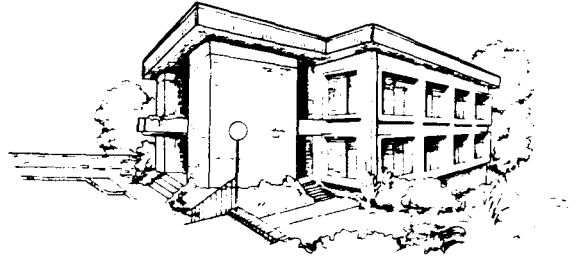


TOWN OF CHAPEL HILL

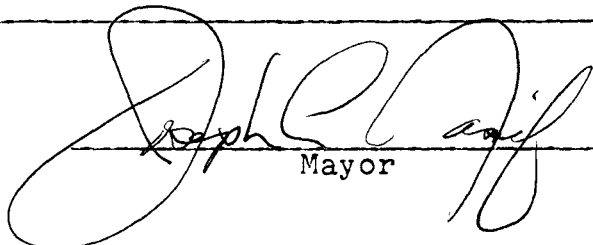
306 NORTH COLUMBIA ST.
CHAPEL HILL, N.C., 27514
(919) 929-1111



NOTICE OF SPECIAL MEETING OF THE CHAPEL HILL TOWN COUNCIL

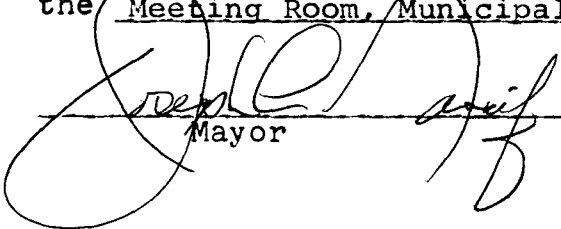
TO: COUNCIL MEMBERS: MARILYN MYERS BOULTON
JONATHAN HOWES
BEVERLY KAWALEC
DAVID PASQUINI
NANCY PRESTON
R. D. SMITH
BILL THORPE


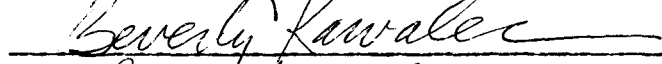



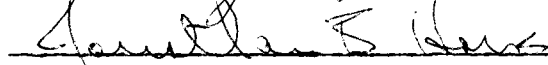
You, and each of you, are hereby notified that the Town Council has called a Special Meeting, to be held in the Meeting Room, at 10:05 P.M. on February 18, 1985, to call an Executive Session to discuss a personnel matter.


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, on Feb. 18, 1985 at 10:05 pm.


Mayor

MINUTES OF A PUBLIC HEARING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING
FEBRUARY 18, 1985, 7:30 P.M.

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

Jonathan Howes
Beverly Kawalec
David Pasquini
Nancy Preston
R. D. Smith
Bill Thorpe

Council Member Marilyn Myers Boulton was absent, excused. Also present were Town Manager David R. Taylor, Assistant Town Managers Sonna Loewenthal and Ron Secrist, and Town Attorney Grainger Barrett.

Rezoning Undeveloped Land, Zoned R-4 or R-5 to R-3

Roger Waldon, Planning Director, stated that at the December 17, 1984 work session, Council requested this issue be included in this Public Hearing. Mr. Waldon said that the proposal was for a comprehensive rezoning now of 53 properties based on the concern over the cumulative impacts of development already under construction and/or approval.

Lightning Brown, representing the Planning Board, stated that the Board at this time unanimously supported the staff recommendation to deny blanket rezonings of higher density land. Mr. Brown said the Board felt it was inappropriate at this time because the proposed change was based on insufficient information regarding individual properties and their relationship to vacant lots. He stated the Board felt that once the staff compiled this information then Council should review these properties for possible rezoning.

Manager Taylor recommended denial of the rezoning proposal.

Mr. Art Werner, speaking for the Chapel Hill Alliance of Neighborhoods, spoke in favor of the proposal. He said the Town's objective was to provide a mixture of residential types in Chapel Hill subcommunities, and to promote development at a predetermined and orderly pace such that development should not overextend the Town's ability to provide required services or infrastructure. Mr. Werner felt the current zoning map and pace and type of development Chapel Hill was experiencing were not achieving these objectives. He suggested that Council downzone those parcels of land currently zoned for high density residential use to R-2 to enable the Town to regain some control over the type and pace of development, and then decide on a case by case basis with the burden of proof on the developer, that a higher density would be warranted.

Mr. Leonard Berlow, speaking as a citizen, said there were errors in the areas designated for this zoning change. He stated that only .7 acre of his property was in Chapel Hill and that that property had been left zoned R-4 by recent Council action on October 22, 1984. Mayor Nassif asked that Mr. Berlow's comments from the October 22, 1984 meeting be entered into this record. (For a copy of text on October 22, 1984, and protest petition, see Clerk's file).

Ms. Mary Skinner, an attorney representing two property owners, spoke against the proposed rezoning. (For a copy of protest petition, see Clerk's file).

Mr. Leonard VanNess, representing the Board of the Chamber of Commerce, recommended that Council leave the zoning map as is with respect to R-4 and R-5 uses, examine the market potential for lower price higher density residential development, and review the possibility of adding additional Office-Institutional and Commercial uses to accomodate the Town's growth. (For complete text, see Clerk's file).

Mr. Robert W. Burch, speaking as a citizen, said he was against downzoning since the majority of the developed property in the surrounding areas were Office-Institutional, and because he felt it would hurt the community. Mr. Burch said he thought each property should be planned separately with regard to rezoning. (See Clerk's file for protest petition).

Mr. Ronnie Parks, speaking as a citizen, spoke against downzoning and asked why landowners in his area had not received individual notice of this hearing. Manager Taylor stated that the staff had sent letters to property owners listed on the Orange County Tax Records for the areas in question.

Mr. Henry Whitfield, speaking as a citizen, addressed the issue of growth in Chapel Hill and the cost of living. He asked that an article on living in Chapel Hill be included in the record (See Clerk's file).

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER HOWES TO REFER TO THE MANAGER.

Council Member Pasquini asked the Manager to prepare a memorandum on the procedure for how property could be developed at a higher zoning density.

Council Member Preston asked about the Public Facilities Ordinance that the Growth Task Force had recommended and its time schedule. Manager Taylor said the timetable was that which was set at the January 4, 1985 work session and that at the first or second meeting in March the staff planned to present Council with items discussed at the work session on growth management.

Council Member Smith asked the Manager to prepare a memorandum on low and moderate income housing; what constitutes low and moderate income housing, and the average cost/price of this type of housing. Manager Taylor said the staff would prepare the memorandum.

Council Member Howes asked which of the protest petitions were valid. Manager Taylor replied that the four petitions included in the Council's packet were thought to be valid but that the staff would do title searches on the properties to be sure. Council Member Howes asked how many votes were required to overrule the protest petitions. Attorney Barrett replied that a 3/4 vote of Council in favor of the proposal was needed to overrule the protest petitions.

Council Member Pasquini asked Manager Taylor to check on the letters of notice sent to property owners.

THE MOTION PASSED UNANIMOUSLY, (7-0).

Dwelling Unit Per Acre Limitations and LUI Ratios

Roger Waldon, Planning Director, made a brief presentation on density caps and listed four possible alternative actions: 1) lower dwelling unit per acre limitations; 2) lower floor area ratios; 3) eliminating dwelling per acre limitations; and 4) eliminating floor area ratios.

Lightning Brown, representing the Planning Board, said that the Board was not happy with density caps and felt Floor Area Ratio standards were the better means of regulating building intensity. The Planning Board believed the Floor Area Ratio system encourages greater variety of housing types and allows greater exactness in specifications of standards of livability, open space and recreation in housing requirements.

Manager Taylor said the staff continued to believe that the combination of LUI ratios and density caps are the best system and recommended no change be made.

Mr. Robert W. Burch, speaking as a citizen, encouraged Council to leave the density caps as they are.

Mr. Leonard VanNess, representing the Board of Directors of the Chamber of Commerce, said that the Chamber was concerned that adoption of this proposal would cause small units to be squeezed between the density caps and the land cost per unit resulting in larger, more expensive housing. Mr. VanNess said the Chamber endorsed the Manager's recommendation. (For complete text, see Clerk's file).

Mr. Robert Joesting, speaking as a citizen, spoke in favor of maintaining current density caps and LUI ratios. He stated that lowering density caps would squeeze out those individuals who look for smaller units.

Mr. Henry Whitfield spoke to the issue of gross land area credits.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PASQUINI, TO REFER TO THE MANAGER.

Council Member Smith asked the Manager to prepare a memorandum on the average rent on one bedroom, 934 and 1234 square foot apartments and two bedroom apartments with the same square footage. Council Member Smith also stated he thought the costs listed in the Chamber of Commerce's memorandum for housing were not correct.

Council Member Pasquini asked the Manager also provide information on the minimum size that has been approved for a unit and its market cost.

THE MOTION CARRIED UNANIMOUSLY, (7-0).

Bufferyard and Screening Requirements

Roger Waldon, Planning Director, made a brief presentation saying that buffers were made of three components: width, density of vegetation, and structures allowed and not allowed within the border. He said the proposal would upgrade buffers by increasing standards of buffers, expand applicability to situations where buffers are not now required, and provide more prescriptive standards as well as flexibility for developers in providing buffers. Mr. Waldon also said the staff still had questions on the proposed fencing requirements and type of berms, feeling that they might not be adequate.

Mr. Lightning Brown, representing the Planning Board, said the Board strongly supported the proposed ordinance changes to increase buffer requirements.

Mr. Donald Shaw, representing the Community Appearance Commission, said the Commission unanimously supported the proposal with the same exceptions. He said the Commission felt the ordinance would bring about a blend of community beauty, preservation of privacy and was not unduly burdensome to property owners; would clarify for applicants the kinds of proposals to make regarding vegetation; and was a good strategy as a means of separating and defining properties.

Manager Taylor recommended adoption of the ordinance and resolution enacting increased buffer requirements.

Mr. Leonard VanNess, representing the Board of Directors of Chamber of Commerce, said the Board supported the Manager's recommendation. He also asked for clarification on the maturity of the trees to be planted in the buffers (For complete text, see Clerk's file).

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Mayor Nassif asked the Manager to check the screening of the power plant on Mason Farm Road to see if it adhered to the established requirements.

Mr. Art Werner, speaking as a citizen, stated he liked the proposal but would like it amended to better reflect reality. He said there needed to be something to protect existing vegetation when a developer begins a project. He cited Booker Creek Village and Kirkwood as two examples where vegetation was not protected. Mr. Werner stated he'd like the Council to specify that any buffer be required to retain the existing vegetation and trees unless Council specifically waives this point, and that Council approve the final plans of a development, not just the concept.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER KAWALEC, TO REFER TO THE MANAGER.

Council Member Pasquini asked the Manager to prepare a memorandum on how the ordinance would have affected existing developments, specifically Misty Woods and Kensington Trace.

Council Member Preston asked the Manger to prepare a memorandum on the required height of trees and shrubs in the buffers.

Council Member Smith asked the Manager to check the Special Use Permits for Kirkwood and Booker Creek Village, referred by Mr. Werner, to see if the developers had adhered to the requirements of the Special Use Permit.

THE MOTION CARRIED UNANIMOUSLY, (7-0).

Minimum Setbacks

Roger Waldon, Planning Director, made a short presentation in which he discussed the setbacks. He said a setback is the distance between an above-ground structure and the boundary of the lot on which it is located. Setback regulations are supplemented by bufferyard and screening requirements, which are intended to reduce visual and other impacts of adjacent development and to help provide privacy. Setbacks do not apply to parking lots, loading areas, swimming pools, or other ground-level or below-ground structures. Such structures are, however, prohibited within bufferyards.

Mr. Lightning Brown, representing the Planning Board, stated that assuming the adoption of the increased standards of bufferyards and screens, the Planning Board supports the staff recommendations that setbacks not be changed at this time.

Manager Taylor recommended that no action be taken to amend existing minimum setbacks except for Planned Development, where he recommended 50 feet from the street right-of-way and 25 feet from the interior lot lines.

Mr. Leonard VanNess, representing the Chamber of Commerce, spoke in support of the Manager's recommendation.

Mr. Robert W. Burch, speaking as a citizen, said he would like the setbacks to remain as they are.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO REFER TO THE MANAGER.

Council Member Smith questioned whether or not the 25 feet requirement for setbacks from interior lines would create conflict with regard to the buffers, and asked the Manager to investigate.

Council Member Preston asked the Manager to prepare a memorandum on the current setback requirements for multi-family housing on the major thoroughfares.

Mayor Nassif was concerned that some of these proposals might tend to make environmental design uniform rather than unique. He suggested that Council could reserve the right to look at the designs and decide on its merits rather than to state that the setbacks had to be 50 feet or 25 feet.

THE MOTION CARRIED UNANIMOUSLY, (7-0).

Bulletin Boards/Kiosks in the Town Center

Roger Waldon, Planning Director, said this item was the result of a request from the Downtown Chapel Hill Association and that the proposal did not constitute a Town commitment to providing information kiosks or where they would be placed, rather it would allow kiosks to be constructed.

Lightning Brown, representing the Planning Board, spoke in support of the ordinance amendment.

Donald Shaw, representing Community Appearance Commission, spoke in favor of the ordinance amendment.

Manager Taylor recommended adoption of the ordinance.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO REFER TO THE MANAGER. THE MOTION PASSED UNANIMOUSLY, (7-0).

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADJOURN TO EXECUTIVE SESSION TO DISCUSS A PERSONNEL MATTER. THE MOTION PASSED UNANIMOUSLY, (7-0).

A MOTION WAS DULY MADE AND SECONDED TO ADJOURN THE MEETING. THE MOTION PASSED UNANIMOUSLY, (7-0).

The meeting adjourned at 11:30 p.m.

Mayor Joseph L. Nassif

Nancy J. Wells, Information Services

