

MINUTES OF A PUBLIC HEARING HELD BY THE MAYOR AND COUNCIL  
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,  
TUESDAY, JANUARY 21, 1986, 7:30 P.M.

Mayor Pro Tem Bill Thorpe called the meeting to order. Council Members present were:

Julie Andresen  
David Godschalk  
Jonathan Howes  
David Pasquini  
Nancy Preston  
R. D. Smith  
Arthur Werner

Mayor Wallace and Town Manager David R. Taylor were absent, excused, attending a meeting of the Orange County Commissioners to discuss the Council's request for extension of the extraterritorial jurisdiction.

Also present were Acting Town Manager Sonna Loewenthal, Assistant Town Manager Ron Secrist, and Town Attorney Ralph Karpinos.

Public Hearing on Proposal for Development Ordinance Text Amendment on Nonconforming Sign Abatement Program

Roger Waldon, Planning Director, gave a presentation on the proposal to establish regulations for removing nonconforming signs within the Town's planning jurisdiction. He said the proposal was for the staff to conduct an inventory of all the signs in Chapel Hill to identify those signs which were nonconforming, and once this was done, to give notice to the owners of these signs that the signs do not conform. Mr. Waldon stated that the proposal calls for any nonconforming signs which were deemed hazardous or temporary to be removed within 90 days of notice, while all other nonconforming signs would be required to be removed within 3 years of the notice. He concluded by saying that the staff recommended that the proposal include language to require all signs for abandoned businesses to be removed within 4 months of the cessation of the business.

Council Member Werner asked who would be responsible for the removal of the signs from abandoned businesses and if there were any hazardous signs in Chapel Hill. Mr. Waldon replied that the staff felt the owners of the property should be responsible for the removal and that he was not aware of any hazardous signs but that the staff wanted to be prepared for the contingency.

Mayor Pro Tem Thorpe asked why the staff had selected three years as the amortization period for nonconforming signs. Mr. Waldon replied that the staff had reviewed ordinances which included abatement programs for nonconforming signs that allowed amortization of a sign's value over several years and had found that the three year period had been the normal period for amortization and that this three year period had been upheld in a court of law.

Acting Town Manager Sonna Loewenthal asked that Agenda memorandum #1, dated January 21, 1986, Development Ordinance Text Amendments - Nonconforming Sign Abatement Program, be entered into the record. She also stated that the Manager's preliminary recommendation was for the Council to adopt an ordinance amending the Development Ordinance to establish an abatement program for nonconforming signs.

Council Member Pasquini asked if a sign survey had been done and how many hours were involved. Mr. Waldon replied that the staff had done a preliminary survey and staff would report on an estimate of personnel hours involved when the survey was completed.

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Council Member Godschalk asked what notification procedures were followed regarding this public hearing since there did not appear to be any citizens present to discuss the issue. Acting Manager Loewenthal replied that the normal notification procedures had been followed. She commented that the Chamber of Commerce had been notified and that Mr. Van Ness had contacted her earlier with no complaints about the proposed ordinance.

Council Member Smith asked when was the last time the Council had changed the sign ordinance making signs nonconforming. Mr. Waldon replied that the Council had amended the Development Ordinance in 1981. Council Member Smith said that he was concerned about the frequency of changing the Development Ordinance with regard to nonconforming signs and the cost to the Town and to the citizens of Chapel Hill.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO REFER TO THE MANAGER AND ATTORNEY. THE MOTION PASSED UNANIMOUSLY, (8-0).

NCNB - Modification of Special Use Permit (SUP-M-47-A-12E)

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

Acting Manager Loewenthal requested that the following documents be entered into the record of this meeting:

---Agenda #2, January 21, 1986, "NCNB" - Application for Modification of Special Use Permit (SUP-M-47-A-12E)

---Applicant's Project Fact Sheet

---Applicant's Statement of Justification

Roger Waldon, Planning Director, gave a presentation on the application for modification of the Special Use Permit. He said the site was located on Willow Drive and that the present building contained 1855 square feet. The application for modification was to allow an addition of 850 square feet to the building. Mr. Waldon said the staff was recommending that the driveway be changed to a ramp type as part of the modification. This would allow for better flow of stormwater runoff along the street. He said the Resource Conservation District (RCD) surrounded the site but that the building and proposed addition sat on a plateau and therefore were not affected by the RCD conditions. Mr. Waldon also said that the staff was recommending the proposal meet the current buffer requirements. He concluded saying that there were two errors in the memorandum: 1) on page 3, the Planning Board's recommendation should not be included as part of the Manager's Recommendation, and 2) stipulation #5 should be omitted from Resolution C.

Council Member Godschalk said adoption of the proposed resolution B would require the use of Type A buffers, he asked if alternative buffers could be used. Mr. Waldon replied that the developer could petition the Community Appearance Commission to grant an alternative buffer.

Council Member Andresen asked what could constitute an alternative buffer and how would the proposed buffer requirement compare to the current buffer. Mr. Waldon replied that in some cases a fence could be used instead of plantings, and that a Type A buffer would require more plantings along Willow Drive and between the adjoining sites.

Jon Condoret, representing the applicant, stated that he would like further information on the ramp type driveway, but that essentially the applicant had no problems with the stipulations. He said that he wanted the Police to study the buffer requirements for security reasons since the applicant was a bank and had a night depository.

Acting Manager Loewenthal said the Manager's preliminary recommendation was for the Council to adopt resolution B.

Council Member Pasquini asked for clarification of the request by the Planning Board to have any alternative buffer requests referred to them, and what would happen if the Community Appearance Commission approved an alternative buffer and the Planning Board denied the alternative buffer. Mr. Waldon replied that the Planning Board wished to review any plans for alternative buffers. Attorney Karpinos stated that his interpretation of section 6.12.8 of the Development Ordinance stated that the Community Appearance Commission should review alternative buffers and approve the plan, but that final approval for any modification of the Special Use Permit would be granted by the Council.

Council Member Andresen commented that it appeared to be a reasonable request to have any alternative buffers plans reviewed by the Planning Board.

Council Members Preston and Smith asked why stipulation #4 required that the Police review the buffer plan. Acting Manager Loewenthal replied that the Police Department would review the plans from a security aspect since the site was a bank with a 24-hour money machine and night depository.

Council Member Smith commented that this indicated that the Council should review the buffer requirements since these requirements need to be modified for particular businesses.

Council Member Werner asked if stipulation #4 should be the same for resolutions B and C. Acting Manager Loewenthal replied that they should be the same.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO REFER TO THE MANAGER AND ATTORNEY. THE MOTION PASSED UNANIMOUSLY, (8-0).

#### Public Hearing on Abandonment and Revocation of Special Use Permit

Roger Waldon, Planning Director, gave a presentation on the proposal for a Development Ordinance Text Amendment for abandonment and revocation of Special Use Permits (SUP). He said the Council in February of 1985 established a procedure for abandoning SUPs. The proposal would change the approval authority to shift it from the Town Manager to the Council and would require that all conditions of the SUP had been met prior to abandonment. He also said the proposal would provide for the Council to revoke a SUP under which construction had started where the permit holder requested revocation. The revocation would be a prerequisite to approval of an alternative development of the site, and such revocations would be allowed only in conjunction with approval of alternative development proposals that incorporated the sites' already disturbed land area in its proposed land disturbance area.

Pat Evans, speaking as a member of the Planning Board, said that she was concerned that requiring alternative development proposals to incorporate already disturbed land might lead to problems with site design.

Acting Manager Loewenthal asked that the agenda memorandum #3 be entered into the record and said the Manager's preliminary recommendation was for the Council to adopt an ordinance amending Subsections 8.6.4 and 8.6.6 of the Development Ordinance to allow for changes in the procedure for abandonment and revocation of Special Use Permits.

Council Member Howes spoke in support of the proposal saying that the proposal states that "adequate consideration" be given to use of the already disturbed land in the alternative developments' disturbed land.

Council Member Werner asked how this proposal would affect phased developments. Mr. Waldon replied that the staff did not feel that it would affect these developments. He said the phased development would probably ask for a modification of the SUP to reduce the amount of area involved rather than ask for revocation.

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Council Member Godschalk asked for further study into the wording of the proposal with regard to subsection 8.6.4 paragraph (b) and the use of the term "and" after this paragraph. He felt it seemed to indicate that paragraph (c) was only incurred if the requirements of paragraph (b) were met.

Council Member Preston asked for clarification of how a development or use authorized by the SUP or modification could no longer require a SUP.

Council Member Smith suggested limiting the degree to which the land could be disturbed prior to requesting revocation of a SUP. He said he was concerned that there would be large areas of disturbed land from one project that could not be used in the alternative development.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO REFER TO THE MANAGER AND ATTORNEY. THE MOTION PASSED UNANIMOUSLY, (8-0).

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER WERNER TO ADJOURN THE MEETING. THE MOTION PASSED UNANIMOUSLY, (8-0).

The meeting adjourned at 8:33 p.m.

