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MINUTES OF A PUBLIC HEARING HELD BY THE MAYOR AND COUNCIL  
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,  
MONDAY, NOVEMBER 21, 1988, 7:30 P.M.

Mayor Howes called the meeting to order. He announced that Council Members Godschalk and Wallace had excused absences from this evening's meeting.

Council Members in attendance were:

Julie Andresen	Nancy Preston
Joseph Herzenberg	Arthur Werner
David Pasquini	Roosevelt Wilkerson, Jr.

Bolin Creek Center

Mayor Howes requested that interested parties come forward to be sworn prior to the beginning of the consideration of this item.

Town Manager Taylor requested that Agenda Item #1, Bolin Creek Center Special Use Permit Modification (SUP-82-B-19), dated November 21, 1988, be entered into the hearing record, along with: the November 15, 1988 summary of Planning Board action; resolutions A-E, approving site plan modifications; November 15, 1988 memorandum/staff report to Planning Board, requesting separation of Special Use Permit (SUP) into four separate SUPs; applicant's statement of justification; and traffic impact statement, site plans and project fact sheets for Bolin Creek Center.

Roger Waldon, Planning Director, stated that Dr. Alan Kronhaus, Ms. Mary Alice Danziger and First Home Mortgage of Greensboro are the owners of the subject parcels under discussion in the Bolin Creek Center Special Use Permit. Mr. Waldon stated that the item before Council this evening was a joint application to modify the existing special use permit in three ways:

- Split the existing Special Use Permit into four Special Use Permits, in order to reflect property lines and approved uses.
- Reapproval of conditions applying to the west side of Airport Road.
- Approval of a new site plan for the east side of Airport Road, reducing floor area and the increasing number of parking spaces.

Mr. Waldon showed a map and described the Bolin Creek Center site, pointing out sites A-D. He stated that the Special Use Permit for Bolin Creek Center was approved in 1983 and modified in 1984 and 1985.

Mr. Waldon said that First Home Mortgage of Greensboro had earlier requested revocation of the Special Use Permit for Site A on the east side of Airport Road. The request sought the removal of the former Ranch House Restaurant, replacing it with parking and screening. Other owners of property covered by the existing permit objected to the request for partial revocation. The request was referred to the Town Manager.

Mr. Waldon said that the existing Special Use Permit allows a 2,500 square foot building on Site B. He added that easements relating to this site should be recorded.

Mr. Waldon stated that Site C contains the Kron Building, adding that Dr. Kronhaus is seeking a modification to setback requirements. He also said that Dr. Kronhaus is requesting that floor area ratios be modified to permit the building existing on the site.

Mr. Waldon said that Site D has floor area approved that exceeds current floor area limitations (this was previously approved by the Council, prior to changes in the Development Ordinance which reduced permitted floor areas).

Mr. Waldon noted that the total existing floor area for the Bolin Creek Center Special Use Permit is greater than the current provisions of the Development Ordinance. Mr. Waldon added the staff's concerns about a proposed cross-easement, permitting parking spaces on Site C to be used for the Kron Building on Site B. Finally, Mr. Waldon expressed concern about setting a precedent of permit splitting, adding that more floor area under the Bolin Creek Center Special Use Permit could conceivably be constructed (if the permit was split) than the original Master Plan contemplated.

Council Member Andresen asked which sites exceeded floor area standards. Mr. Waldon responded that Sites A, B, and C as previously approved exceed current standards.

Council Member Preston asked how much parking was required for each site. Mr. Waldon noted the number of required and proposed spaces at each site, as follows:

<u>Site</u>	<u>Required</u>	<u>Proposed</u>
A	104	104
B	8	100

C	119	74
D	30	39

Council Member Werner asked for a clarification of individual property owners for Sites A, B, C and D. Mr. Waldon said that First Home Federal Savings and Loan of Greensboro owns Site A; Ms. Mary Alice Danziger owns Site B; and Alan Kronhaus/Bolin Creek Associates are owners of Sites C and D.

Council Member Werner asked whether the Council had the option to approve portions of the proposed Special Use Permits. Mr. Waldon said that the proposal before the Council had been negotiated and agreed to as a package by the three property owners.

Council Member Werner asked if the two parcels owned by Dr. Kronhaus were combined, would they meet ordinance requirements. Mr. Waldon said that if combined it would allow a total of approximately 32,000 square feet of floor area as contrasted with the existing 41,000 square foot building on Site C. Council Member Werner asked what the maximum allowable floor area was for Site D. Mr. Waldon responded approximately 15,000 square feet.

Council Member Andresen stated Site B has been rumored as the future site of a bank. Mr. Waldon confirmed that a 2,500 square foot bank has been approved for Site B.

Council Member Herzenberg asked whether a tunnel had been proposed originally, to link Sites A and B. Mr. Waldon responded yes.

Council Member Wilkerson inquired about the impact on the tunnel if the parcels were separated. Mr. Waldon indicated that there would be no requirement to keep the tunnel open.

Dana Staats, representing Ms. Danziger, Dr. Kronhaus and First Home Mortgage of Greensboro, requested that a file of materials concerning the Bolin Creek Center Special Use Permit be made part of the permanent record of these proceedings. Mr. Staats stated he had been involved in representing the Bolin Creek Center in a variety of capacities over several years. Mr. Staats added that the Bolin Creek Center Special Use Permit is a complicated, unprecedented type of Special Use Permit.

Mr. Staats noted that the staff's preliminary recommendation to deny approval of his clients' proposal was very upsetting. Mr. Staats said that the Bolin Creek Center Special Use Permit was in conformance with all conditions, noting that the project has an existing approved Special Use Permit. Mr. Staats stated that the proposed physical changes in the Special Use Permit would result in reductions in floor area and an increase in the number of

parking spaces. He noted the inability of his clients to meet the current Development Ordinance requirements.

Mr. Staats noted that an existing parking easement was in effect for the Kron Building. Mr. Staats added that the staff should not fear establishing an undesirable precedent, since no other existing Special Use Permits involve such complicated elements. Mr. Staats said that he had worked with the owners and staff to reach a fair compromise. He stated a twelve-month starting time limit was insufficient for the needs of his clients.

Council Member Werner noted that approximately 75% of the approved floor area had already been constructed. Mr. Staats responded that this was correct.

Council Member Werner stated that twenty condominiums proposed for Site D and a bank building proposed for Site B had not been constructed to date. He asked what the impact would be if the Council chose to deny the requested modifications to a Bolin Creek Center Special Use Permit. Mr. Staats responded that there would be at least two unhappy property owners.

Council Member Pasquini noted that the problem before the Council was more one of ownership rather than development, noting that financial obligations led to the requested Special Use Permit modifications. Mr. Staats responded that Council Member Pasquini's observations were correct.

Council Member Pasquini proposed allowing the owners to construct to permit limits on each of the parcels, while splitting up the permit into four components, allowing each a separate status. Mr. Staats requested a minute to discuss this proposal with his clients. Mayor Howes said that Council Member Pasquini was posing a hypothetical situation. He added that the Council would be taking no action on this item tonight. Mayor Howes added that subsequent changes to Special Use Permits could potentially cause problems.

Council Member Preston requested a clarification of parking easements. Mr. Staats stated that the easements were in effect, adding that he was uncertain of the genesis of these easements. Council Member Preston asked whether the owners had ever entertained three (based on current ownership) instead of four Special Use Permits. Mr. Staats responded that there had been previous conflict over the ownership of Site D.

Mr. Waldon noted that the staff suggested that the Council consider a separate Special Use Permit for Site D, the potential site of twenty condominium dwelling units.

Dr. Kronhaus, owner of Sites C and D, stated that he wanted to simplify the matter being considered by the Council. He stated

that the net effect of the request before the Council would be to separate the Special Use Permit into four parts and to reduce square footage on the sites below that already approved. Town Manager Taylor noted concern about establishing a precedent for future requests seeking greater square footage within previously approved Special Use Permits. Dr. Kronhaus responded that a favorable precedent was being set since less square footage was being requested. Dr. Kronhaus added that he did not intend to develop condominiums on Site D at this time, noting the short-term expiration of the existing Special Use Permit.

Alan Rimer, Chairman of the Planning Board, noted that two salient issues were before the Council for their consideration: ownership and parking. Mr. Rimer stated that an initial motion to deny permit modification was rejected by the Planning Board by a vote of 5-2. He added that proposed modifications for Sites A, B and C were approved unanimously by the Planning Board. Mr. Rimer said that the Planning Board recommended a starting time limit of 12 months.

Town Manager Taylor said that his preliminary recommendation, denying the applicants' request, was based on several policy issues, including: floor area, parking, timing and the nature of Special Use Permits.

Council Member Werner asked whether other options or alternative proposals were available for the Council's consideration. Town Attorney Karpinos responded that the Council could consider combining Dr. Kronhaus' two sites into one special use permit.

Council Member Pasquini inquired about the possibility of placing caps on square footage buildouts for each site. Town Attorney Karpinos stated that he was concerned about potentially limiting future modifications to special use permits.

Council Members Pasquini asked whether it would be possible to limit the Bolin Creek Center Special Use Permit to floor area requirements in force in the current Development Ordinance. Town Attorney Karpinos responded that this would depend upon the intended use of individual sites.

Council Member Andresen asked whether site A had been foreclosed upon. Mr. Waldon responded yes.

Council Member Preston inquired whether each of the special use permits stood by themselves. Town Attorney Karpinos responded that this was correct.

Council Member Pasquini asked whether the four sites could be legally bonded together. Town Attorney Karpinos responded that

there would be nothing to prevent modifications to individual sites.

Town Manager Taylor posed the possibility that the project could be split into east and west sites, preserving the Council's alternatives and rights. The Council could elect to issue a single SUP and split the underlying properties, providing the opportunity for greater floor areas on individual sites.

Council Member Werner noted that if sites C & D were combined, the floor area for the special use permit would be less than 111,000 square feet.

Town Manager Taylor noted that site D was currently approved for 27,500 square feet.

Dr. Kronhaus stated that he did not understand the Council's concerns about square footage.

Mayor Howes stated that the Bolin Creek Center Special Use Permit modification was one of the most complicated individual issues before the Council in recent times.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO REFER TO THE TOWN MANAGER FOR FUTURE COUNCIL CONSIDERATION. THE MOTION WAS ADOPTED UNANIMOUSLY (7-0).

Smith-Breeden Associates Special Use Permit

Mayor Howes requested that interested parties come forward to be sworn prior to Council consideration of this item.

Town Manager Taylor requested that Agenda Item #2, Smith-Breeden Associates Special Use Permit Modification (SUP-26A-12), dated November 25, 1988 be entered into the record of the hearing, along with:

- Planning Staff Report dated October 4, 1988,
- Applicant's Statement of Justification and Site Plan,
- Summary of Planning Board Action dated October 4, 1988,
- Traffic Impact Statement, Site Plans and Project Fact Sheets for Smith-Breeden.

Roger Waldon, Planning Director, noted that this request involved an office building in Eastowne. Mr. Waldon stated that the proposed modification would result in a 9% increase of site area for enclosed crawl space. Mr. Waldon said that changes of 5% or less are considered to be minor. Mr. Waldon noted that the applicant is proposing the addition of six parking spaces. He noted that the proposed modifications would be within allowable floor area

maximums. Mr. Waldon added that the Site Plan was similar to the one approved in 1987 by the Council.

Dana Staats, representing the applicant, stated that applicable materials had been presented to staff and requested favorable consideration of the Council for this request.

Alan Rimer, Chairman of the Planning Board, stated that the Planning Board recommended the requested modification unanimously. Town Manager Taylor stated that he recommended preliminary approval.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER WILKERSON, TO REFER TO THE TOWN MANAGER FOR FUTURE COUNCIL CONSIDERATION. THE MOTION WAS ADOPTED UNANIMOUSLY (7-0).

Mayor Howes noted that staff should investigate handling minor modifications to Site Plans administratively.

#### DOTA-Site Plan Review

Mr. Waldon introduced this item as a proposal to amend the Development Ordinance, to allow administrative action on some development requests that currently are considered by the Planning Board.

Mr. Waldon noted that staff may currently consider administrative approval to changes within categories; that is, "A" to "A" uses, "B" to "B" uses and "C" to "C" uses. Mr. Waldon stated that Joe Hakan, President of the Downtown Chapel Hill-Carrboro Commission, suggested institution of administrative approval procedures for handling shifts from more intensive to less intensive uses. He said that language in the Development Ordinance would need to be modified, permitting the Town Manager, rather than the Planning Board, authority to grant changes from more intensive to less intensive use categories. Mr. Waldon referred the Council to Chart 2 in their agenda materials to provide an overview of how changes are currently handled.

Council Member Werner asked what the rationale was for the current ordinance procedures concerning changes in use categories. Mr. Waldon responded that the potential for unanticipated impacts required the attention of more than Town staff. He added that many citizens are especially interested in the Town planning process.

Council Member Andresen asked whether staff perceived that proposals for projects having less density were always good. Mr. Waldon noted that regardless of who grants approval (staff,

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Planning Board, or Council) ordinance requirements must still be met (buffers, floor area ratios, etc.).

Council Member Herzenberg asked whether anything precluded a property owner from converting a restaurant use to multi-family (apartments). Mr. Waldon said no. Such a request could currently be made, to be acted upon by the Planning Board. Under this proposal, it might be possible to consider such a request as an administrative action.

Council Member Andresen asked whether the proposed change might potentially take away citizens' opportunity to comment. Mr. Waldon responded yes, because administrative review does not require notification of citizens within a 500 foot radius.

Mr. Rimer stated that it would be equitable to rely on staff for judgment calls when increasing or decreasing use categories. He added that the Planning Board recommended adoption of the proposed text amendment.

Joe Hakan said that the intent of the proposed amendment was to speed up the Site Plan review process.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO REFER TO THE TOWN MANAGER FOR FUTURE CONSIDERATION. THE MOTION WAS ADOPTED UNANIMOUSLY (7-0).

#### Monroe Street Right-of-Way Closing

George Small, Engineering Director, stated that John McCormick had requested closure of right-of-way at the western end of Monroe Street, to permit useful development of and drainage off a cul-de-sac. Mr. Small stated that potentially effected property owners had been notified of this evening's hearing.

Mr. McCormick stated that he had worked closely with Town Engineering staff. He added that abandonment of the right-of-way, while not critical, would add flexibility in protecting an isolated and insulated neighborhood.

Town Manager Taylor stated his preliminary recommendation to approve the Monroe Street right-of-way closing.

Joe Capowski, 404 Coolidge Street, stated that he opposes the closing, citing the likelihood of increased traffic on Coolidge Street. He added that Coolidge Street cannot handle more traffic, since the street width is approximately twenty feet on forty-six feet of right-of-way.



Martin Feinstein, 400 Coolidge Street, concurred with Mr. Kapowski's remarks, urging retainage of the right-of-way for future traffic needs.

Council Member Andresen asked whether engineering work was under way for widening South Columbia Street. Mr. Taylor said that work had not yet begun. He added that NCDOT will be holding a public meeting on December to discuss the widening project. He asked Mr. Small about efforts to address safety concerns.

Mr. Small responded that preliminary examination of safety concerns was underway by NCDOT. He indicated that Coolidge Street should be examined for potential improvements in sight distance.

Council Member Herzenberg asked how many residents are located on the 400 block of Coolidge Street. Mr. Kapowski responded that several duplexes are located on Coolidge.

Council Member Preston asked whether a connector street currently exists between Monroe and South Columbia Streets. Mr. Small responded that there is currently no connection between the two streets. Council Member Preston inquired whether the darkened portion of the Council agenda map was proposed for closure. Mr. Small responded yes. Council Member Preston asked whether sufficient right-of-way would be available for potential construction of a cul-de-sac. Mr. Small responded yes.

Carolyn Sturges stated that she had been a resident of Dawes Street for approximately forty-five years. Ms. Sturges indicated that she does not use Coolidge Street to access South Columbia, indicating that to do so is too hazardous.

Council Member Werner asked whether staff had any idea what the potential impact the redesign of South Columbia Street would have on surrounding neighborhood streets. Mr. Small responded no.

Mayor Howes asked how close the ramps on South Columbia would come to surrounding neighborhoods. Mr. Small said that a cloverleaf design was being given greatest consideration at this time, with the on-ramp sited close to Monroe Street.

Council Member Werner asked whether staff was waiting for NCDOT action on the design. Mr. Small responded that staff is seeking NCDOT cooperation in upgrading the intersections which would surround the ramps and cloverleaf.

Mayor Howes stated that the Council would like to have the best possible information package made available to them at the time of final Council action on this item. Council Member Preston asked for a better map of the area under the Council's consideration.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO REFER TO THE TOWN MANAGER FOR FUTURE COUNCIL CONSIDERATION. THE MOTION WAS ADOPTED UNANIMOUSLY (7-0).

Mayor Howes adjourned the hearing at 9:26 p.m.