

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

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

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

Council Members Marilyn Myers Boulton and David Pasquini were absent, excused. Also present were Town Manager David R. Taylor, Assistant Town Managers Sonna Loewenthal and Ron Secrist, and Acting Town Attorney Michael Patrick.

Windy Hill - Application for a Planned Development - Housing Special Use Permit (PD-27-B-13)

Citizens wishing to speak to Council about this proposal were sworn in by the Town Clerk.

Town Manager Taylor requested that the following documents be entered into the record of this meeting: (Please refer to Clerk's files)

- Agenda #1, March 18, 1985, "Windy Hill" - Application for Planned Development-Housing Special Use Permit
- Applicant's Project Fact Sheet
- Applicant's Statement of Justification
- Applicant's Traffic Impact Report
- Traffic Impact Analysis by the Staff

Roger Waldon, Planning Director, gave a summary of the project. He said the proposal was for 91 units of which 90 were patio homes and one was the existing single residential home. The site is located on the east side of Erwin Road opposite its intersection with Weaver Dairy Road. Mr. Waldon stated that, at the initial public hearing, concern had been raised about the lack of livability space in the interior of the site. He said the applicant had addressed this problem by recently redesigning the eastern section and proposes to eliminate nine units, thus increasing the amount of open space. Mr. Waldon mentioned that the traffic impact had also been a concern. The applicant had estimated that the proposed development would generate 910 vehicular trips per day, with 91 trips during the peak hours. Mr. Waldon stated that the staff had done a traffic impact analysis in this area, the Weaver Dairy Road corridor, and concurred that the development would generate 91 trips during the peak hours. He said the staff's analysis did show that the intersection of 15-501 and Erwin Road would be oversaturated with the addition of Windy Hill and Cambridge Place developments. Mr. Waldon also said concern had been expressed over the steep curve along Erwin Road prior to its intersection with Weaver Dairy Road, and that the developers had plans to lessen its effect by widening the inside of the curve.

Mayor Nassif asked if the traffic analysis had taken into account the effect of Interstate 40. Mr. Waldon replied no. Mayor Nassif then asked if any projects outside of the Chapel Hill planning jurisdiction were planned for this area and if the effect of these projects was considered. Mr. Waldon replied that the Sedgewood development had been approved but its effect was not taken into account.

Mr. Robert Anderson, speaking for the applicant, introduced two I.D. portfolios, a personal resume and a company resume into the record. (For review, see Clerk's file). He stated that the owner,

Mr. Jay Ghidorzi, wanted to provide the community with a needed resource -- a quality project that was livable and enjoyable to live in. Mr. Anderson described the project as a new product or a new community concept which shouldn't be forced into old molds. He made reference to a staff memo which stated that the proposed development seemed to lack the sense of openness generally found among Chapel Hill's conventional subdivisions of single-family units. Mr. Anderson said that the developer was not trying to develop a conventional subdivision. At this point, Mr. Anderson introduced a memorandum from Stephen Sizemore, Development Coordinator to the Planning Board, dated October 30, 1984, which implied that this proposal could be allowed under the flexibility of the planned development requirements. (For complete text, see Clerk's file). Mr. Anderson said the developer had shown his good faith by reducing the number of units to 82 and by agreeing to two more reductions in order to increase the interior livability space. However, Mr. Anderson asked Council for the flexibility of deciding from where the additional two units would be taken.

Mr. Anderson said that he did not completely agree with the traffic impact analysis prepared by the staff. He said the levels of service and saturation were sometimes affected by conflicting movements which would tend to lengthen the time it takes to move traffic through an intersection. Mr. Anderson concluded by requesting Council approve this development.

Ms. Alice Ingram, speaking for the Planning Board, concurred with the Manager's recommendation with the exception that stipulation 2, the left turn lane, was not needed. She said the Board would prefer the outside of the curve on Erwin Road be widened instead of the inside of the curve.

Manager Taylor recommended that Council adopt resolution C, approving the project with the stipulations included.

Ms. LeAnn Neace, a local attorney representing the owner, Jay Ghidorzi, stated that the owner had worked with staff to try to work out the problems with the open space. She also said that though she had some disagreement with the numbers in the traffic report, the conclusions were basically the same between the developer's traffic report and the staff's, and that is that this project (Windy Hill) would do little to worsen the level of traffic. In other words, it would create some traffic but it would not create a problem that is hazardous to the health, safety and welfare of the community which is the criterion for denial. She said, in fact, it might be a benefit to the Town with the changes in the curve along Erwin Road.

Mr. Art Werner, speaking as a citizen, introduced into the record a letter dated December 8, 1984 (addressed to the Mayor and Council), regarding the traffic impact of the proposed Windy Hill development. (For review, see Clerk's file). He expressed concern over the traffic impact and the general location of the proposed development.

Council Member Smith asked if the traffic count figures were based on current information, and how the staff had determined in which direction the residents of Windy Hill would exit the development. Mr. Danny Pleasant, Town Transportation Planner, replied that the numbers used were from an on-site survey in February of 1984. He also stated that the trip generation was a subjective measure, but one based on knowledge of land uses and their propensity to attract trips. This knowledge is used to develop a "best guess" of the likelihood of trips going in one direction versus another. Mr. Pleasant said the more knowledge there is of the community and its growth patterns the better the "guess." He also said a computer-based gravity model was used to aid in this estimate.

Council Member Smith asked what was the margin of error for these estimates. Mr. Pleasant replied that he didn't have a percentage but that the Thoroughfare Plan and gravity model, which were used to estimate the numbers, had a 20% margin of error.

Council Member Smith asked what percentage of the traffic from this development would use the Sage Road extension. Mr. Anderson replied he wasn't sure what the exact percentage would be, but that he expected the numbers from the Windy Hill development to be small. He said he expected the majority of the traffic to use the extension would come off of Weaver Dairy Road. Council Member Smith then asked for an estimate on the number of cars expected to exit from the development during peak hours. Mr. Anderson said he estimated 50 cars would exit the development during peak morning hours.

Council Member Smith questioned the Manager on the statement in the November 19, 1984 memorandum which implied the site design was monotonous and could create undesirable effects. Manager Taylor replied that the singular long drive with the houses clustered together gave a monotonous effect. He also said that with the driveways connecting with the street, it could create a potentially hazardous situation with regard to cars backing into the street.

Council Member Smith concluded by saying he was concerned that the proposed development was situated too close to Erwin Road, especially since there might not be an adequate natural buffer between the proposed development and Erwin Road. Mr. Anderson replied that the plan was to keep the natural buffer along Erwin Road, but that it would be enhanced by gardens or privacy fences. He also said that with the new setback requirements, the development would be pushed back further away from the road.

Council Member Preston expressed concern about the traffic impact, garbage pick-up and livability space. She asked about the possibility of moving some of the trees and shrubbery instead of destroying them when the construction process began. Council Member Preston questioned how the development would change with the new setback requirements. Mr. Anderson said that the new setback requirements would create little movement throughout the development.

Council Member Preston concluded by asking when Sage Road extension would be completed. Manager Taylor replied that he wasn't sure, but that he hoped it would be within the year.

Council Member Howes said he saw traffic as a problem and that this pointed out the need for Council to be able to extract from developers funds for off-site improvements, like the Sage Road extension. He also said he did not feel the location was suitable for a development of patio homes because the residents would not be able to walk to anything.

Council Member Thorpe agreed with Council Member Howes' comments regarding off-site improvements. He also said that there should be flexibility with regard to where the developer would eliminate the other units to reduce the total number of units to 80. Council Member Thorpe asked the Manager about stipulation 14, the approval by NC Department of Transportation of the plans for Erwin Road improvements. He asked what would happen if NC Department of Transportation was not prompt in their approval. Manager Taylor replied that in the past year, NC Department of Transportation had been very good with working with the staff and granting their approval with little delay. He said that the staff did not view this a major problem.

Mayor Nassif commented that these patio homes appeared to be designed to be level, probably slab on grade, while the contours of the site show a slope. He said in order to have the one-level patio effect, the developer will have to either cut or fill to make the area level, indicating that the design was not necessarily the best for the site. Mayor Nassif also questioned the construction traffic and where this traffic should exit onto Erwin Road. He felt the interior road should be built all the way through the project at the beginning and not allow the construction traffic to exit across from Old Oxford Road. He said

he also felt there would be problems with traffic and was extremely concerned with the potential traffic hazard in connecting the development with Erwin Road. Mayor Nassif also objected to the centralized recreation space because it didn't appear to have a positive relationship with the other parts of the project. He went on to stress that the maximum limits of development stated under the Design Manual were not always the best for a site, and in his opinion, this proposed development was not compatible with the site.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO REFER TO THE MANAGER. THE MOTION PASSED UNANIMOUSLY, (6-0).

Cambridge Place (formerly Woodlyn Tower) - Application for Planned Development-Housing Special Use Permit (PD-24-28)

Citizens wishing to speak to Council about this proposal were sworn in by the Town Clerk.

Town Manager Taylor requested that the following documents be entered into the record of this meeting: (Please refer to Clerk's file)

- Agenda #2, March 18, 1985, "Cambridge Place" (formerly Woodlyn Tower), Application for Planned Development - Housing Special Use Permit (PD-24-28)
- Applicant's Project Fact Sheet
- Applicant's Statement of Justification
- Applicant's Traffic Impact Report
- Staff's Traffic Impact Analysis

Roger Waldon, Planning Director, stated that the proposed development site was located between Westminster Drive and Kingston Drive and contained 10.3 acres of gross land area. He stated the proposed development of 171 units was intended for occupancy by older adults. He said one of the concerns was the number of parking spaces. The applicant wanted to reduce these spaces to 131 from 257, the normal 1.5 spaces per unit. He said the staff agreed that a reduction in spaces could be warranted due to the nature of the residents intended to live in the project.

Mr. Robert J. Page, representing the applicant, stated that the applicant had no objection to the Manager's recommendation or stipulations. He said that the area had been developed for this type of commercial development (Cambridge Place) and that the applicant's proposal would fit in.

Mr. Edward Hess, representing the applicant, discussed the project and its applicability as a retirement home. Mr. Hess introduced a report on Cambridge Place. (For review, see Clerk's file). He said the proposal would not only benefit the elderly citizens of Chapel Hill, but would also provide employment, primarily part-time food service related, to 50 individuals.

Mr. Robin Bosco, speaking as the architect for development and for the applicant, gave a summary of some of the changes in the design for Cambridge Place since its original conception, primary of which was the reduction in the number of floors and units and the increasing of buffer areas.

Mr. Bruce Ballentine, speaking as the civil engineer for the development and for the applicant, gave an overview of the site engineering considerations as they pertained to the project.

Mr. Harrill Cloninger, speaking as a real estate appraiser and for the applicant, stated that he anticipated no change in the values of real estate in the area with the approval of this project.

Mr. Bill Horn, speaking for the applicant on traffic impact, stated that the proposed development would not generate a lot of traffic. He introduced a memorandum regarding the revised traffic impact for this development in which his estimates for peak hour trips corresponded with the Town's estimate of 68 trips (For details see Clerk's file).

Ms. Alice Ingram, representing the Planning Board, said that the Board's recommendation was included in the Agenda Memorandum #2 and that stipulation #2 additional parking spaces, was included in case the Council was not satisfied with the .7 parking spaces per unit as planned by the developer.

Manager Taylor recommended that Council approve the application subject to the stipulations contained in resolution C in Agenda Memorandum #2.

Mr. Robert Ward, speaking as a citizen and for some of the residents of Timberlyne, stated that they were not against housing for the elderly in their area nor against growth and development which occurred in an attractive and well-managed manner. However, he said they were concerned over the height (four-story building), size and mass of the planned development for this 10.3 acre site. He also said that the residents were deeply concerned, in light of the results of recent other developments in that area (Kensington Trace and Timberlyne Shopping Village), that the developers be held accountable for providing exactly the kinds of buffers, setbacks, landscaping, etc. that are required and which they have shown in their site plans and models.

Mr. Hoyt B. Doak, III, speaking as a resident of Timberlyne, also expressed concern over the potential problem of inadequate buffers between the proposed development and his residential area.

Mr. Richard Johnson, speaking as a resident of Timberlyne, urged the Council to work to ensure that the quality of the development was the best there could be.

Council Member Preston questioned the inclusion of an outside swimming pool in this development, since the anticipated average age of the residents was 75 years old, and she asked about the plans for traffic access to all sides of the buildings. Mr. Hess replied that having a swimming pool was not unusual for a development of this type and was considered to be an asset. Mr. Ballentine said that there were plans for a fire lane for access in the non-parking areas.

Council Member Preston also questioned the possibility of posting a bond to ensure the tree preservation. Acting Town Attorney Michael Patrick replied that bonds were generally posted for other public improvements but that it could be done. However, Mr. Patrick said the Council could impose more stringent requirements as part of their approval (voiding of the special use permit), and this would probably be more effective in protecting the trees.

Council Member Smith commented that the buffers would contain deciduous trees, as well as evergreens, and, therefore, at some point during the year, the proposed development would be visible from outlying areas. He went on to say that barricades should be placed around those trees to remain in buffer area during the construction period.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER HOWES, TO REFER TO THE MANAGER. THE MOTION PASSED UNANIMOUSLY, (6-0).

A MOTION WAS DULY MADE AND SECONDED TO ADJOURN. THE MOTION PASSED UNANIMOUSLY, (6-0).

The meeting adjourned at 10:30 p.m.

Mayor Joseph L. Nassif

Nancy J. Wells, Information Services