUTES OF A PUBLIC HEARING OF THE MAYOR AND COUNCIL  
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,  
MONDAY, MAY 21, 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

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

Misty Woods--Request for a Planned Development-Housing Special Use Permit

Persons wishing to speak on this Special Use request were sworn by Deputy Town Clerk, Brenda Cherry.

Mr. Taylor entered the following documents into the record:

- Memorandum dated May 21, 1984, "Misty Woods--Request for a Planned Development-Housing Special Use"
- Applicant's Project Fact Sheet
- Applicant's Statement of Justification
- Applicant's Traffic Impact Report

Mr. Mike Jennings, Planning Director, stated that the request was to allow construction of 336 multi-family dwelling units on 18.1 acres of gross land area zoned R-5, located at the southeast corner of the intersection of Airport Road (N.C. 86) and Piney Mountain Road. The applicant proposed 3-story buildings to minimize land coverage of this high density development.

The staff approved the location of the access points: one access point on Piney Mountain Road and one on Airport Road, each having adequate site distances and adequate distance from nearby intersections. Both Piney Mountain Road and Airport Road would be widened with curb and gutter. An 8 foot wide sidewalk/bike path along Airport Road and a 5 foot wide sidewalk along Piney Mountain Road along the property's frontage was recommended. It was not felt that the projected traffic impact from this proposed development would overburden either road, and would add only 3 percent to the current traffic on Estes Drive.

The staff proposed that the applicant provide two parking spaces per two-bedroom unit, as similar suburban developments had shown this need.

Mr. Dan Jessee, President of Barnett-Range Corporation, Southeastern Division, Atlanta, Georgia, introduced Mr. Don Kennedy, Site Engineer for the proposed development, and affiliated with Bass, Nixon & Kennedy, Inc., Consulting Engineers, Raleigh, NC.

Mr. Kennedy identified the location of the site and its access points, adding that the internal circulation would not require service vehicles to back up. Water and sewer services were available for the site. Airport Road and Piney Mountain Road would be widened. Non-motorized vehicle access would be provided along the gas line easement which ran through the proposed parking lot. Bus stops on both Piney Mountain Road and Airport Road would be provided.

Mr. John W. Horn, representing Kimley-Horn and Associates, Inc., a traffic consultant firm, stated that the proposed development would not generate a major amount of traffic. Proposed left-turn lanes would eliminate any possible problems.

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Mr. Tom Heffner, a real estate appraiser in Chapel Hill, stated that it was his opinion that the project was sensitive to adjacent property values and would not adversely affect adjoining property values.

Mr. Martin Winfree, a real estate appraiser from Raleigh, stated that an airport hazard zone existed to the south of this property. Traffic impact was anticipated to be minimal with only a slight impact possible on the Coaker Hills West subdivision (adjacent to the east of the proposed development) and the Forest Creek Subdivision (to the north side of Piney Mountain Road). He felt that the proposed development was the best use of this land according to its zoning designation and surrounding property developments and that the project could be laid out to minimize any impact on adjacent properties. He submitted that he would anticipate land values along Airport Road to increase.

Mr. Tom Higgins, representing Barnett-Range Corporation, stated that a 50-foot tree buffer would be provided around the entire property. Concerns of adjacent property owners had been addressed through an agreement to provide adequate buffer between the single-family homes proposed on the eastern portion of the property (which the Council would consider in June) and adjoining properties. The proposed development was "well under the LUI requirements."

Mr. Roscoe Reeve, Chair of the Planning Board, stated that the Board unanimously recommended approval of the request, feeling that the proposed development provided good traffic distribution at intersections provided adequate buffers, complied with the intent of the Development Ordinance, and would add quality to the neighborhood.

Through memoranda, the Community Appearance Commission and the Parks and Recreation Commission submitted unanimous recommendations for approval of the request.

The Manager's preliminary recommendation was to approve the proposed resolution with stipulations.

Mr. Joe Capowski, a resident of 408 Coolidge Street, referenced approved and proposed developments within the Chapel Hill planning jurisdiction during the past 14 months, which he submitted would increase Chapel Hill's population by 33 percent if all proposals were developed. He stated that the Town's "infrastructure does not...support this growth." Mr. Capowski petitioned the Council to deny this and future requests based on one of the four Findings of Fact that the "general welfare of Chapel Hill must be considered" when approving or denying Special Use Permits, asserting that "the cumulative affect" must be considered.

Ms. Adele Thomas, a Chapel Hill citizen, stated that the cumulative affect of approved and forthcoming developments were "planned disaster" for Chapel Hill as water was not adequate to serve current and future Chapel Hill residents. She petitioned the Council to deny this request, stating that the Council had an obligation to its current residents.

Mr. Harold Schor, a Brookwood resident, expressed concern for the cumulative affect of approved and proposed developments in Chapel Hill, stating that "in the year 2000, the population of Chapel Hill will be double what it is today."

Mr. Bill Olsen, a Chapel Hill realtor, felt that the Town's Building Code should be amended to require that all doorways be modified to accommodate handicapped persons. He also expressed concern that the road through the proposed development might encourage cut-through traffic.

Mr. Jessee responded to Councilmember Boulton that the proposed development was to the north of the flight paths from the Horace Williams Airport and should not present a problem. Councilmembers Thorpe and Boulton expressed concern that aircraft noise might pose a problem. Mayor Nassif stated that the Council could propose a stipulation to address this concern.

Councilmember Boulton expressed concern that recreational structures were listed as a stipulation to the developer and not as a recommendation from the Commission.

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Councilmember Pasquini expressed approval for the proposed buffers on Airport Road and Piney Mountain Road. Mr. Horn responded to Councilmember Pasquini that established criteria must be met before the State would consider the installation of a traffic signal.

Mr. Jennings stated that the staff was aware of road capacity and traffic projections of formerly approved developments when traffic analyses were submitted, even though this information was not provided in an applicant's Traffic Impact Report. Mr. Taylor stated that this information could be provided to the Council.

Councilmember Broadfoot supported the stipulation that the applicant provide more parking spaces for the proposed two-bedroom units than was required by the Development Ordinance. Mr. Jennings stated that parking needs were evaluated on a case-by-case basis.

Councilmember Howes concurred with Councilmember Pasquini that traffic signals were needed now. He also felt that stipulations for recreational structures were appropriate. He commended the developers on their compromise with adjoining property owners re buffers, but felt the Council needed more site design information. He felt there was a market for rental units in Chapel Hill and expressed his hope that this development would remain rental.

Mr. Jennings responded to Councilmember Preston that this development consisted of 42 percent impervious coverage. Councilmember Preston stated that this was more than the 30 percent impervious coverage recommended by the NRCD guidelines for unsewered areas.

Mr. Kennedy responded to Councilmember Preston that no more than 10 percent of the land beyond the buildings would be disturbed. Mr. Jessee responded that the local management would be responsible for maintenance of the retention basin.

Mr. Jennings responded to Councilmember Preston that her concern re mid-block crossing on Piney Mountain Road would be taken into consideration by the staff.

Mr. Heffner responded to Councilmember Preston that a recent study seemed to indicate that more units were proposed in Chapel Hill than projected population figures (3%-4% annual growth in Chapel Hill) would support. He felt that some proposals had been speculative. He suggested that an alternative was for development to slow down to the rate of population growth. Mr. Heffner stated that he felt Chapel Hill needed more single-family detached housing; the study indicated that according to income levels there was also a need for apartments.

Councilmember Smith concurred with the need for a traffic signal at the intersection of Piney Mountain Road and Airport Road but questioned if it would interfere with traffic turns into the Municipal Operations Facility on Airport Road. He felt that a request for a signal should be made now, so that it might be approved by the time one was needed.

Councilmember Smith felt there was not adequate privacy around these apartments. Mr. Taylor responded to Councilmember Smith that the Public Works Director and Planning Director felt the number and placement of dumpsters was adequate for the proposed development. Mr. Kennedy stated that the trees that were to be saved would be flagged.

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER THORPE, TO REFER THIS REQUEST TO THE MANAGER AND ATTORNEY.

Mayor Nassif felt a policy should be considered to maintain consistency re road improvements required of developers. He requested that this be given consideration on the next Council's agenda.

Mayor Nassif also requested that the staff provide a list of the number of Certificates of Occupancy issued in any given Fiscal Year. He felt that the numbers were usually 250-350 units per year, maximum, rather than several thousand units that citizens were thinking might occur.

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Re this proposal, Mayor Nassif expressed concern that the units in the developer's model were not depicted to scale (3 stories high). He also felt the recreational area should be more centralized. He opposed buildings at the retaining wall near the drainage basin, feeling that the recreation site would be more appropriately located in this area.

Mayor Nassif stated that he also wished to know where water from this property would go in relation to an adjacent project. He also wanted to see a grading plan that indicated what land would remain undisturbed. He felt that a different distribution of parking was needed, so that occupants could view more than just parking lots, as the proposed development would have no back entrances; if this were not possible with the current number of units, he felt the number of units should be reduced.

Mayor Nassif also expressed concern that many of the units faced north, limiting the amount of sunlight and reducing energy conservation. He felt future consideration should be given in the ordinance that gave guidelines to developers for addressing this need. He concurred with Councilmember Smith re the need for arranging units to obtain maximum privacy. He suggested that landscaping (berm) between buildings could help address this need.

Councilmember Smith stated that he hoped that bus shelters would be added to the bus stops later.

Councilmember Howes stated that many serious questions had been raised by the Council that needed a response from the developer. Mr. Heffner responded to Councilmember Howes that the proposed parking area and open space over the gas line was not expected to pose problems.

Councilmember Kawalec asked for a procedure whereby the Council could review the site plan again, after concerns had been addressed. She felt that there might be a need to continue this public hearing.

Mr. Taylor concurred and felt that the proposal should go back to the Planning Board and an alternate design submitted to the Council. Mr. Kennedy felt the concerns could be addressed without substantially redesigning the site plan. Mayor Nassif stated that the motion was to refer; if the new site plan was not substantially different, another public hearing would not be necessary. Mr. Taylor stated that the staff could be ready to present alternate plans for the Council's review on June 25, 1984.

THE MAKERS OF THE MOTION AGREED THAT THE MOTION WOULD BE CHANGED TO READ THAT THIS REQUEST BE REFERRED TO THE MANAGER AND ATTORNEY, TO BE BROUGHT BACK TO THE COUNCIL ON JUNE 25, 1984.

Councilmember Pasquini requested that the developers also submit a cross-section view of the proposed development that would show the elevation of the units compared to its surroundings, viewed from Piney Mountain Road and Airport Road.

Councilmember Broadfoot stated that if this project were denied, it could not be brought back to the Council for twelve more months.

THE MOTION TO REFER CARRIED UNANIMOUSLY (9 to 0).

Greenfields--Request for a Planned Development-Mixed Use Special Use Permit

Mr. Taylor entered the following documents into the record:

- Memorandum, Agenda #2, May 21, 1984, "Greenfields--Request for a Planned Development-Mixed Use Special Use Permit (File 27-B-7)"
- Applicant's Project Fact Sheet
- Applicant's Statement of Justification
- Applicant's Traffic Impact Report

Mr. Mike Jennings, Planning Director, stated that the request was to construct a mixed-use development of 379 dwelling units (228 apartments, 38 patio homes, 69 townhouses, and 22 duplex buildings), and 37,400 sq.ft. of office/commercial space on 44 acres of gross land area zoned R-2 (19.2 acres) and R-4 (24.8 acres), located at the end of Sage Road and extending northward to Erwin Road (Chapel Hill Tax Map 27, Block B, part of Lot 7).

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Mr. Jennings stated that the applicant proposed to extend Sage Road to Erwin Road (as a 5-lane urban cross-section), an important link in the Town's Thoroughfare Plan. This extension would provide some relief to traffic on Erwin Road between Weaver Dairy Road and US 15-501. The applicant proposed to widen Erwin Road to 3 lanes with curb and gutter, but objected to the stipulation to provide tapers on Erwin Road off of the site. The Planning Board also requested that consideration be given to provide access from Sage Road to properties to the west. The proposal included a transfer of approximately 25,000 sq.ft. of floor area from the R-4 area to the R-2 area.

In anticipation of Councilmember Preston's question, Mr. Jennings stated that the NCRD recommendation for impervious coverage (30 percent) did not include major roads in a development; therefore, the impervious coverage of this proposed development would be approximately 46 percent.

The applicant proposed to provide a stub-out for future access to property to the east.

The applicant felt that the proposed patio homes were similar in nature to single-family detached homes and, therefore, requested that the bulk container requirement be waived. The applicant felt that screened garbage cans would be less disruptive in noise and appearance than bulk containers and would be more convenient for the residents.

Mr. Stewart Aiken, Architect with Sheetz, Aiken, and Aiken, Inc., described the proposed development: zoned R-2 and R-4; was predominantly open pastureland with 3 separate clusters of small cedars and pines (there would be no grading or building in the treed areas); additional landscaping would be added to the site; proposed apartment rental units, patio homes for sale, townhouses for sale, duplex lots for sale, and an office and restaurant mixed-use area; each proposed development would provide a logical stepping-stone type density-tie and natural buffer between adjacent developments. A four-phase development plan was proposed.

Mr. Aiken stated that he felt the proposed development was a good response to voids in the Chapel Hill market, offering different sizes and types of rental and sale dwelling units.

Ample recreation areas were proposed around the apartment site, in addition to a club house and pool near the entrance. The apartments were placed with the contours on the site in order to minimize cut and fill.

Mr. Aiken stated that the concept of the proposed patio homes was a compromise between single-family homes and condominiums, in that it provided home ownership as well as adequate private outdoor space. The homes were designed to be at an angle to the road in order to alternate entrances and provide a variety effect when viewed from the road. A cedar buffer was proposed between Sage Road and the patio homes. Mr. Aiken stated that he would prefer individual garbage collection rather than a centralized collection area for the patio homes. For the other areas, a compactor was proposed that would take the place of 10-12 dumpsters. The compactor area would be maintained by the management, not the Town.

The townhouses in the northwest corner would be 2-bedroom, 2-story, 6-unit townhouses, with back yards. A natural stand of trees in the draw would provide privacy and buffer for townhouses that were placed back-to-back on the site. A circular road would provide access.

The proposed duplex lots would be sold individually for construction of duplexes.

The proposed office building would be located "into" the site in order to provide an appropriate distance from potential development to the east. The terrain and existing power lines on the site of the commercial development was not felt to be suitable for residential development.

The Sage Road intersections (one at Erwin Road, and one at the stub-out to the property line to the east) were designed to address traffic needs for future access to properties to the east.

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Mr. Roscoe Reeve, Chair of the Planning Board, stated that the Board recommended approval of the request with a majority vote, feeling that even though the project was large, it was appropriate for the zone and had advantages because of its location for access to Chapel Hill and to the Research Triangle Park. This provided a good contribution for housing in Chapel Hill and provided good arrangement, design, and use of terrain for this site.

Through memoranda, both the Community Appearance Commission and the Parks and Recreation Commission unanimously recommended approval of the request.

Mr. Taylor stated that the Manager's preliminary recommendation was to approve the resolution with stipulations.

Ms. Adele Thomas, a citizen, expressed concern for the need for adequate water for Chapel Hill's current citizens, opposing further development until this concern was adequately addressed.

Mr. Joe Capowski, a citizen, stated that this project alone represented an increase in development in the Chapel Hill planning district of 2.4 percent. He referenced approved developments during the past 14 months in Chapel Hill, the impact on the general welfare of Chapel Hill's citizens, and the affect on Chapel Hill's current infrastructure. Mr. Capowski felt that the Finding of Fact "that the general welfare of Chapel Hill must be considered" should be used by the Council to deny requests.

Ms. Doris Kaneklides, of 120 Brookwood Drive, stated that she had been affiliated with Chapel Hill since 1964 as a student and since 1973 as a permanent resident. She supported the Town's request to the Corps of Engineers to study flooding problems in Chapel Hill but desired to know how the information from the study would be used.

She expressed concern for the rate of development in Chapel Hill, stating that citizens were angry and confused and needed to be better informed.

She requested that run-off from this development be channeled so that low-land flooding would not be intensified. She expressed concern for (1) traffic on Dobbins Road, (2) the dangerous curve on Erwin Road near its intersection with Weaver Dairy Road, and (3) the impact of increased development on the inadequate water supply for Chapel Hill's current population.

Mr. Bill Burch, an owner of the property to the east, requested that the proposed stub-out to the east be moved 37 feet to the north in order to prevent "land-locking" the property. Mr. Burch, a life-time resident of Chapel Hill, commended Councils and Planning Boards "from 1950 to now" for helping to make Chapel Hill "the greatest place on the east coast to live." He stated that he would "hate to live in Chapel Hill if everybody had decided [to stop all development] in 1940," submitting that Chapel Hill should "look to the future and keep it growing."

Mr. Ernest Burch, part owner of the property to the east, supported the comments of Mr. Bill Burch. He supported the proposed development, feeling that this was excellent use of the terrain.

Mr. Bill Olsen, a Chapel Hill citizen, supported the phasing approach to the proposed development and individual garbage pick-up for the proposed patio homes. He expressed concern for the distance between proposed buildings and adjacent property lines.

(Councilmember Boulton was excused from the meeting.)

Councilmember Smith encouraged the Council to consider purchasing property to complete the road segment from Sage Road Extension to the proposed realignment of Weaver Dairy Road to Erwin Road.

COUNCILMEMBER PASQUINI MOVED, SECONDED BY COUNCILMEMBER SMITH, THAT THE PUBLIC HEARING BE RECESSED TO WEDNESDAY, MAY 29, 1984, AT 7:30 P.M. IN THE MEETING ROOM OF THE MUNICIPAL BUILDING.

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THE MOTION WAS DEFEATED 2 TO 6 WITH COUNCILMEMBERS SMITH AND PASQUINI SUPPORTING, AND COUNCILMEMBERS THORPE, BROADFOOT, KAWALEC, HOWES, PRESTON, AND MAYOR NASSIF OPPOSING.

Mr. John Sauer, architect, responded to Councilmember Preston that the three phases were anticipated to occur over a period of 3-4 years. Apartments would be the first phase. Rent for the 1- and 2-bedroom apartments was anticipated to be \$300-\$450.00. The patio homes would range from \$50,000 to \$80,000. Mr. Sauer stated that tapering of Erwin Road beyond the property lines was opposed by the applicant and it was hoped that DOT could be involved in this.

Mr. Sauer responded to Councilmember Howes that uses for the commercial space had not been decided at this point. He felt that the proposed duplex lots would probably be developed as duplexes. Councilmember Howes expressed his support for the mixed uses proposed for this site and for the proposed extension of Sage Road. He responded to citizen's comments made during this public hearing stating that he felt the Council was aware of the community's needs and concerns for development in Chapel Hill.

Councilmember Kawalec commended the applicant on a site plan which she felt was sensitive to the land. She felt more consideration should be given to provide access to properties to the west as this would aid the flow of traffic in this area. She questioned the setback of buildings on the west side and was assured that the setbacks met requirements of the Development Ordinance. Mr. Aides stated that the Community Appearance Commission had recommended intensified landscaping in this area. Councilmember Kawalec felt that greater setbacks should be required because of the potential development of adjacent properties.

Mr. Jennings responded to Councilmember Kawalec that the Development Ordinance allowed transfer of density in some instances, but the Council could choose to deny the project. Staff felt that the proposed density transfer was reasonable in that it would be used in the townhouse section.

Councilmember Kawalec stated that she felt that as a Councilmember she was responsible to future residents as well as current residents of Chapel Hill. She also felt that it was important to try to make Chapel Hill affordable for all citizens desiring to live here. She stated that it was rewarding to see that no one had specifically opposed these two developments, submitting that those who had spoken, spoke in opposition to development in general. She expressed the hope that dialogue between the Council and citizens would continue.

Councilmember Broadfoot stated that he would support a moratorium on development until Chapel Hill had an increased dam capacity, stating that he felt more obligation to current residents.

Councilmember Pasquini stated that he would like to see additional buffers along Erwin Road and Sage Road. Expressing concern for the proposed density of this development, Councilmember Pasquini requested that land disturbance be kept to a minimum, even if it meant reducing the density. Mr. Aiken stated that the proposed development had more than 5 acres of open space than that which was required in the Development Ordinance.

Councilmember Thorpe stated that he would like for stipulation 26 to state a completion date for the first phase. Re stipulation 17, he stated that he favored individual garbage collection for the patio homes, but felt that the garbage should be placed outside the enclosed patio areas for protection of the sanitation workers.

Mayor Nassif expressed his approval for the proposed development. He did not feel it was too dense, and expressed approval of both the patio homes and the commercial use of the section near the power lines.

Mr. Aiken stated that it was felt that the transfer of density allowed optimal use of the terrain.

Councilmember Smith suggested that a berm or some type of buffer be added along Sage Road to absorb noise.

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COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER PRESTON, TO REFER THE REQUEST TO THE MANAGER AND THE TOWN ATTORNEY. THE MOTION CARRIED UNANIMOUSLY (8 to 0).

At 11:43 P.M., the public hearing was recessed to Wednesday, May 23, 1984, 7:30 P.M., Municipal Building.

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Joseph L. Nassif, Mayor

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Robin G. Rankin, Deputy Town Clerk