

MINUTES OF A PUBLIC HEARING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,
MONDAY, APRIL 15, 1985, 7:30 P.M.

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

- David Godschalk
- 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 Acting Town Attorney Michael Patrick.

Public Hearing on Zoning Regulations on Shelters and Residential Support Facilities

Assistant Town Manager Sonna Loewenthal made a brief presentation on the definition of shelters for homeless individuals, and defined temporary housing of families of chronically ill children receiving treatment at local hospitals as a residential support facility.

Roger Waldon, Planning Director, reported that the issues researched were length of stay, parking requirements, floor area ratio, supervision and service, and whether the uses should be permitted by right or by special use. The staff recommended that these facilities be permitted as special use in all residential districts and as permitted uses in TC-1, TC-2, CC, OI-3, OI-2 and OI-1 zoning districts.

Ms. Alice Ingram, representing the Planning Board, said the Board's recommendation was similar to the Manager's, but they would like a change in the wording of the residential support facility which would allow more autonomy to the units. The Planning Board also proposed a change in section 18.107 to read "... for temporary occupancy by family members of chronically ill patients being treated at a local hospital with occupancy not to exceed forty families."

Manager Taylor recommended that Council adopt ordinance B that would provide for shelters and residential support facilities as permitted uses in certain zones and special use in most residential zones. He further said that the staff recommended the definition of "Rooming House" and "Tourist Home" be amended to stress the distinction between these uses and "shelter."

Mr. Carl Gebuhr, President of the Inter-Faith Council, commended the Council and staff on their work and expressed support for the ordinance.

Mr. Bob Joesting, speaking as a citizen, spoke in favor of the ordinance.

Ms. Ginny Polk, representing the Ronald McDonald House, spoke in support of the ordinance.

Ms. Adele Thomas, speaking as a citizen, spoke against using family members of chronically ill patients as the criterion for staying in a Ronald McDonald House. She said the patients were not always chronically ill and another term should be used.

Council Member Howes asked how the staff felt about Ms. Thomas' request to delete the term "chronically ill." Roger Waldon, Planning Director, replied that the definition of a residential support facility would work without the term "chronically ill," but the purpose for its inclusion was to try to limit the intention of the facility.

Tom Boot, Chairman of the Department of Pediatrics at North Carolina Memorial Hospital, spoke against using the term "chronically ill" because he felt it might become too restrictive.

Council Member Smith asked what was the Ronald McDonald House's criterion for allowing family members to stay at the facility. Dr. Boot stated that historically, Ronald McDonald houses were originally established for families of leukemia victims but now there were no restrictions based on the kind of illnesses the children have.

Council Member Preston asked what type of individuals were using the temporary IFC shelter. Jacqueline Gist, coordinator of the IFC shelter project, said a variety of people were utilizing the shelter. They ranged from recently deinstitutionalized persons to new residents who could not afford housing, to some awaiting medical treatment. Council Member Preston asked what percentage of shelter residents were alcoholics and deinstitutionalized. Ms. Gist replied that 50-60% were in this category while approximately 40% were economically distressed.

Council Member Preston expressed concern about allowing the shelter in residential areas.

Council Member Thorpe asked if sanitary grades and regulations would apply to the residential support facility. Ms. Polk responded that any Ronald McDonald House had to meet all of the requirements of a public building.

Council Member Pasquini also expressed concern about having the shelters in residential areas. He then asked what recourse the Council had to deny a Special Use Permit if the IFC wanted to establish a shelter in a residential area. Michael Parick replied that Council could determine, for example, that property values are diminished after weighing the evidence presented at the public hearing against a particular special use finding.

Council Member Pasquini asked the staff to explain in a memorandum the reasoning behind allowing shelters in residential areas with a Special Use Permit and show the impact of such a shelter on a residential area.

Council Member Godschalk asked if the staff had considered alternative procedures for approving these facilities (i.e., permitted uses vs. special use).

Roger Waldon replied that the Planning Board had considered and felt that if allowed in any residential area, shelters should be allowed in all with Special Use Permits.

Mayor Nassif said that a Special Use Permit would probably not be granted for a shelter in a residential area; therefore, shelters ought not be allowed in residential areas.

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK, TO REFER TO THE MANAGER, HUMAN SERVICES ADVISORY BOARD, AND OTHER BOARDS. THE MOTION PASSED UNANIMOUSLY, (8-0).

Mill Race - Application for Planned Development - Housing
(PD-81-A-2)

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

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

- Agenda #2, April 15, 1985, "Mill Race" - Application for Planned Development - Housing Special Use Permit (PD-81-A-2)
- Applicant's Project Fact Sheet
- Applicant's Statement of Justification
- Applicant's Traffic Impact Report

Roger Waldon, Planning Director, made a presentation on the application. He stated that the site was located on the east side of Hillsborough Street, south of its intersection with Bolinwood Drive and contained 14 acres of which 11 were zoned R-3 and 3 were zoned R-4. Approximately 2 acres were located within Resource Conservation District. Mr. Waldon said the applicant proposed to construct 72 dwelling units within 4, 3-story dwellings overlooking Bolin Creek. Approximately 33% of the site's net land area was proposed to remain undisturbed, including those areas most sensitive to disturbance: floodplain, drainageways and the steepest slope. Traffic would flow into and out of the development off of Hillsborough Street.

John R. McAdams, representing the applicant, Mill Race Associates, said the developers planned to take advantage of the hardwood trees and the creek to complement the development. Mr. McAdams listed the slope of the site and traffic access as two difficult areas. He said the developer was planning to construct buildings with basements and crawl spaces to help the development fit the site. The plan was to cluster the units into 4 buildings and site them in the areas of the site which could best accommodate them. The traffic would flow into and out of the development by one-way streets.

Larry Meisner, representing the applicant and speaking for Kimley Horn Associates, spoke about the proposed traffic impact. He said there were two desirable areas for access, the first would be 200' south of Bolinwood Drive and the other was 200-250' north of the southern property line. The southern entrance would be one-way inbound and northern access one-way outbound.

Alice Ingram, representing the Planning Board, recommended adoption of Resolution A.

Donald Shaw, representing the Appearance Commission, recommended adoption of Resolution A.

Manager Taylor recommended adoption of Resolution A.

Council Member Thorpe asked if the staff was recommending that the streets be wide enough to accommodate Town garbage pickup. Manager Taylor replied yes and that pads be provided for dumpster pickup even though development indicated they wanted private refuse collection.

Council Member Pasquini asked about the percentage of cut and fill. Mr. McAdams said he wasn't sure what the percentage would be but that it would be balanced. He went on to say that approximately 60% of the site would be cleared.

Council Member Pasquini asked what was the planned height of the buildings. Mr. Jon Condoret, architect for the development, replied that they would be three stories or approximately 40'.

Council Member Godschalk asked if Bolinwood Drive was a public street and if so, if the property owner refused to grant an easement for a street connection, could not the Town condemn property for a connection with the new development. He wasn't sure having two connections only 150' apart onto Hillsborough Street was wise.

Assistant Town Manager Sonna Loewenthal said that it had not been the policy of the Town, in the past, to condemn property for roads for the specific or sole benefit of a single property or development. She said the site distance figures showed the proposed development connection with Hillsborough Street to have a better site distance than the Bolinwood Drive connection.

Council Members Pasquini and Howes expressed concern about the closeness of some of the development to adjoining property. Mr. McAdams replied that the development would have to meet all of the buffer and screening requirements.

Council Member Preston asked that information on the storm water management, including the specific location of the retention basins, be included in a memorandum to the Council.

Council Member Smith asked if the developer used a retaining wall in the area near the swimming pool would it result in erosion of the adjoining property. Mr. McAdams replied that there would be no erosion.

Mayor Nassif said this parcel of land was part of a larger subdivided area and in a sensitive area (i.e., flood plain); therefore, it probably should not be developed as a high density use. He said he would like the staff to review possible changes which would reduce the number of buildings and reduce the amount of cut and fill.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO REFER TO THE MANAGER AND DEVELOPER FOR FURTHER CONSIDERATION WITH THE TIME FOR THIS ITEM TO BE BROUGHT BACK TO COUNCIL TO BE LEFT TO THE DISCRETION OF THE MANAGER. THE MOTION PASSED UNANIMOUSLY, (8-0).

Council Member Smith left the meeting at 9:35 p.m.

Franklin Hills - Application for Modification of Unified Housing Development Special Use Permit (UHD-76-A-1)

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

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

- Agenda #3, April 15, 1985, "Franklin Hills" - Application for Modification of Unified Housing Development Special Use Permit (UHD-76-A-1)
- Applicant's Project Fact Sheet
- Applicant's Statement of Justification
- Applicant's Traffic Impact Report

Roger Waldon, Planning Director, made a presentation in which he stated the applicant proposed to reduce the area covered by the Franklin Hills Special Use Permit to only 4.9 acres within Phase I, to extend the completion time limit to allow construction of the 5 remaining townhouse units approved within that phase and to delete phases II through IV from the project. In order to meet the original Floor Area Ratios, some additional land would have to be added to Phase I. The staff recommended the addition of land across Elizabeth Street from Phase I.

Alice Ingram, representing the Planning Board, recommended adoption of Resolution A.

Donald Shaw, representing the Community Appearance Commission, spoke in support of the Manager's recommendation.

Manager Taylor recommended adoption of Resolution B.

Mr. Robert Dorff, speaking for the applicant, spoke in support of Resolution A. He also said he didn't see a need for a change in the Floor Area Ratio. Mr. Dorff said the addition of the culvert area across from Phase I didn't add to the development. He concluded by saying that he had been making a good faith effort for the last two years to get this development finished and hoped that the Council would approve Resolution A.

Mr. J. H. Koon, speaking as a citizen, spoke in support of Phase I completion and the elimination of Phases II - IV.

Council Member Kawalec asked in what areas the development did not meet the present Development Ordinance regulations. Roger Waldon stated that the recreation space needs and Floor Area Ratio did not meet current requirements. Council Member Kawalec asked what would be needed to make it conform to the Development Ordinance. Michael Patrick stated that there was a special

provision to allow the development to proceed under the regulations that were in effect when the project started as long as it didn't add to the nonconformity.

Council Member Pasquini suggested that if the residents didn't want recreation space set aside, then possibly there should be a payment in lieu of recreation space. He asked the staff to please address this issue in the memorandum when the item is under consideration.

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO REFER TO THE MANAGER. THE MOTION PASSED UNANIMOUSLY, (8-0).

A MOTION WAS DULY MADE AND SECONDED TO ADJOURN. THE MOTION PASSED UNANIMOUSLY, (8-0).

The meeting adjourned at 10:20 p.m.

Mayor Joseph L. Nassif

Nancy J. Wells, Information Services

