

MINUTES OF A CONTINUATION OF THE JUNE 15, 1987 PUBLIC HEARING
HELD BY THE MAYOR AND COUNCIL, TOWN OF CHAPEL HILL,
MUNICIPAL BUILDING, WEDNESDAY, JUNE 17, 1987, 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
- R. D. Smith
- Arthur Werner

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

Public Hearing on Performance Chevrolet - Application for Community Commercial Special Use Zoning

Manager Taylor said that this was a public hearing on an application to rezone a parcel of land located on the Chapel Hill-Durham Boulevard.

Dave Roesler, Planning Development Coordinator, gave a brief description of the application from Performance Chevrolet to rezone a part of their property from Office/Institutional-2 to Community Commercial Special Use. He said the site was currently split by two zones, Community Commercial and Office/Institutional-2. He said the staff felt the rezoning request was justified because the Town's Land Use Plan designated this property as suitable for commercial use. Mr. Roesler stated that if the rezoning request were granted it would not become fully effective to allow any change in use until the Council approved a Special Use Permit for the site.

Council Member Werner asked how the applicants were now using the OI-2 portion of the site. Mr. Roesler replied that the applicant was using it as storage of automobiles. He said this was an accessory use in OI-2.

Greg Sheppard, representing the applicant, said the request was to rezone the OI-2 portion of the site in order to conform with the Land Use Plan and to conform with the current and expected use of the site. He commented that the existing OI-2 zoning of the 6.2 acres was an artificial zoning since the site would never be used for office use.

Council Member Godschalk asked if the entire site was being considered for rezoning. Mr. Roesler replied that the rezoning request was only for the property currently zoned OI-2.

Council Member Pasquini asked why the applicant had applied for Special Use Zoning and not the normal general use rezoning of the property. Manager Taylor responded that it was probably due to time constraints. He said it would take longer for the applicant to apply for normal rezoning of the property and then apply for a Special Use Permit for the site than to apply for Special Use Zoning and a Special Use Permit at the same time. Council Member Pasquini said he did not like using the Special Use Zoning ordinance for this type of rezoning.

Alan Rimer, representing the Planning Board, said the Board voted to recommend approval of the application for rezoning. He said the Board had also questioned the use of the Special Use Zoning in this instance.

Manager Taylor said the agenda memorandum included recommendations for approval from the Appearance Commission and Transportation Board. He said he recommended approval of the rezoning.

There were no citizen comments.

Council Member Werner agreed with Council Member Pasquini in that he was uncomfortable using the Special Use Zoning for this project. He said he did not think this use was the intent of the ordinance.

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

Public Hearing on Performance Chevrolet, Phase 2 - Request for Special Use Permit

Citizens wishing to speak to this item were sworn in by the Town Clerk.

Manager Taylor requested that agenda memorandum #4, dated June 15, 1987, "Performance Chevrolet, Phase 2 - Request for Special Use Permit (SUP 27-C-3)," be entered into the record of this hearing; along with the Applicant's:

- Project Fact Sheet
- Statement of Justification
- Traffic Impact Report

Dave Roesler, Development Coordinator, gave a brief presentation on the application for expansion of Performance. He said this application was made in conjunction with the application for rezoning for CC-S and involves approval of a Special Use Permit modification for the entire Performance Chevrolet parcel. Mr. Roesler stated that on May 12, 1986 the Council granted a modification of the Performance Chevrolet SUP to allow modernization,

construction and expansion of the existing parking and car storage areas. He said the applicant has now requested approval of two new one-story buildings, which would contain a new showroom, administrative offices, parts department and service bays. Mr. Roesler said the applicant proposed vehicle display in those areas along the 15-501 Service Road in an area called a tree plaza. He stated that the key issues were its high visibility since the site was located on the Chapel Hill-Durham Service Road and that the applicant had requested that one of the road improvements (curb and gutter along 15-501 service road) listed as a condition of the existing Special Use Permit.

Council Member Howes asked for clarification of the relationship between the existing car dealership and the proposed new addition.

Council Member Andresen asked if the islands separating the parking and storage areas for the cars would be landscaped. Mr. Roesler replied that the islands would be planted with trees and shrubs to meet the Town's shading requirements for parking areas.

Council Member Werner said that under the current zoning the applicant could park cars over the entire site as an accessory use and that with the proposed rezoning it would allow the applicant to put in another business. Mr. Roesler replied yes.

Greg Sheppard, representing the applicant, said the application was for modification of the existing Special Use Permit. He said the proposal was to enlarge the facility to encompass three separate franchises: Subaru, BMW, and Chevrolet. He said the traffic circulation would be to channel traffic off of the service road onto the site through two central entrances. Mr. Sheppard said the applicant had no problems with the Manager's recommendation except for stipulation #2 which involved improving the service road to one-half of a standard 27' back to back roadway with curb and gutter. He said it seemed incongruous to have only one section of the service road paved with curb and gutter and also unfair since they were the only one being required to do this. He stated that neither Blue Cross/Blue Shield nor Chapel Hill Tire had been required to improve the service road in recent development applications. He asked when the policy decision had been made to require development that fronted the service road to improve that road. Manager Taylor responded that with regard to Performance Chevrolet the Council had made that policy decision in May of 1986 when the SUP had been modified, and for the Blue Cross/Blue Shield, the decision had been made last month. Mr. Taylor said for Chapel Hill Tire Company, the Planning Board had been the one to review the proposal and it had not required service road improvements.

Council Member Werner said that the current SUP included the requirement for curb and gutter. He asked why this application also included that stipulation. Mr. Taylor replied that the application was technically a modification of the existing SUP

and therefore all of the requirements of the original SUP had to be included.

Council Member Andresen said the applicant had agreed to curb and gutter along the service road with the previous SUP, but she said she would prefer to have a sidewalk. She asked if it would be possible to build a sidewalk without the curb and gutter. Manager Taylor replied yes, but that it would be difficult.

Council Member Smith asked for clarification of where vehicles would check in, in the new facility and expressed concern that individuals would enter the site via the second entrance off of the service road and then be unable to get to the check in area since it was proposed to be one-way. Mr. Sheppard replied that individuals who came in the second entrance or who entered via Old Durham Road would probably park their cars in the parking areas and walk to the check in area.

Council Member Smith expressed concern that the buffering along Old Durham Road would not be large enough to screen the trucks which would be stored in the parking area. Mr. Sheppard stated that the berm was proposed to be 10' in height with additional plantings on top of the berm, and that the parking areas was to be depressed from its current level.

Council Member Andresen asked about the access to the site from Old Durham Road. Mr. Sheppard responded that the proposal included a stipulation that the easternmost entrance to the site be one-way and that there be gates across the western entrance to prohibit cross traffic after hours.

Council Member Werner said he liked the stipulation for curb and gutter and also would like to see a sidewalk added. He stated that as the applicant was an automobile dealership who used the service road in testing the cars, there needed to be a clear demarcation of the areas where the cars drive and pedestrians walk.

Council Member Pasquini asked if the gates across the entrance had been approved. Manager Taylor responded that the gates had been discussed at the previous Special Use Permit hearing and would have to be approved by the Appearance Commission before they could be erected.

Council Member Pasquini asked how many entrances had been approved in the previous SUP modification. Mr. Taylor replied three, with the easternmost access on Old Durham Road as an entrance only.

Alan Rimer, representing the Planning Board, said the Board recommended approval of application without the inclusion of curb and gutter along the service road. He said the Board felt it would be out of place to only have that one section of the road with curb and gutter. He said the Planning Board had been

especially pleased with the concept of having the tree plaza with cars parked amongst the trees for display. He said the Board had suggested and the applicant agreed to use turf stones on the ground where the cars would be parked.

Council Member Godschalk asked what problems might be posed by having the frontage of the site along the service road with curb and gutter. Mr. Rimer responded that putting in curb and gutter in that section would require major drainage facilities because the curb and guttering would probably fill in the natural drainage ditch and possibly require cutting into the bank. Mr. Godschalk asked if this could result in channeling the water across the road. Mr. Rimer replied yes.

Council Member Werner disagreed with this assessment saying he did not believe the natural drainage ditch would be bothered with the improvement of the service road to include curb and gutter. Mr. Rimer responded that if the improvements were just curb and gutter and did not include a sidewalk the drainage ditch might be left untouched, but he said he was more inclined to believe the ditch would be eliminated.

Council Member Werner said he was concerned with removing a stipulation that had been previously approved by the Council. He asked what the staff recommendation was on this point. Mr. Rimer stated that the staff recommendation was for the inclusion of curb and gutter but no sidewalk.

Council Member Andresen asked if there were any way to have a sidewalk and still maintain the drainage ditch. Mr. Rimer commented that his work on the 15-501 Bypass indicated that there would be space available along the Bypass for pedestrian traffic so that there should not be a need for a sidewalk along the service road.

Council Member Smith agreed with Council Member Werner's concerns that the Council might be attempting to remove a stipulation that it had previously required and to which the applicant had agreed. He said that action of that sort could lead to other similar requests.

Council Member Pasquini agreed and said that he would like a report from the Town staff on the feasibility of curb and gutter and sidewalk and from the Town attorney on the implications of reversing a stipulation previously adopted by the Council.

Anne Occur, speaking as a resident of University Heights, said she was not against the project but had concerns about the traffic it would generate. She said she was pleased to see how the applicant had worked with the staff and advisory boards to make it an attractive proposal. She requested that the westernmost access to the site off of Old Durham Road be one way, either into or out of the site. Ms. Occur said she was concerned about cut through traffic in University Heights and asked that the

Council keep the traffic concerns in the neighborhood a primary factor in reviewing the project.

K. B. Tripp, speaking as a resident of University Heights, agreed with Ms. Occur's comments and also asked that the Town review the possibility of three-way stop signs at the intersections of Scarlette and Legion Road; Legion Road and Legion Road extension; and Cooper, Williams and Vance Streets.

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

Council Member Pasquini asked if there were any limitation to the amount of asphalt that could be placed on the site. Manager Taylor responded that there was not a stipulation on impervious surfaces in Community Commercial zones.

Council Member Godschalk commented that it seemed to him that the Council's policy on requiring curb and gutter was whatever the majority wanted. He said he would like the Town staff to evaluate the necessity of curb and gutter for this site. He commented that having curb and gutter only on this one section of the service road seemed to be unnecessary and burdensome to the applicant.

Council Member Smith disagreed and urged caution of revoking a stipulation that the Council had previously agreed upon and which the applicant had also agreed.

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

Public Hearing on UNC Continuing Education/Conference Center - Application for Special Use Permit

Citizens wishing to comment on this item were sworn in by the Town Clerk.

Manager Taylor requested that agenda memorandum #5, dated June 15, 1987, "UNC Continuing Education/Conference Center - Application for Special Use Permit - (SUP-66-12)," be entered into the record of this hearing along with the Applicant's:

- Project Fact Sheet
- Statement of Justification
- Traffic Impact Report

Dave Roesler, Development Coordinator, gave a general description of the site layout and location of adjoining properties and the possible development of those properties. He said the application was for a SUP to allow the construction of a new Continuing Education/Conference Center on the south side of N.C. 54 several feet west of its intersection with Barbee Chapel Road. Mr.

Roesler said the proposal called for a signalized intersection with N.C. 54 and the Laurel Hill Parkway, which would act as an entrance to the site. He stated that the intersection would also include turning lanes and deceleration lanes. He said the timing of these road improvements was the key issue in the application. Mr. Roesler commented that the applicant had indicated that the timing of the road improvements could be difficult to schedule with NCDOT and that the actual improvements might not be in place when the Center was ready to open. He stated that the staff recommended that the road improvements be in place prior to the opening of the facility.

Council Member Godschalk asked for clarification of the internal circulation on the site. Mr. Roesler replied that the front of the building would face the parking area where cars would enter off of Laurel Hill Parkway and then follow a circular pattern in front of the building entrance.

Council Member Godschalk asked if part of the site and part of the proposed Laurel Hill Parkway were in the RCD. Mr. Roesler replied that there was an indication that the RCD covered part of the site but that it had not been confirmed. He said the stream was not on any of their maps. He said the parking lot could still be constructed in its proposed location without a variance.

Council Member Andresen asked if bus service had been considered as a stipulation. Mr. Roesler replied no but that a bus stop area was available.

Mayor Pro-tem Thorpe thanked Mr. Roesler for substituting for Mr. Waldon and said he had done a good job.

Gordon Rutherford, representing the University of North Carolina at Chapel Hill, said the University had no problems with the Manager's recommendation, but that the timing of the road improvements would be contingent upon when NCDOT could schedule the work. He stated that with regard to the question of the RCD the area needed to be surveyed to see if the area met the requirements for inclusion in the RCD.

Council Member Godschalk asked what was the size of the proposal in comparison to the N.C. State McKimmon Center. Mr. Rutherford replied that it was roughly the same size as the original building or approximately 100,000 square feet. Mr. Godschalk asked what was the current size of McKimmon Center. Mr. Rutherford replied that it has now been expanded to about 140,000 square feet.

Council Member Howes asked about the capacity of McKimmon Center versus the UNC proposal. Mr. Rutherford replied that the McKimmon Center could accommodate up to 1200 people in one banquet room, while the UNC proposal's largest room would hold 400.

Manager Taylor stated that Council Member Preston had asked about the possibility of using the parking lot as a park-ride lot. Mr. Rutherford replied that the amount of parking being proposed was 750 spaces which he said would just meet the needs of the Center. He said that they would be willing to review the parking situation after they were in operation to see if they had over estimated the amount of parking spaces required for the Center.

Alan Rimer, representing the Planning Board, said the Board concurred with the staff and recommended approval of the application.

Manager Taylor said the Transportation Board and Appearance Commission recommended approval and these recommendations were included in the memorandum. He said he recommended approval with stipulations.

Council Member Godschalk commented that this proposal and the proposed Performing Arts Center and hotel would make this area a major activity center. He said that as such the Town would need to review the Land Use Plan for this area for the possibility of other concomitant activities which would gravitate to that area.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO REFER TO THE MANAGER AND ATTORNEY. THE MOTION PASSED UNANIMOUSLY, (7-0).

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

The meeting adjourned at 9:35 p.m.