

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,
MONDAY, OCTOBER 27, 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
Arthur Werner

Mayor Wallace and Council Member Smith were absent, excused. Also present was Town Manager David R. Taylor, Assistant Town Managers Sonna Loewenthal and Ron Secrist, and Town Attorney Ralph Karpinos.

Certificates of Appointment

Mayor Pro-tem Thorpe introduced to the Council and presented certificates of appointment to four new appointees to the Council's advisory boards. Those present were Eleanor Scandlin, Parks and Recreation Commission, and Helen Urquhart, Board of Adjustment. Others receiving certificates of appointment but not present at the meeting were Phil Rees, Historic District Commission; and Vincent Kopp, Human Services Advisory Board.

Petitions

Philip P. Green, Jr., speaking as a citizen, petitioned the Council to review its coordination efforts with the University with regards to parking on Town streets during University functions. He commented that he had recently attended University Day festivities on Sunday, October 12 and had parked in the traffic lane of Franklin Street along with numerous other vehicles. While at the function his car was towed. He stated that there was no indication either by signs or curb markings to indicate that it was illegal to park in the traffic lane.

Judith Duvall, John Poulton, and David Morgan petitioned to speak to item #11b.

Manager Taylor petitioned to defer items # 7,8,9,9.1,14,&17 to the November 10 regular meeting.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER WERNER TO DELETE ITEMS #7,8,9,9.1,14,&17 FROM THE AGENDA. THE MOTION PASSED UNANIMOUSLY, (7-0).

Minutes

COUNCIL MEMBER WERNER MOVED SECONDED BY COUNCIL MEMBER ANDRESEN TO ADOPT THE MINUTES OF OCTOBER 6, 1986 AS CIRCULATED. THE MOTION PASSED UNANIMOUSLY, (7-0).

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER HOWES TO ADOPT THE MINUTES OF OCTOBER 13, 1986 AS CIRCULATED. THE MOTION PASSED UNANIMOUSLY, (7-0).

Bond Referendum

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT RESOLUTION 86-10-27/R-1. THE MOTION PASSED UNANIMOUSLY, (7-0).

Council Member Howes said this resolution spoke to the importance of the upcoming November 4th Bond Election and urged the citizens of Chapel Hill to vote in favor of the five bond issues.

The resolution, as adopted, reads as follows:

A RESOLUTION REGARDING THE 1986 GENERAL OBLIGATION BOND REFERENDA (86-10-27/R-1)

WHEREAS, the Town of Chapel Hill is blessed with a very special quality of life; and

WHEREAS, this quality of life includes both beautiful physical surroundings and a high level of municipal services; and

WHEREAS, the Town of Chapel Hill annually reviews its capital needs and makes plans to meet those needs; and

WHEREAS, this regular review includes special opportunities for citizen comments as well as consideration of suggestions and comments made by citizens during public hearings and meetings through the year; and

WHEREAS, the Council of the Town of Chapel Hill has determined five areas of capital needs which can best be met by issuing general obligation bonds, and has called for 5 bond referenda on November 4; and

WHEREAS, the Council has directed the Manager to take measures to inform all voters of Chapel Hill about the five bond referenda on the November 4 ballot; and

WHEREAS, a Citizens' Bond Task Force was established to wage a complementary campaign to inform the voters of the need for the bond issues; and

WHEREAS, both the League of Women Voters and the Chamber of Commerce have endorsed all five proposed bond issues and have urged Chapel Hill voters to vote in favor of each issue;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Chapel Hill urges every voter to learn about each of the five bond issues on the November 4 ballot; and

BE IT FURTHER RESOLVED that the Council urges the citizens of Chapel Hill to vote "yes" on each of the five bond issues:

Library	\$4.0 million
Street Improvement	\$2.5 million
Parks and Open Space	\$2.5 million
Public Meeting Room/Office Space	\$2.0 million
Fire Protection	\$.8 million

This the 27th day of October, 1986.

Mill Race

Roger Waldon, Planning Director, gave a presentation on the application for abandonment of the Special Use Permit (SUP) and approval of a preliminary plat for the proposed Mill Race development. He said currently there was a SUP on the site for 72 townhouse units which was due to expire on November 6, 1986. The applicant was proposing to abandon the SUP and subdivide the site as 40 single family lots. Mr. Waldon said the applicant had been granted two variances from the Resource Conservation District (RCD) regulations to allow construction of a private street across two segments of the RCD. He said the proposal met the minimum gross land area, minimum lot width, and minimum street frontage requirements applicable to a subdivision in the R-3 or R-4 zoning districts, however, there were concerns about the topography of the site. He commented that the applicant proposed the same access and circulation as had been previously approved for the SUP.

Council Member Werner said the Council needed to void the SUP prior to approving the subdivision plat. Manager Taylor replied yes, but that if the Council did not take any action prior to November 6th, the SUP would automatically become void.

Council Member Pasquini asked for clarification of the status of the SUP and what would happen to the proposal if the SUP were to expire? Attorney Karpinos responded that on November 6th, the previous approval of the SUP expires and this means the property would be left with no development approval other than the two variances for crossing of the RCD.

Council Member Andresen asked if it would be necessary for the subdivision to get any more variances with regard to the RCD? Mr. Waldon replied that it would depend on the form of the final plans for the subdivision. If the two crossings of the RCD in the final plans were designed in exactly the same manner as previously approved and for which variances have already been granted, then no other variances would be needed. However, the applicant could also design the crossings so that they do not

infringe upon the RCD by spanning the watercourse and therefore a variance would not be needed, or the applicant could design a conventional crossing which would require additional variances and therefore review by the Board of Adjustment.

Council Member Andresen commented that she thought the RCD as drawn on the preliminary plat differed from the RCD area shown on the original proposal. Mr. Waldon said he believed the area to be the same.

Council Member Godschalk asked if the staff had considered the possibility of clustering the subdivision lots in an effort to reduce the amount of land disturbance and to take advantage of less steep areas? Mr. Waldon said that the staff had not suggested this approach to the applicant. He said in reviewing this the staff had encouraged the applicant to avoid the smaller lots in the steepest areas of the site.

Council Member Werner expressed concern about the site plan with regard to storm water management. He said the subdivision plat was less desirable than the original plan for the multi-family development. He commented that the proposal would disturb 20% more land than the original proposal. Mr. Werner stated that the only comment on storm water management on the site, from which there would be a lot of runoff into Bolin Creek, which already had serious flooding problems downstream, was that outlet control structures were required to be designed. He said he did not feel this project was an improvement.

Council Member Preston agreed with Mr. Werner's concerns and also commented that the amount of impervious surface would also increase with the proposal. She said the area was zoned R-3 and intended for multi-family use in a clustered fashion in a deliberate attempt to reduce the amount of land disturbance.

Council Member Howes asked the developer to comment on the possibility of a cluster development. John McAdams, representing the applicant, replied that they had looked at the possibility of a cluster subdivision but had felt it would not work at this time and would prefer the proposal as presented to the Council.

Council Member Pasquini asked about the erosion control and how would these controls be maintained? Mr. Waldon replied that erosion control measures would be established during construction by the developer and that after construction, a storm water management plan had to be drawn up and approved for the site.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER WERNER TO REFER TO THE MANAGER TO FURTHER EXPLORE ALTERNATIVE SITE DESIGNS AND GIVE FURTHER CONSIDERATION TO CONCERNS FOR STORMWATER RUN-OFF AND PRESERVATION OF OTHER SITE CHARACTERISTICS.

Berry Credle, representing the Planning Board, said the Board recommended denial of the application citing their concern about stormwater runoff. He said the Board would prefer a less dense development. Personally, he said he would prefer to see the site as a natural park. He also expressed concern about fire safety with the proposed proximity of houses in the subdivision and access to those homes.

John McAdams, representing the applicant, commented that a delay in the project would not be a major problem for the developers but that the applicant had proposed a single-family housing project that incorporated many of the features acceptable in the multi-family proposal previously approved. He said all the lots were buildable and met the minimum standards. Mr. McAdams commented that erosion control measures would be instituted and maintained by the developer during construction. He said there were no permanent on-going storm water management controls proposed at this time primarily because it was not required and because in his engineering judgement stormwater management facilities at this location would be ill advised. He said if there were a containment structure at the site it would add the site's drainage to the peak flow of storm water runoff on Bolin Creek instead of preceding this peak flow. He stated that only 21% of the site would be impervious surface after development.

Council Member Werner commented that the staff report stated that stormwater management controls would be required. He asked that the staff look into this.

Council Member Howes said that it was a very special piece of property and would be a special place to live. He commented that it offered an excellent opportunity for innovative design to take into consideration the steep slopes and resource conservation district and open space.

THE MOTION TO REFER PASSED UNANIMOUSLY, (7-0).

Watershed Committee

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN TO ADOPT RESOLUTION 86-10-27/R-3.1. THE MOTION PASSED UNANIMOUSLY, (7-0).

Council Member Godschalk said the Mayor had proposed a committee to study issues relating to the University Lake watershed in response to a request from the Town of Carrboro to work with Carrboro, Orange County, and OWASA.

The resolution, as adopted, reads as follows:

RESOLUTION CREATING A COUNCIL COMMITTEE TO STUDY THE ISSUES RELATED TO THE UNIVERSITY LAKE WATERSHED (86-10-27/R-3.1)

BE IT RESOLVED by the Council of the Town of Chapel Hill that a special Council Committee on the University Lake Watershed is hereby appointed to study issues related to protection of the

watershed and public drinking water supply in University Lake and to meet with other public agencies and committees of public agencies to discuss matters of mutual concern related to the watershed.

BE IT FURTHER RESOLVED that the initial makeup of the committee shall be as follows: Council Member Godschalk, Chairman, and Council Members Howes and Andresen.

BE IT FURTHER RESOLVED that the committee shall make reports and recommendations to the full Council as it deems appropriate.

This the 27th day of October, 1986.

Zoning of Annexed Areas - Mixed Use Zoning

Council Member Werner asked the Manager to explain the options with regards to zoning newly annexed areas. Manager Taylor said the Council had the option of (1) creating a new zoning designation, mixed-use, and applying this new zone to some of the areas recently annexed in accord with the adopted land use plan; or (2) the Council could zone those areas something else; or (3) the Council could do nothing. He said he would recommend that the Council initially zone those properties recently annexed. This needed to be done prior to October 31st unless the Council wanted to have those areas "unzoned". If the areas were not zoned, then any type of development could occur.

Council Member Werner said if the Council did not zone the areas that evening to the zone the Council eventually wanted them to be what would be required? Manager Taylor said if the Council zoned the properties to a "holding zone" like R-1, then to consider changing the zoning for the property would fall under the regular procedures for a rezoning. This would require advertisement, notifying property owners, holding a public hearing, and then rezoning. The earliest a rezoning could get on a regular public hearing evening would be in January. Manager Taylor said, however, that the Council could have a special public hearing.

Council Member Howes asked if there were any way the Council could adopt an interim or temporary zone and say it was just that, with the explicit statement of purpose that the Council intended to complete action on the Mixed-use proposal at the next meeting? Attorney Karpinos responded that once the Council zones the property as part of the annexation process, any change in zoning would require the same process as any amendment to the Zoning Atlas; public hearings, recommendation from Planning Board, opportunities for protest petitions, etc.

Council Member Werner asked if this procedure would be needed if the Council did not zone the areas at all. Attorney Karpinos replied no, not until an initial zoning were made, however, in the interim there would be no zoning regulating the property. Council Member Werner asked if the Council left the property

unzoned, what could anybody do on the property? Manager Taylor replied that anything could be developed on the property.

Council Member Andresen commented that she like the possibility of zoning the areas with a "holding" zone (the proposed underlying zones) at this time and then hold a work session to discuss the conditions of the mixed-use concept. Once a consensus was found on mixed-use, then in January the Council could call the public hearing and zone the properties Mixed-use if they so chose then.

Manager Taylor said that there were two areas in question, those areas recently annexed and designated as mixed use in the Land Use Plan (NC 86 & Weaver Dairy and 15-501/Old Chapel Hill Road). If the Council wanted to zone those areas with holding zones, Weaver Dairy and NC 86 would be OI-1 and 15-501/Old Chapel Hill Road would be R-1, and wanted to look at the mixed use concept, he urged the Council to review all the areas designated as Mixed Use in the Land Use Plan as potential areas for rezoning.

Council Member Godschalk said that if the Council adopted holding zones and development takes place in these areas according to that zoning prior to the Council rezoning the properties, the Council was basically creating the possibilities for some non-conforming uses. Manager Taylor replied that if the Council zoned the areas with the designations proposed in mixed use as the use by right, then there would not be any non-conformities.

Council Member Godschalk said that the Council had gone through a planning process, adopted a land use plan, asked for and received recommendations on mixed use zoning, and studied the concept carefully. He commented that the Council had held a public hearing, received citizen comments on the issue. Therefore, he felt action on mixed use should be taken this evening.

Council Member Werner said he felt the Council was in general agreement on the mixed use concept. However, he said many questions had been asked at the public hearing last week. Mr. Werner stated that the memorandum the Council received as a result of the public hearing showed that there were more options available that had been previously understood. He felt that with only five days to review the information, the Council was not ready to make the decision on which options to include in the mixed use zone.

Council Member Pasquini suggested that if the Council did not make a decision on mixed use zoning, then it should hold work sessions on the subject.

Council Member Howes said the Council was in accord that it wanted to adopt a mixed use zoning overlay, however the specifics were not clearly defined. He said he was concerned about adopting a holding zone and not being able to get back to this matter until January or February. He asked if it were possible to call

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a special public hearing for December? Manager Taylor said it was possible, but that the requirements for notifying property owners, Planning Board review, etc. would probably mean a December public hearing on rezoning would not be possible. Council Member Howes said that if the Council were to postpone action on mixed use, then there needed to be a clear schedule of work sessions.

Council Member Pasquini asked if there were any way to circumvent having to meet all of the notification requirements since the Council had just held a public hearing on mixed use zoning? Mr. Karpinos replied that the Council could defer action on the text amendment, have a work session and then take action on the text amendment. He said once the Council took action to zone the property, the desire to rezone would require that the Council would on their own motion, call for that amendment and refer it, with the proposal going through the same process as any Zoning Atlas Amendment with notification of property owners. Mr. Karpinos said that deferral of a text amendment could be brought back to the Council after a work session; however once the Council acted on the zoning, any rezoning would require the process to rezone.

Council Member Werner asked if the Council could define a Mixed Use 1 zone as identical to OI-1 and a Mixed Use 2 zone as identical to R-1, and then the Council could change the text amendments later. He said if the Council could change the text amendments later, then it could adopt the zoning as essentially identical to existing zones. All the Council would have to do later was change the text amendments.

Attorney Karpinos said he would be uncomfortable with this.

Manager Taylor asked if the provision requiring a one year wait between rezoning requests would apply in this case. Attorney Karpinos said he did not believe that provision applied in this instance.

Council Member Werner said that it appeared that if the Council were to change the text of the ordinance and not the zone, then the notification requirements, etc. would not apply. Attorney Karpinos replied if all the Council were doing was changing the text of the ordinance then the property owner notification requirements would not apply.

Manager Taylor said that Ordinance D would zone the area proposed as mixed use on NC 86/Weaver Dairy Road as Mixed Use/OI-1, and the area of 15-501/Old Chapel Hill Road as Mixed Use/R-1 and would provide for two mixed use zones with the threshold requirements in the text. If after adoption of the ordinance, the text was not what the Council wanted, then it could amend the text of Ordinance D after holding a public hearing but without having to follow rezoning provisions. He said Ordinance D required a 20 acre minimum, maximum secondary height limit of 60', street

setback of 100', building envelope of 3:1, and floor area ratio of .429.

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER WERNER TO ADOPT 86-10-27/O-2D.

Judith Duvall and John Poulton, speaking as a residents, spoke in support of adoption of a mixed use zone with the underlying use by right as R-1 for the area along 15-501 and Old Chapel Hill Road.

David Morgan, representing several property owners along 15-501 and Old Chapel Hill Road, spoke in support of adoption of a mixed use zone, however he did not feel the underlying use by right should be R-1. He said he would prefer to see OI-1.

Council Member Pasquini asked what would be the affect of a building envelope of 3:1 and secondary height limit of 60 feet. Mr. Waldon replied that for every additional foot in height the building had to be set back three feet. He said with a 100' setback and a height limit at the setback of 29', then in order to get to the maximum height of 60' the building would have to be setback an additional 90' from the setback.

Council Member Preston commented that she would vote for the ordinance but felt additional incentives needed to be applied. She said she hoped the Council would set a work session soon to discuss possible changes to the text.

Council Member Godschalk said he was uncomfortable with the proposal especially with the Council's proclivity to lower rather than raise standards. He commented that the proposal (Ordinance D) appeared to be a "quick" solution that no one had really had a chance to review. He said he would almost prefer to zone the areas OI-1 and rezone later than to adopt a proposal that was a "quick fix."

Council Member Howes said he shared all the concerns expressed but felt it would be better to adopt a mixed use zone than an OI-1 holding zone. He agreed that the Council did need to proceed with setting up any work sessions deemed necessary with regard to this matter.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO AMEND THE MOTION TO CHANGE THE SECONDARY HEIGHT LIMIT FROM 60' TO 90'. THE MOTION PASSED UNANIMOUSLY, (7-0).

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER HOWES TO AMEND THE MOTION TO CHANGE THE 20-ACRE MINIMUM THRESHOLD REQUIREMENT TO 15 ACRES.

Council Member Andresen expressed opposition to this amendment saying she thought it would not encourage large development tracts. She said she would prefer to see a sliding scale of incentives for development proposals greater than 20 acres.

THE AMENDMENT FAILED TO PASS, (4-3) WITH COUNCIL MEMBERS ANDRESEN, PASQUINI, AND WERNER VOTING AGAINST.

THE MOTION TO ADOPT 86-10-27/0-2D AS AMENDED FAILED TO PASS ON FIRST READING, (5-2), WITH COUNCIL MEMBERS GODSCHALK AND THORPE VOTING AGAINST.

Mayor Pro-tem Thorpe said that he could not vote for an ordinance that he had not had time to review and would prefer that additional items for Council consideration be presented to the Council prior to the evening of the meeting at which the items would be discussed.

Council Member Howes commented that cooperation among the Council was needed for this item to pass on first reading.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO RECONSIDER THE MOTION TO ADOPT ORDINANCE 86-10-27/0-2D AS AMENDED. THE MOTION PASSED UNANIMOUSLY, (7-0).

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER HOWES TO AMEND THE MOTION TO CHANGE THE BUILDING HEIGHT ENVELOPE FROM 3 TO 1 TO 2 TO 1. THE MOTION PASSED, (5-2), WITH COUNCIL MEMBERS ANDRESEN AND WERNER VOTING AGAINST.

THE MOTION TO ADOPT ORDINANCE 86-10-27/0-2D AS AMENDED CARRIED, (6-1) WITH COUNCIL MEMBER THORPE VOTING AGAINST.

The ordinance, as adopted, reads as follows:

AN ORDINANCE ESTABLISHING MIXED USE ZONING DISTRICTS (86-10-27/0-2D)

WHEREAS the Council of the Town of Chapel Hill adopted a Land Use Plan on July 14, 1986; and

WHEREAS certain areas on that Land Use Plan are designated for "Mixed Use" development; and

WHEREAS, it is in the interest of the Town to have Mixed Use Zoning District defined in its Development Ordinance, the characteristics of such districts being designed to encourage innovative, mixed use development; and

WHEREAS establishment of such zoning districts would achieve the purposes of the Comprehensive Plan;

NOW THEREFORE BE IT ORDAINED by the Council that the Town's Development Ordinance be amended as follows:

Section I

Add the following sections to Article 9:

ARTICLE 9 MIXED USE ZONING DISTRICTS

9.1 Intent

The Mixed Use Districts are intended to provide for the coordinated development of office, commercial, and residential uses and their necessary support functions in the vicinity of key highway intersections in Chapel Hill.

9.2 Establishment of Mixed Use Districts

Two Mixed Use (MU) district are hereby established. The boundaries of the Mixed Use District are as shown on the official Zoning Atlas. The districts are identified as Mixed Use-OI1, and Mixed Use-R1.

9.3 Permitted Uses and Development Intensities - Mixed Use -OI1

9.3.1 Permitted Uses and Intensities

The uses permitted in the Mixed Use-OI1 Zone, except in situations described in Section 9.3.2 below, are single and two family dwellings, and those other non-residential uses listed in Section 4.3 as permitted in the OI1 zone, except that "Medical Aircraft Hangar" is not permitted.

The land use intensity ratios, setbacks, and height limitations that apply in the Mixed Use Zone, except in situations described in Section 9.3.2 below, are those that apply to the OI-1 zone, as set forth in Section 5.11.

9.3.2 Mixed Use Threshold

If development of property in a Mixed Use-OI-1 zone is proposed, and the proposal meets all of the following thresholds, then the set of permitted use and intensity regulations described in Section 9.3.3 shall apply. Those thresholds are:

- (a) Minimum lot size of 20 contiguous acres (may include parcels on both sides of a street).
- (b) Uses proposed in one of the following combinations:
 - (i) Office, Commercial, and Residential uses
 - (ii) Office and Commercial uses
 - (iii) Office and Residential uses.

- (c) At least 60% of floor area devoted to "business, office-type" uses, as defined in this Development Ordinance.
- (d) No more than 85% of floor area devoted to "business, office-type" uses.

9.3.3 Mixed Use Development Intensity and Use Regulations

If a development proposal in a Mixed Use-OI-1 District meets all of the thresholds listed in Section 9.3.2, then the following use and intensity regulations shall apply:

- (a) For commercial floor area, permitted uses shall be those listed in Section 4.3 as permitted uses in the Community Commercial District, except as noted in paragraph (d) below;
- (b) For residential floor area, permitted uses shall be those listed in Section 4.3 as permitted uses in the Residential-5 District, except that in addition multi-family development of more than 7 units shall be permitted;
- (c) For office floor area, permitted uses shall be those listed in Section 4.3 as permitted uses in the OI-1 District;
- (d) The following uses are not permitted in the Mixed Use-OI-1 Zone:
 - Automotive Repair
 - Automotive, Trailer, and Farm Implement Sales or Rental
 - Kennel
 - Supply Yard
 - Veterinary Hospital
- (e) Land Use Intensity Ratios shall be those listed in Section 5.11, referring to Use Group B uses in a Community Commercial Zone;
- (f) For the portions of a site devoted to residential development, the dwelling unit per acre limitations described in Section 5.8 for the R-5 zone shall apply.
- (g) Minimum Setbacks from the perimeter boundary of the specified development tract shall be as follows:
 - (i) Street: 100 feet
 - (ii) Interior: 50 feet

(h) Maximum Height Limits shall be as follows:

- (i) Primary: 29 feet
- (ii) Secondary: 90 feet

(i) Type C buffers shall be required around all perimeters of the development tract, except in circumstances where a higher level of buffer is required.

9.3.4 Mixed Use Development Design Standards

All design standards specified in Article 6 of this Chapter shall apply to design of development proposed in a Mixed Use-OI-1 Zone, as they apply to the OI-1 zone, with the following special provisions that shall apply to development proposed under the conditions specified in Sections 9.3.2 and 9.3.3:

- (a) Off-street parking requirements shall be 80% of the requirements listed in Section 6.6.7.
- (b) Sign standards and limitations shall be those applicable in the Community Commercial District.

9.4 Permitted Uses and Development Intensities - Mixed Use R-1

9.4.1 Permitted Uses and Intensities

The uses permitted in the Mixed Use-R-1 Zone, except in situations described in Section 9.4.2 below, are single-family dwellings, and those other non-residential uses listed in Section 4.3 as permitted in the R-1 zone.

The land use intensity ratios, setbacks, and height limitations that apply in the Mixed Use Zone, except in situations described in Section 9.4.2 below, are those that apply to the R-1 zone, as set forth in Section 5.11.

9.4.2 Mixed Use Threshold

If development of property in a Mixed Use-R-1 Zone is proposed, and the proposal meets all of the following thresholds, then the set of permitted use and intensity regulations described in Section 9.4.3 shall apply. Those thresholds are:

- (a) Minimum lot size of 20 contiguous acres (may include parcels on both sides of a street).
- (b) Uses proposed in one of the following combinations:
 - (i) Office, Commercial, and Residential uses
 - (ii) Office and Commercial uses
 - (iii) Office and Residential uses
- (c) At least 60% of floor area devoted to "business, office-type uses," as defined in this Development Ordinance.

- (d) No more than 85% of floor area devoted to "business, office-type uses."

9.4.3 Mixed Use Development Intensity and Use Regulations

If a development proposal in a Mixed Use-R-1 District meets all of the thresholds listed in Section 9.4.2, then the following use and intensity regulations shall apply:

- (a) For commercial floor area, permitted uses shall be those listed in Section 4.3 as permitted uses in the Community Commercial District, except as noted in paragraph (d) below;
- (b) For residential floor area, permitted uses shall be those listed in Section 4.3 as permitted uses in the Residential-5 District, except that in addition multi-family development of more than 7 units shall be permitted;
- (c) For office floor area, permitted uses shall be those listed in Section 4.3 as permitted uses in the OI-1 District;
- (d) The following uses are not permitted in the Mixed Use Zone:
- Automotive Repair
 - Automotive, Trailer, and Farm Implement Sales or Rental
 - Kennel
 - Supply Yard
 - Veterinary Hospital
- (e) Land Use Intensity Ratios shall be those listed in Section 5.11, referring to Use Group B uses in a Community Commercial Zone;
- (f) For the portions of a site devoted to residential development, the dwelling unit per acre limitations described in Section 5.8 for the R-5 zone shall apply.
- (g) Minimum Setbacks from the perimeter boundary of the specified development tract shall be as follows:
- (i) Street: 100 feet
 - (ii) Interior: 50 feet
- (h) Maximum Height Limits shall be as follows:
- (i) Primary: 29 feet
 - (ii) Secondary: 90 feet

- (i) Type C buffers shall be required around all perimeters of the development tract, except in circumstances where a higher level of buffer is required.

9.4.4 Mixed Use Development Design Standards

All design standards specified in Article 6 of this Chapter shall apply to design of development proposed in a Mixed Use-R-1 Zone, as they apply to the R-1 zone, with the following special provisions that shall apply to development proposed under the conditions specified in Section 9.4.2 and 9.4.3:

- (a) Off-street parking requirements shall be 80% of the requirements listed in Section 6.6.7.
- (b) Sign standards and limitations shall be those applicable in the Community Commercial District.

9.5 Review and Approval Procedure

Review and approval procedures specified in Articles 5, 8, and 15 shall apply to applications for development approval in a Mixed Use Zone. All development proposed under the conditions specified in Sections 9.3.2, 9.3.3, 9.4.2 and 9.4.3 shall be considered to be Special Uses.

Section II

This amendment shall be effective as of the date of its adoption.

Section III

That all ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 27th day of October, 1986.

Manager Taylor stated that the Council needed to consider a resolution creating a two phase process for development projects within the mixed use zones.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER HOWES TO ADOPT RESOLUTION 86-10-27/R-3.2. THE MOTION PASSED UNANIMOUSLY, (7-0).

The resolution, as adopted, reads as follows:

RESOLUTION CALLING A PUBLIC HEARING (86-10-27/R-3.2)

WHEREAS the Town of Chapel Hill regulates major forms of development through a Special Use Permit process; and

WHEREAS a great deal of information needs to be provided as part of an application for a Special Use Permit; and

WHEREAS there may be circumstances, particularly involving large tracts of land, where it is desirable for the Town to be able to review and approve conceptual development plans, to be followed by detailed plans on a phase-by-phase basis;

NOW THEREFORE BE IT RESOLVED that the Council of the Town of Chapel Hill directs the Town Manager to investigate possible new procedures to allow two-step review of major development applications.

BE IT FURTHER RESOLVED that a Public Hearing be scheduled for January 20, 1987, to consider such proposals for new procedures.

This the 27th day of October, 1986.

Zoning of Newly Annexed Areas

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER WERNER TO ADOPT ORDINANCE 86-10-27/O-3B AS AMENDED TO COINCIDE WITH ORDINANCE 86-10-27/O-2D.

Council Members Godschalk and Preston expressed concern that the area south of Weaver Dairy Road and along N.C. 86 was designated as mixed use. They said they were not sure the area could support the mixed use zone.

Council Members Andresen and Werner stated that the use by right for the area would be OI-1 so that the property owners could use the land even if they did not meet the mixed use threshold requirements.

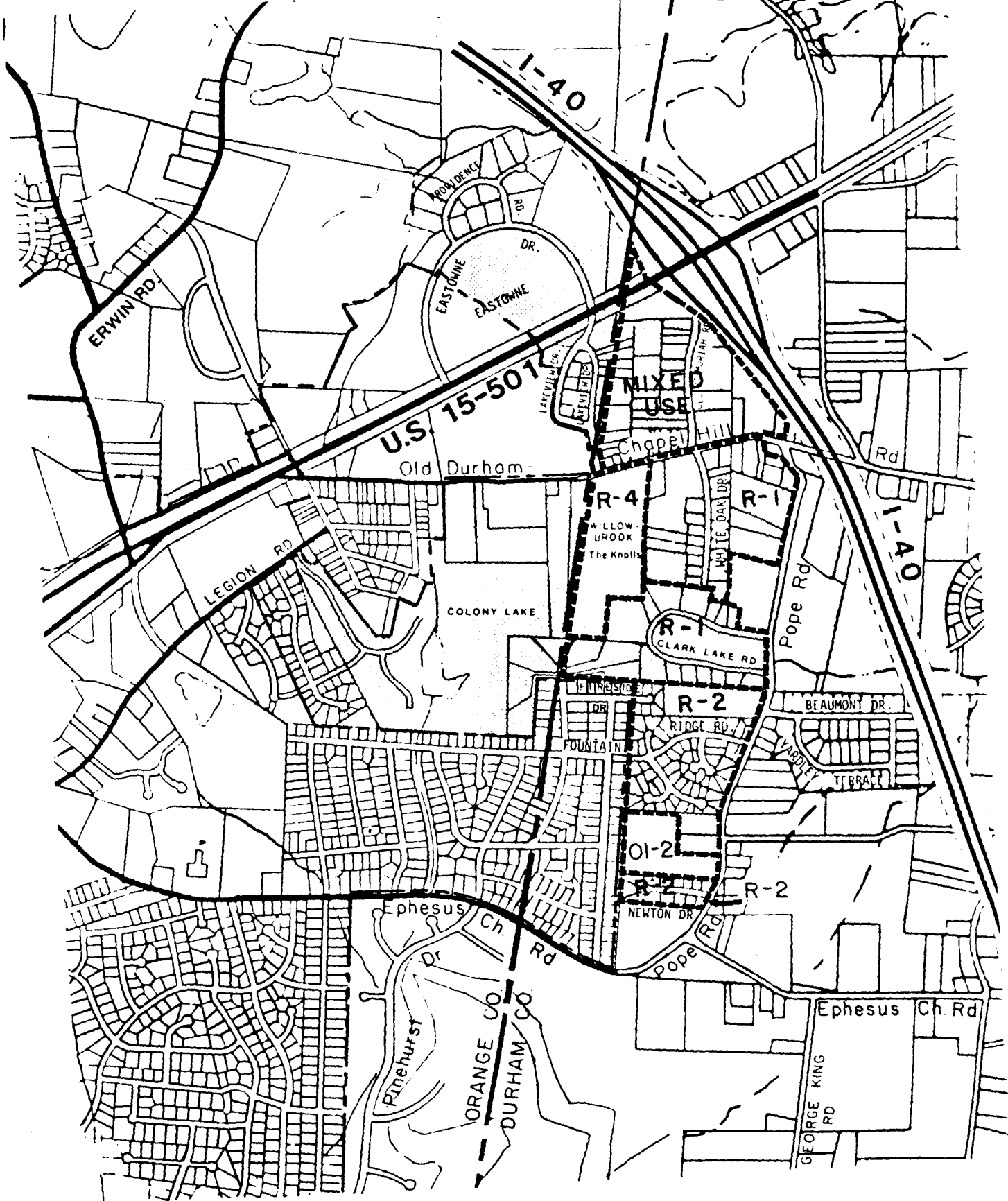
THE MOTION CARRIED, (6-1), WITH COUNCIL MEMBER THORPE VOTING AGAINST.

The general consensus of the Council was for Council Member Andresen to provide them with a list of possible work session dates as soon as possible, so the Council could further discuss the specifics of the mixed use text.

The ordinance, as adopted, reads as follows:

➤ ORDINANCE ASSIGNING ZONING CLASSIFICATIONS TO NEWLY-ANNEXED AREAS (86-10-27/O-3b)

WHEREAS the Town of Chapel Hill, on July 14, 1986, adopted ordinances annexing land into the corporate limits of the Town; and



ANNEXATION AREA 1986 - C

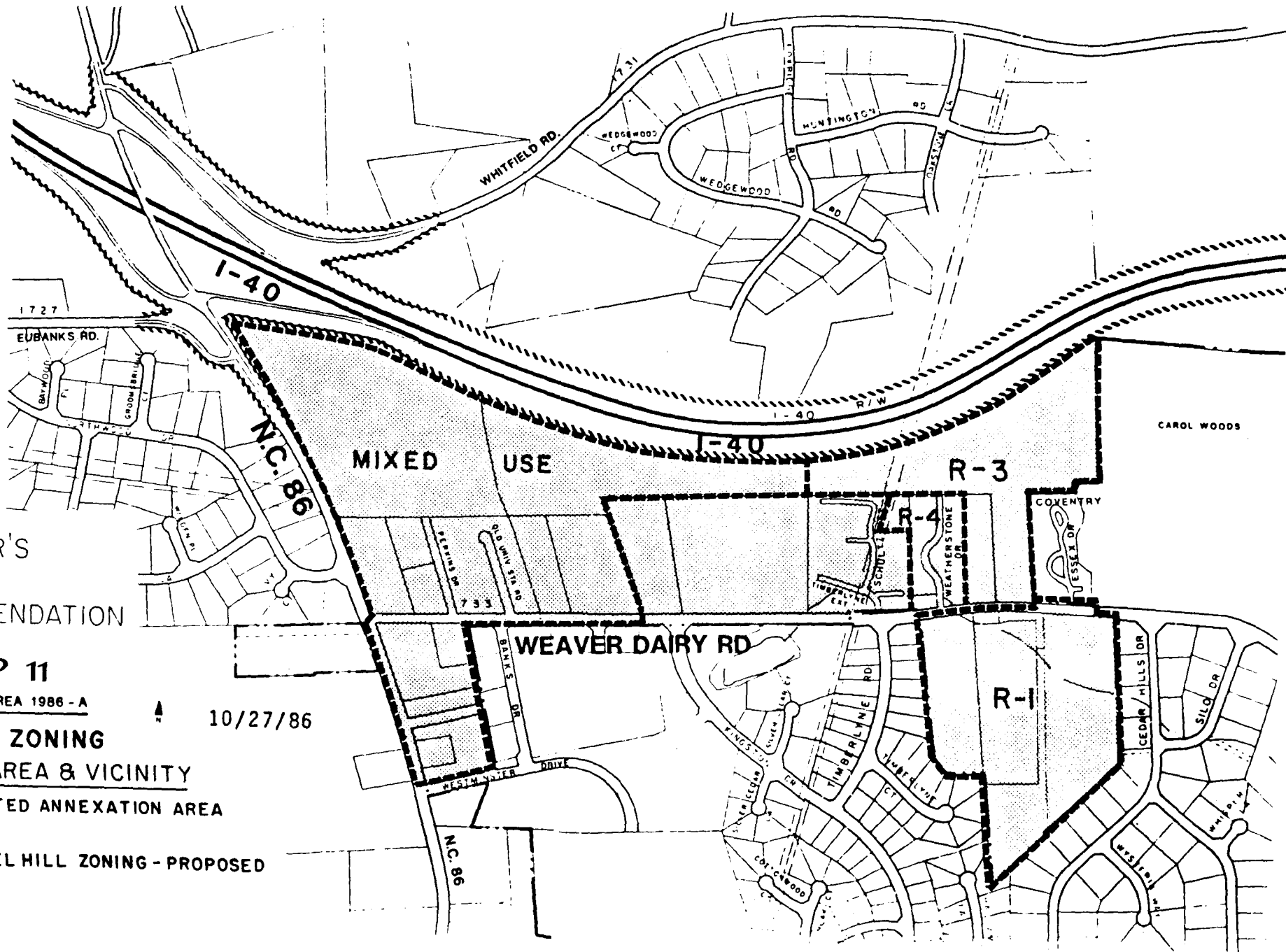
**PROPOSED ZONING
ANNEXED AREA & VICINITY**

- ADOPTED ANNEXATION AREA
- CHAPEL HILL ZONING - PROPOSED

10/27/86

MANAGER'S
REVISED
RECOMMENDATION

MAP 12



MANAGER'S
RECOMMENDATION

MAP 11

ANNEXATION AREA 1986 - A

10/27/86

**PROPOSED ZONING
ANNEXED AREA & VICINITY**

- ADOPTED ANNEXATION AREA
- R-1 CHAPEL HILL ZONING - PROPOSED



WHEREAS these properties are subject to regulation under Chapel Hill's Development Ordinance and Zoning Atlas, once zoning is assigned to these properties; and

WHEREAS the Council has considered appropriate zoning designations for these properties in the context of Chapel Hill's Comprehensive Plan;

NOW THEREFORE BE IT ORDAINED that the official Zoning Atlas of the Town of Chapel Hill is hereby amended as follows:

Section I

The Zoning Atlas, as recorded on Orange County Tax Maps numbers 17, 24, and 25, is amended to add new zoning designations, as indicated on the attached map, identified as "Map 11, Proposed Zoning, Manager's Recommendation," dated October 27, 1986.

Section II

The Zoning Atlas, as recorded on Durham County Tax Maps 477, 478, 480 and 481, is amended to add new zoning designations, as indicated on the attached map, identified as "Map 12, Proposed Zoning, Manager's Revised Recommendation," dated October 27, 1986.

This the 27th day of October, 1986.

Non-Conforming Fraternities and Sororities - Calling a Public Hearing

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER HOWES TO ADOPT RESOLUTION 86-10-27/R-4. THE MOTION PASSED UNANIMOUSLY, (7-0).

The resolution, as adopted, reads as follows:

A RESOLUTION CALLING A PUBLIC HEARING ON AN AMENDMENT TO ALLOW INCREASES IN THE MAXIMUM PERMITTED FLOOR AREA FOR A STRUCTURE IN PARTICULAR SITUATIONS (86-10-27/R-4)

BE IT RESOLVED by the Council of the Town of Chapel Hill that a Public Hearing be scheduled January 20, 1987 to consider a proposal to amend the Chapel Hill Development Ordinance in a manner that would allow increases in the maximum permitted floor area for a structure in particular situations.

This the 27th day of October, 1986.

Housing Assistance Plan

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER WERNER TO ADOPT RESOLUTION 86-10-27/R-5. THE MOTION PASSED UNANIMOUSLY, (7-0).

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING SUBMISSION OF A HOUSING ASSISTANCE PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (86-10-27/R-5)

BE IT RESOLVED that the Council of the Town of Chapel Hill hereby authorizes the Manager to submit a Housing Assistance Plan to the U.S. Department of Housing and Urban Development (HUD) by October 31, 1986 as generally described in a report to Council dated October 27, 1986, and to provide such additional information as HUD may require.

This the 27th day of October, 1986.

Consent Agenda

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN TO ADOPT RESOLUTION 86-10-27/R-6. THE MOTION PASSED UNANIMOUSLY, (7-0).

The resolutions and ordinances, as adopted, read as follows:

A RESOLUTION APPROVING VARIOUS ORDINANCES AND RESOLUTIONS ON THE CONSENT AGENDA (86-10-27/R-6)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the following ordinances and resolutions as submitted for the October 27, 1986 Town Council agenda:

- a. Budget Amendment for Insurance Costs (O-4).
- b. Transportation Grant Project Ordinance (O-5).
- c. Closing part of Franklin Street for Shriners' Parade (R-7).
- d. Authorizing transfer of right-of-way for Merritt Mill Road to the State (R-8).
- e. Calling a Public Hearing November 24 on use of additional \$50,000 in federal Community Development funds (R-9).
- f. Extending period for report on zoning two parcels proposed to be annexed (R-10).
- g. Allowing letters of credit from savings and loans as performance guarantees for street work (O-6).

This the 27th day of October, 1986.

AN ORDINANCE TO AMEND "THE ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1986 (86-10-27/O-4)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Budget Ordinance entitled "An Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 1986" as duly adopted on June 9, 1986, be and the same is hereby amended as follows:

ARTICLE I

<u>APPROPRIATIONS</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
General Fund				
Non-Departmental	1,483,207	60,000		1,543,207
Transportation Fund				
Non-Departmental	241,015	28,000		269,015
<u>REVENUES</u>				
General Fund				
Fund Balance	500,000	60,000		560,000
Transportation Fund				
Fund Balance	0	28,000		28,000

This the 27th day of October, 1986.

AN ORDINANCE TO ADOPT A GRANT PROJECT ORDINANCE FOR TRANSIT PROJECT (86-10-27/O-5)

BE IT ORDAINED by the Council of the Town of Chapel Hill that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

SECTION I

The project authorized is a Transit Capital and Planning Grant from FY 1983 federal funds, more specifically known as Urban Mass Transportation Administration Grant NC-90-0053, awarded under the Urban Mass Transportation Act of 1964, as amended. The project provides funds for transit capital purchases and planning activities.

SECTION II

The Manager of the Town of Chapel Hill is hereby directed to proceed with the implementation of the project within the terms of the grant agreement executed with the Urban Mass Transportation Administration and the North Carolina Department of Transportation and within the funds appropriated herein.

SECTION III

The following revenue is anticipated to be available to the Town to complete activities as outlined in the project application.

Urban Mass Transportation Administration Grant	\$608,227
North Carolina Department of Transportation Grant	76,028
Town of Chapel Hill (local match)	<u>76,029</u>
TOTAL	<u>\$760,284</u> -----

SECTION IV

The following amounts are appropriated for the project.

Transit Planning	\$ 35,060
Capital Equipment	705,190
Contingency	<u>20,034</u>
TOTAL	<u>\$760,284</u> -----

SECTION V

The Manager is directed to report annually on the financial status of the project in an informational section to be included in the Annual Report. He shall also keep the Council informed of any unusual occurrences.

SECTION VI

Copies of this project ordinance shall be entered into the Minutes of the Council and copies shall be filed within 5 days of adoption with the Manager, Finance Director and Clerk.

This the 27th day of October, 1986.

A RESOLUTION TEMPORARILY CLOSING PORTIONS OF FRANKLIN STREET BETWEEN 10:00 A.M. AND 11:45 A.M. ON FRIDAY, NOVEMBER 28, 1986 FOR A PARADE SPONSORED BY THE AMRAN SHRINE TEMPLE (86-10-27/R-7)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the temporary closing of Franklin Street between Raleigh Street and Mallette Street on Friday, November 28, 1986 between 10:00 a.m. and 11:45 a.m. for the parade sponsored by the Amran Shrine Temple.

This the 27th day of October, 1986.

RESOLUTION AUTHORIZING THE TRANSFER OF TOWN PROPERTY FOR THE MERRITT MILL ROAD STREET IMPROVEMENTS PROJECT (86-10-27/R-8)

BE IT RESOLVED that the Council of the Town of Chapel Hill hereby authorizes the Mayor, James C. Wallace, to sign deeds transferring Town-owned fee-simple right-of-way or right-of-way easements to the North Carolina State Department of Transportation for the Merritt Mill Road street improvements project in accordance with the provision of G.S. 160A-274.

This the 27th day of October, 1986.

RESOLUTION CALLING A PUBLIC HEARING (AMENDMENT TO FY 1986 CD PROGRAM) (86-10-27/R-9)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it hereby calls a public hearing for November 24, 1986 on a spending plan for an additional \$50,000 in CD funds for FY 1986 in the Meeting Room of the Municipal Building, 306 N. Columbia Street, at 7:30 p.m.

This the 27th day of October, 1986.

A RESOLUTION EXTENDING THE PERIOD FOR REPORTS ON PROPOSED ADDITIONS TO THE ZONING ATLAS (86-10-27/R-10)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby extends to November 24, 1986 the period for the Manager's reports on zoning the Owens/Kruschke and Altemueller tracts which were the subject of public hearings on October 22, 1986.

This the 27th day of October, 1986.

AN ORDINANCE AMENDING SECTION 17-45 OF THE TOWN CODE RELATING TO LETTERS OF CREDIT FROM SAVINGS AND LOAN ASSOCIATIONS. (86-10-27/O-6)

BE IT ORDAINED by the Council of the Town of Chapel Hill as follows:

SECTION I

That Section 17-45(5) of the Code of the Town of Chapel Hill is hereby amended by adding, after the phrase "bank letter of credit," the phrase "savings and loan letter of credit,".

SECTION II

This ordinance shall be effective upon adoption.

This the 27th day of October, 1986.

Transportation Board Nominations for Vacant Seat

Council Member Howes nominated Edward Blocher and James Ellis.

Old Chapel Hill Cemetery Task Force

Council Member Preston said that the slate of nominees had agreed to serve on the task force.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO APPOINT BY ACCLIMATION THE NOMINEES OF OCTOBER 13 FOR THE OLD CHAPEL HILL CEMETERY TASK FORCE. THE MOTION PASSED UNANIMOUSLY, (7-0).

Eunice Brock, Ed Caldwell, Rebecca Clark, Frances Hargraves, Charles Hooker, Mary Arthur Stoudemire, David Swanson, Grace Wagoner, and Wallace Womble were appointed.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADJOURN THE MEETING. THE MOTION PASSED UNANIMOUSLY, (7-0).

The meeting adjourned at 9:32 p.m.