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MINUTES OF A PUBLIC HEARING HELD BY THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MONDAY, FEBRUARY 20, 1989
MUNICIPAL BUILDING, 7:30 P.M.

Mayor Howes called the meeting to order.

Council Members present were:

Julie Andresen	Nancy Preston
David Godschalk	James C. Wallace
Joe Herzenberg	Arthur Werner
David Pasquini	

Due to military service obligations, Council Member Roosevelt Wilkerson, Jr. was absent excused.

Also present were: Town Manager David R. Taylor, Assistant Town Manager Sonna Loewenthal, Town Attorney Ralph Karpinos, and Planning Director Roger Waldon.

Public Hearing--University Village Special Use Permit Application

Mayor Howes requested that those wishing to testify in this matter come forward to be sworn.

Town Manager David Taylor requested that the applicant's project fact sheet, statement of justification and other related materials be entered into the record of the hearing. Mayor Howes concurred.

Roger Waldon, Planning Director, stated that the request involved a special use permit for 33,000 square feet of office and commercial space at NC 54 and Hamilton Road. He noted that an existing 26,000 square foot motor inn (University Inn) is located on the site.

Mr. Waldon showed a vicinity map, with the subject property highlighted in orange. Mr. Waldon pointed out the location of the proposed Laurel Hill Parkway, proximate to the site.

Mr. Waldon stated that the existing University Inn and the proposed office/commercial project were located within one zoning lot.

Mr. Waldon noted that a number of substantive issues had been raised at the Planning Board deliberations on this request. He noted that the key point of discussions was entranceways. Mr. Waldon stated that landscaping and berming plans for the site would require approval by the Appearance Commission and Town Manager.

Mr. Waldon said that the applicant proposed locating a dumpster along Prestwick Road. The Planning Board recommended that the dumpster be moved.

Mr. Waldon provided an overview of the applicant's Traffic Impact Analysis (TIA). The TIA concluded that traffic in the Glen Lennox neighborhood would not be greatly increased as a result of constructing the applicant's project. Mr. Waldon stated that the Planning Board recommended further study of traffic patterns in the area, with focus on existing traffic flows and cut-throughs.

Mr. Waldon reviewed other access and circulation concerns, noting the importance of establishing a principal access with smooth traffic flow and minimal other problems.

Mr. Waldon said that concerns had been raised about the limited sight distance at the intersection of NC 54 and Rogerson Drive. One proposed solution was to reduce the speed limit in this area from 45 to 35 MPH. Mr. Waldon noted that possible signalization at the intersection had been ruled out as this would impede traffic flow along NC 54. Mr. Waldon added that the estimated number of additional left turning movements through the median on NC 54 was 90 per hour as contrasted with an estimated capacity of 36 per hour.

Mr. Waldon noted that Prestwick Road had been proposed for closure, as a means of enhancing safety of pedestrians (especially Glenwood School students). He noted that Town staff did not support the closure or abandonment of Prestwick Road.

Mr. Waldon said that the Chapel Hill-Carrboro School Board opposed any development which would generate greater traffic volumes. Mr. Waldon noted that the number of school children using Prestwick Road as a pedestrianway was relatively low, and the staff had recently observed approximately thirty-five students walking to school in the morning and afternoon. He suggested that a crossing guard could be employed to mitigate safety concerns.

Mr. Waldon summarized issues (principally traffic-related) for the Council. He stated that the Planning Board recommended adoption of resolution A, while the Town Manager made a preliminary recommendation of resolution B, including Prestwick Road access to the site and additional buffering requirements.

Council Member Andresen noted that staff was recommending improvements to Prestwick Road. She inquired whether Prestwick Road would have curb and guttering on one side. Mr. Waldon responded that this was correct. He noted that the staff memorandum to Council touched on drainage and stormwater management concerns relating to this area.

Council Member Andresen asked whether a stormwater management plan was currently proposed for the site. Mr. Waldon said that none was contemplated at present, but an analysis would be conducted at a later time, following normal procedures.

Council Member Andresen inquired whether there was a sidewalk in place along Hamilton Road. Mr. Waldon responded that sidewalk was provided along the east side of Hamilton Road.

Council Member Preston inquired whether the estimated 96 left turn movements onto NC 54 were a factor in recommending against the closure of Prestwick Road. Mr. Waldon responded that this was correct. He noted that left turns would be the preferred movement during peak capacity hours.

Council Member Preston asked how the parking lot would be lowered on the site. Mr. Waldon responded that this would involve slightly digging out areas on the site. He stated parking on lower grades would be buffered with berms.

Council Member Preston noted the possibility that cars might cut through the University Inn parking lot in order to exit at Slug's at the Pines restaurant. Mr. Waldon said that staff had significant concerns about this type of movement. He added that Slug's is a property separate from the University Inn.

Council Member Godschalk asked what the impact of the Talbert Service Station would be relative to sidewalks in the area. Mr. Waldon noted that there had been a specific request by the School Board that no sidewalk be installed on the west side of Hamilton Road.

Council Member Werner noted Mr. Waldon's earlier comments concerning sight distance concerns. He asked whether there were any alternatives other than lowering of the speed limit. Mr. Waldon responded that staff had not identified any other alternatives to date.

Council Member Preston inquired whether a traffic study would occur prior to possible project inception. Mr. Waldon said no.

Philip Szostak, project architect and owner's representative, noted that this application was the fourth proposed development proposal for this site. He provided an overview of the three preview proposals (a 45,000 square foot shopping center, a movie theater complex, and a redesigned shopping center).

Mr. Szostak noted that the fourth and current proposal for Council consideration was sympathetic to the needs of the neighborhood, Town staff and affected others. He stated that the proposed project was one that the community could be proud of.

Mr. Szostak reviewed key issues with the Council. He noted that due to the proximity of the site to a major Town entranceway, extensive landscaping was proposed for the site. Mr. Szostak said that berms were proposed to be about 7 feet high. He expressed concern about the height of the berms, due to the perceived flatness of the existing site.

Mr. Szostak stated that he spoken to Public Works staff concerning refuse collection and the use of Prestwick Road as a means of access for service vehicles. He stated his concern about pedestrian safety relative to this use.

Mr. Szostak stated that he favored reducing the speed limit on NC 54 between Hamilton Road and Burning Tree Drive, in order to address sight distance and safety concerns.

Mr. Szostak discussed circulation and access issues. He noted that access to the site would be hampered at times, noting that retailers would concede this in order to satisfy concerns of the neighborhood and school officials. Mr. Szostak stated that the support of the university was required in order to close Prestwick Road. He stated that fire station access could be attained along a reinforced pedestrianway.

Mr. Szostak said that the intersection of NC 54 and Hamilton Road was currently operating at service level C, not necessitating an improved traffic signal.

Mr. Szostak thanked the staff and neighborhood for their assistance in formulating the project proposal. He requested that the Council adopt resolution A.

Mr. Roger Perry, owner, said that he had worked with the school board, Town staff and neighborhood residents in composing his project proposal. He stated that he was "prepared to live with resolution A or B". He stated that the continued use of Prestwick Road was a nuisance to the Glenwood School and University Inn. Mr. Perry said that additional traffic generated by his proposal would be minimal.

Mr. Perry noted his willingness to write a check to the Parent-Teacher's Association (PTA) for monies otherwise intended to improve Prestwick Road.

Mr. Perry said that the golf professional (director) at the Finley Golf Course was supportive of the proposed project. Mr. Perry noted that the Planning Board had considered Prestwick Road unnecessary in approving his proposal.

Mr. Perry said that his property does not currently access NC 54 or Hamilton Road. He stated that the Glenwood Exxon station and other area developments had not been required to improve signalization in the area. Mr. Perry said that a signal was needed in the area, but not due to traffic generated from his site.

Town Manager Taylor asked Mr. Perry whether access was being sought from both Hamilton and Finley Golf Course Road. Mr. Perry said that this was correct. He noted that a pedestrianway could be constructed between the two.

Council Member Godschalk stated that an impressive amount of design and redesign had occurred. He inquired what strategy would be used to screen the site with the berms.

Mr. Szostak said that a gradual streetside slope would be employed to blend the berm with the flat area.

Council Member Godschalk asked whether Mr. Szostak had a favored screening alternative. Mr. Szostak responded that he did not.

Council Member Andresen inquired about the proposed height and width of berms on the site. Mr. Szostak responded that the berms would average seven feet in height and forty to fifty feet in width, with the base as fat as possible.

Alan Rimer, Chairperson, Planning Board, reviewed key issues addressed by the Planning Board. Mr. Rimer said that the Planning Board felt that the staff recommendation of paving Prestwick Road to serve garbage trucks was unreasonable. He noted that the Town staff and Planning Board concurred on the need to improve the intersection of NC 54 and Rogerson Drive.

Mr. Rimer said that there were two possible compromises to address the improvement of Prestwick Road to a class B street: not connecting Prestwick and Hamilton, or carrying the road onto the site and out onto Finley Golf Course Road.

Mr. Rimer stated that curb and guttering or drainage ditches should be installed on both sides of Hamilton Road. Mr. Rimer concluded his remarks by noting that if Prestwick Road is not built to connect with Hamilton Road, there would be no reason to add a left-turn signal.

Council Member Andresen expressed concern about possible access problems from the rear of the site. Mr. Rimer responded that the Planning Board had examined this issue and found that patrons of the proposed shopping center would tend to use other means of ingress and egress.

Council Member Godschalk asked whether some drivers would make u-turns at Finley Golf Course Road. Mr. Rimer responded that most drivers would attempt to make a left-turn out of the site, but might elect to make u-turns due to the difficulty of making this movement. Mr. Rimer noted the importance of appropriately timing traffic signals in the area.

Town Manager Taylor said that his preliminary recommendation to the Council was the adoption of resolution B.

John McCormick, Attorney representing the Chapel Hill-Carrboro Board of Education, said that the school district opposed increased vehicular traffic around Glenwood School. He urged the Council to take all necessary steps to make the site a safe one. Mr. McCormick stated that the school board had worked closely

with the Glenwood Village Shopping Center to install sidewalks, in order to channel pedestrians down the east side of Hamilton Road. Mr. McCormick commended Mr. Szostak and Mr. Perry for their efforts to keep the school apprised of plans for the site. He noted that many of the school's concerns were incorporated into the project plans.

Mr. McCormick said that there were methods other than Prestwick Road for providing service access to the site. He stated that delivery and service vehicles could use Finley Golf Course Road. Mr. McCormick said that the school did not want a secondary means of access to Hamilton Road.

Mr. McCormick stated that a petition had been initiated to request the abandonment of right-of-way for Prestwick Road. He stated that information on this request should be available prior to Council action on this request.

Mr. McCormick urged the Council to consider the safety of school children in their decision-making process. He urged the adoption of resolution A by the Council.

Ken McIntyre, a resident of 33 Oakwood Drive since 1948, stated that the closing of Prestwick Road was endorsed by the school board and neighborhood residents. He stated his unequivocal opposition to the paving of Prestwick Road. Mr. McIntyre said that he had recently experienced bumper-to-bumper traffic on NC 54 from the I-40 exit to the Institute of Government. He expressed concern that emergency vehicles would have been unable to access NC 54 in an instance similar to this. He urged the Council to consider a study for widening of NC 54.

Mr. McIntyre read a statement of Mrs. Prouty, 1 Oakwood Drive. Mrs. Prouty expressed her desire to view beautiful landscape from her property for the rest of her life.

John Riebel, 60 Oakwood Drive, noted serious traffic problems and the presence of school children in the area of the proposed project. Mr. Riebel said that the existing grassy area makes the east entrance to Chapel Hill very beautiful. He stated that the proposed one-story continuation of the University Inn was preferable to a high-rise building.

Mr. Riebel urged the Council to consider purchase the land in order to maintain the beauty of the entranceway to Chapel Hill. He said that a fair price could be offered to Mr. Perry.

Herman Lloyd, 68 Oakwood Drive, noted that Prestwick Drive was used as a main thoroughfare to Harris-Teeter supermarket. He added that students living off Finley Golf Course Road also use Prestwick Drive as a short-cut. He requested that Council not make Prestwick a de-facto thoroughfare.

Dana Staats, 14 Oakwood Drive, said he was concerned about cut throughs. He complimented Mr. Szostak for his willingness to work with neighborhood residents in formulating his project proposal. Mr. Staats cited several goals and objectives of the Comprehensive Plan and language from the Land Use Plan narrative. Mr. Staats urged the Council to pay close attention to traffic and school children safety in consideration of the applicant's proposal.

Dr. Charles S. Zug III, 1034 Torrey Pines Place, President of the Oaks II Home Owners' Association, stated his appreciation for project redesign. He questioned whether another mall, shopping or office center was needed in the east Chapel Hill area. Dr. Zug noted that only two of seven shopping centers in the east Chapel Hill area are currently fully-occupied. He stated that if the proposed project contained critical services, he would be willing to accept it.

Jeffrey Richards, 31 Oakwood Drive, said that Messrs. Rimer, Perry and Szostak had worked closely with neighborhood residents in developing the project proposal. Mr. Richards said that he supported Mr. McCormick's earlier remarks. Mr. Richards questioned the Town's commitment to maintaining the Glenwood School at its current site. Mr. Richards said that cars travel at great speed along Prestwick Road. He urged the Council to limit access on or close Prestwick Road.

Council Member Werner said that traffic appeared to be the major concern in consideration of this proposal. Council Member Werner stated that he could support the proposal if access were attained to Finley Golf Course Road. Council Member Werner said he had heard no counterarguments to this approach. He asked why this was not offered as an option to the Council. Town Manager Taylor indicated that the Council could proceed as it wished in this matter.

Mr. Perry said that shopping center patrons could go from the site onto Prestwick and Finley Golf Course Roads, with no access from Hamilton or Prestwick.

Council Member Werner inquired about access to Hamilton Road. Town Manager Taylor said he would report back to the Council on this.

Council Member Andresen noted the difficulty of access to the site. She requested that staff provide a map clearly denoting the site location, signalization and possible access points.

Council Member Wallace said that not all problems are solvable. He said that the site did not necessarily have to be developed. He noted that when the Council grants development requests, value is being conferred.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO REFER COMMENTS TO THE TOWN MANAGER. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

State Employees' Credit Union S.U.P. Modification Request

Mayor Howes requested that those wishing to testify in this matter come forward to be sworn.

Town Manager Taylor requested that the applicant's project fact sheet, statement of justification and related materials be entered into the record of the hearing. Mayor Howes concurred.

Roger Waldon, Planning Director, stated that the request before the Council involved a modification to an existing special use permit, originally approved in 1982. He noted that the proposed addition involved 1700 square feet of floor area. Mr. Waldon showed an area map to the Council. Mr. Waldon stated that the request was before the Council because the request involved more than five percent of the existing site area. Mr. Waldon stated that staff proposes alternate buffers on the site.

Dana Staats, the applicant's representative, requested that conditions three and four in the Council's proposed resolution be eliminated, since an existing facility was involved. He noted that final plans for the project had been completed and submitted.

Alan Rimer, Chairperson, Planning Board, noted that the Planning Board had unanimously recommended resolution A to the Council.

Town Manager Taylor stated that his preliminary recommendation was in concurrence with the Planning Board recommendation of resolution A.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK, TO REFER TO THE MANAGER. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Public Hearing--Proposed DOTA Revisions for Elementary/Secondary School Development Regulations

Roger Waldon, Planning Director, stated that the uniformly applied floor area requirements in the Development Ordinance left no room for expansion at many school sites. He noted that Town staff and school administrators had been working on a solution to address this situation.

Mr. Waldon stated that a Development Ordinance Text Amendment was being recommended to treat new construction or expansion at school sites under a special set of land-use intensity criteria.

Mr. Waldon said that proposed Ordinance A would adjust land-use intensity ratios, Ordinance B would provide a full-range of

relief to schools, and Ordinance C would provide relief for floor area ratios and release school sites from the special use permit process but would not exempt school sites from other standards cited in Ordinance B. Resolution C had been developed after the Planning Board had reviewed the proposal.

Mr. Waldon stated that the Planning Board recommended adoption of Ordinance A to the Council. Mr. Waldon noted that school facilities need to be in place by mid to late August.

Council Member Werner asked whether entire additions were subject to special use permit criteria. Mr. Waldon responded in the affirmative, noting that the Town is able to review a broad variety of issues in this process. He added that the Council has maximum flexibility in considering modifications under special use permit standards.

Council Member Andresen asked whether special uses could currently be modified by the Council. Mr. Waldon said that sites involving currently vacant land may request special use permit consideration, but there is no flexibility to modify quantitative standards. Only Special Use Permit requests involving existing development may be considered.

Council Member Andresen noted that the Council was currently unable to accommodate the situation confronting the school district. Mr. Waldon noted that the Council is afforded its maximum flexibility in the case of a special use permit request on already developed sites.

Ted Parrish, Chairperson, Chapel Hill-Carrboro School Board, said that the school district was not seeking a complete exemption from Town requirements, rather reasonable flexibility. He noted that the Town Manager and staff had succinctly laid out the school's concerns to the Council. Mr. Parrish noted that he favored Council adoption of Ordinance C.

Dr. Gerry House, Superintendent of Chapel Hill-Carrboro Schools, noted that the district was currently experiencing profound overcrowding problems. She noted that the district was gradually moving from temporary to permanent solutions. Dr. House said that the school district was seeking flexibility without delaying the construction of buildings on school sites. She stated that school district staff had worked with Town staff to achieve a compromise solution.

Council Member Andresen asked whether the school district was happy with comprehensive site plan review. Dr. House responded affirmatively.

John McCormick, Attorney for the Chapel Hill-Carrboro School District, noted that he had enjoyed working with Town staff to address this situation. Mr. McCormick asked whether it was correct that modifications to existing buildings would only

require compliance with buffering and parking guidelines around and for the additions only. Mr. Waldon responded that this was correct.

Council Member Andresen expressed her desire to assist the school district, but added concern about provision of adequate buffering on sites.

Mr. McCormick stated that the school district was committed to providing buffers as appropriate in areas impacted by construction. He noted that the scope of staff review was limited to the areas impacted by additions. He stated that due to fiscal constraints, the school district does not want additional building requirements.

Alan Rimer, Chairperson, Planning Board, said that the manager's preliminary recommendation was in line with the spirit of the Planning Board discussion in this matter. He stated that the Planning Board was uncomfortable with providing relief in buffering and parking requirements. He noted his support of putting the site plan in the hands of the Planning Board and Town staff. Mr. Rimer noted that adoption of less stringent requirements would result in significant time savings for the school board and staff. Mr. Rimer expressed his dislike for having differences between the Planning Board and Town Manager's recommendations at the end of extensive review processes. He noted his support for Ordinance C.

Town Manager Taylor stated his preliminary recommendation was adoption of Ordinance C.

Tom Kuncl, President, Saint Thomas More School Board, thanked the Council for his involvement opportunity. He noted that St. Thomas More is a good private school which will require future expansion. He pledged his strong support of Ordinance C, noting that St. Thomas More School would have no problem complying with same.

Council Member Godschalk noted that commitment of Columbus, Indiana to constructing and maintaining attractive school sites. He noted that Chapel Hill appears to place a higher value on the beautification on highway interchanges rather than school sites. He encouraged the Council to use their imagination in resolving the problems before the school district. Council Member Godschalk proposed the use of hotel-motel tax proceeds for large and significant beautification projects in concert with the school board.

Council Member Pasquini asked whether the agreement between the school board and Town staff transcended that provisions of Ordinance C. Mr. Waldon said no. He noted that requirements would be tied directly to the nature of additions.

Council Member Herzenberg, directing his comments to the school board, noted that the Council had chosen to follow its own rules in making additions to the existing Municipal Building. He stated that it was difficult to apply one standard to one party but not to others. Council Member Herzenberg noted that all but one council member had promised to strengthen buffering requirements during the course of their campaign. He concluded his remarks by noting that citizen input has been largely in favor or strengthening buffering requirements.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN, TO REFER COMMENTS TO THE MANAGER. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

The meeting was adjourned at 10:09 P.M.