

MINUTES OF A PUBLIC HEARING HELD BY THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MONDAY, JUNE 19, 1989, 7:30 P.M.

Mayor Pro Tem Pasquini called the meeting to order.

Council Members in attendance were:

Julie Andresen	Nancy Preston
David Godschalk	Arthur Werner
Joe Herzenberg	Roosevelt Wilkerson, Jr.

Mayor Pro Tem Pasquini noted that Mayor Howes and Council Member James C. Wallace were absent excused.

Also in attendance were: Town Manager David R. Taylor, Assistant Town Manager Sonna Loewenthal, Public Safety Director Cal Horton, Planning Director Roger Waldon and Town Attorney Ralph Karpinos.

Mayor Pro Tem Pasquini noted that the Council would be holding public hearings on four applications this evening.

Public Hearing on Delta Zeta Sorority request for R-5-C Conditional Use Rezoning

Planning Director Roger Waldon provided a brief overview of the conditional zoning process. Mr. Waldon stated that applicants for conditional use zoning must file applications for rezoning and a special use permit. He noted that the applications may be filed and reviewed concurrently, but require separate hearings and actions by the Council. Mr. Waldon said that there are three means for justifying rezoning of a property, to wit: (1) correction of a manifest error; (2) changing conditions in an area; or (3) achieving purposes of the Comprehensive Plan. Mr. Waldon added that when rezoning is considered, all possible uses of tracts must be considered.

Mr. Waldon stated that the owner's representative, Gerry Barrett, Little Creek Company, had filed an application requesting that the subject tract be rezoned from R-2 to R-5-C. Mr. Waldon showed an area map and provided a description of the vicinity to the Council. Mr. Waldon noted that the historic district is located to the south of the property.

Mr. Waldon said that no manifest error had occurred nor were there changing conditions in the area which would warrant a rezoning request. Mr. Waldon stated that language in the Comprehensive Plan could be used as a basis for rezoning of the property. He said that property rezoning in the area would create diversity in the types and intensity of uses. Mr. Waldon stated that if the request for rezoning were approved by the Council, approval of a special use permit would also be necessary. Mr. Waldon concluded his remarks by noting that on balance, given

Council Member Herzenberg noted that the section of the Comprehensive Plan cited for granting the rezoning request appeared to be an elastic clause. Mr. Waldon said that the application had been received at an awkward time, since staff was actively involved in producing final drafts of the Comprehensive Plan.

Council Member Preston noted that the neighborhood in which the subject property is located generally opposes sororities and fraternities. Council Member Preston stated that she had been contacted by only one neighbor, who had expressed concern about the adequacy of buffering.

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

Mayor Pro Tem Pasquini asked when the Council could consider action on this item. Town Manager Taylor said the rezoning request could be back before the Council on July 10th.

Public Hearing on Special Use Application by Delta Zeta Sorority

Parties desiring to speak on the application were sworn.

Town Manager Taylor requested that Agenda Item #2 and related materials be entered into the record of the hearing. Mayor Pro Tem Pasquini concurred.

Planning Director Roger Waldon stated that the application for a special use permit had been submitted with an application for rezoning of the property. Mr. Waldon said the site was one and one-half acres, with a 10,000 square foot residence proposed, to accommodate forty residents. Mr. Waldon stated that the house would be located on the southern portion of the property.

Mr. Waldon reviewed issues involving the special use permit application. He noted that a portion of the site is located in the RCD (Resource Conservation District). Mr. Waldon said a creek and ridge line are located on the site. He added that the eastern portion of the site is quite steep. Mr. Waldon stated that if any disturbance of the RCD was proposed, an application for encroachment would be required.

Mr. Waldon said the applicant would be encouraged to dedicate a pedestrian easement. He added that staff recommends construction of a sidewalk at the front of the site on Hillsborough Street. Mr. Waldon stated that there is a high volume of pedestrian traffic in the area. He stated that sidewalks were required in the Mill Race subdivision, located nearby. Mr. Waldon stated that the dumpster on the site should be screened and accessible. Mr. Waldon also noted that off-street parking provisions outlined by the applicant were adequate, since most trips would be by foot.

surrounding property uses, the request for rezoning was a reasonable one.

Gerry Barrett, representing Delta Zeta Sorority in their rezoning request, said that the site selected by the sorority for its future house is currently zoned R-2. He noted that zoning regulations do not permit fraternity or sorority houses on R-2 zoned property. Mr. Barrett said the site was an appropriate one which would conform to health, safety and community appearance standards if the rezoning request were granted.

Mr. Barrett continued his remarks, noting that the site is located close to the University campus, with the majority of trips being made on foot. Mr. Barrett said that medium density uses (condominiums and apartments) adjoin the site.

Planning Director Roger Waldon, speaking at the request of Planning Board Chairperson Alan Rimer, said that the Planning Board had considered the rezoning request on May 9th and had recommended approval of the request by a 8-0 vote. Noting that the area had a mix of low, medium and high density uses, the Planning Board felt R-5-C rezoning of the property was consistent with objectives of the Comprehensive Plan.

Town Manager Taylor said he recommended preliminary approval to the Council.

Douglas Vaughn-Keeley, 1611 Old Oxford Road, asked whether the subject parcel was part of the old W.C. Coker Estate. Mr. Barrett said this was correct.

Council Member Preston requested a clarification of the distinction between special and conditional use permits. Mr. Waldon provided a brief summary of the two categories.

Council Member Preston asked whether a special use permit not used within one year would result in a property reverting to its former zoning use. Mr. Waldon said this was correct. Council Member Preston asked whether the "C" designation in R-5-C zoning related to the special use permit. Mr. Waldon said yes. Town Attorney Karpinos said R-5 zoning is distinguished from R-5-C zoning.

Council Member Preston inquired whether this application involved spot zoning. Mr. Karpinos said that this application did not involve spot zoning. Council Member Preston asked whether there were any instances where a "C" zone could be a spot zone. Town Attorney Karpinos responded that spot zones are not related to the "C" designation, but rather property location.

Council Member Preston inquired whether it was possible that future owners of the property could request multi-family uses on property zoned R-5-C. Mr. Waldon said this was possible.

Mr. Barrett showed a rendering of the site to the Council. He said that the proposed brick facade would blend in nicely with surrounding properties.

Mr. Barrett noted that refuse collection would not be a problem.

Mr. Barrett added that the Appearance Commission had reviewed buffering and screening of the property and found it to be satisfactory.

Planning Director Roger Waldon, speaking on behalf of Planning Board Chairperson Alan Rimer, said the Planning Board had recommended approval of the SUP application to the Council by a 8-0 vote. Mr. Waldon said the Planning Board had found the proposed number of parking spaces to be adequate. He also noted that language addressing sidewalk liability issues would be included on the final plat.

Town Manager Taylor stated that the Greenways Commission had recommended approval of the SUP application, subject to dedication of a greenways easement. Mr. Taylor also noted that the Transportation Board had recommended approval of the application to the Council. Town Manager Taylor said he recommended preliminary approval to the Council.

Thomas Parker, the project architect, said he would like to create an environment similar to a home.

Lee Marks, representing the Dean of Students Office at the University, said she supported the Delta Zeta applications.

Council Member Preston inquired whether efforts to save trees on the site had been examined. Mr. Barrett said there was only one major tree on the site of the house, while all other trees would be to the south of the house. Council Member Preston said the project was an attractive one.

Council Member Andresen noted that the applicant would be required to prepare a stormwater management plan. Council Member Andresen inquired whether detention basins would possibly be required. Mr. Waldon said this was unlikely. Mr. Waldon said engineers would do modeling of the site, as required in the final plans for the project. Council Member Andresen said that since post-development velocities are sometimes greater, detention basins might be helpful. Mr. Waldon said that general concepts addressing stormwater management issues would be included in the post-hearing memorandum to the Council.

Mr. Barrett stated his concurrence with all conditions of approval.

Mr. Waldon stated that if the applicant were agreeable to the recommended conditions of approval, the Council could consider the special use permit application on July 10th. He said that if the applicant did not concur with all conditions, a detailed documentation of differences would be needed, necessitating Council consideration at a later time.

Council Member Andresen inquired whether the Town or a private hauler would provide refuse collection for the sorority. Mr. Waldon said the Town would provide this service.

Council Member Andresen asked whether landscape plantings and screening would provide adequate sight distances in the area. Mr. Waldon said yes. Council Member Andresen commended the applicant for the use of landscaped islands in the parking lot.

Council Member Preston asked whether type "C" buffers would be required. Mr. Waldon said 15-20 foot buffers were required on the north, while wider buffers would be required on the southern property line. Mr. Waldon stated that type "A" buffers would be required along Hillsborough Street.

Council Member Preston inquired whether buffering requirements could be changed in the future. Council Member Preston noted that Betsy Manning, a neighbor of the subject property, requested thick buffering and fencing, if possible, of the site. Mr. Waldon said buffering requirements are flexible. He stated that the Appearance Commission will examine the planting plan for the site.

Council Member Preston inquired what percentage of the site would have impervious cover. Mr. Waldon stated that he would obtain this information. Council Member Preston requested that future applications contain this information as a standard item. Council Member Preston expressed concern about downstream property owners and possible impacts due to runoff. Council Member Preston suggested that some parking could have been located under the house if a different design had been used.

Gerry Barrett introduced Norma Andresek, the National President of Delta Zeta Sorority. Ms. Andresek expressed her support of the proposed project. She noted that Delta Zeta has one hundred and sixty chapters at various campuses, with a total of eighty-five sorority houses.

Gerry Barrett said he had reviewed the staff recommendations concerning conditions of approval. He stated that there would be no problems in meeting sidewalk or greenway easement requirements. Mr. Barrett said the sorority's attorney would contact the Town Attorney to arrange for dedication of the greenway easement. Mr. Barrett stated that impervious cover concerns would be addressed by Phil Post. Mr. Barrett said parking arrangements would slightly impact the RCD.

occupancy of the newly constructed building on the Village Companies' site.

Diane Buterbaugh, representing the Village Companies, stated that the current eighteen space parking lot was inadequate for parking needs at the site.

Planning Director Roger Waldon said that the Planning Board, by a vote of 5-1, recommended approval of the Village Companies' request. Mr. Waldon said the dissenting vote was due to potential land disturbance considerations.

Town Manager Taylor stated that he recommended preliminary approval of the project to the Council.

Council Member Andresen inquired whether recommended landscaping materials were already on the site or would be added. Ms. Buterbaugh stated that some new vegetation would be added to that existing on the site. Ms. Culpepper stated that the Appearance Commission would give final approval to the landscaping plan.

Mr. Woodruff, representing the applicant, expressed his concurrence with conditions of approval.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK, TO REFER COMMENTS TO THE TOWN MANAGER. THE MOTION WAS ADOPTED UNANIMOUSLY (7-0).

Public Hearing on request to Close Weaver Road Right-of-Way

Engineering Director George Small showed a tax map of the area proposed for closure. He stated that the request for closure had been initiated by residents of the Greenwood and Glendale neighborhoods. Mr. Small noted that in the early 1970's, a request to close the area to vehicular access was granted. He stated that the latest request was for complete closure of the area.

Mr. Small said it would be difficult to build a roadway in the area due to proximity to the Resource Conservation District (RCD). Mr. Small stated that the Town would like to maintain blanket easements for drainage and cable in the right-of-way. Mr. Small said that if the request for closure is granted, some of the property will revert to the owners' of record.

Town Manager Taylor said his preliminary recommendation to the Council is closure of the right-of-way and inclusion of the area in the Town's greenway system.

Syd Alexander said that the area could be incorporated into the Battle Branch greenway. Mr. Alexander said he would like language included noting that the greenway would be kept open at all times. Mr. Alexander requested that the proposed resolution

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER WILKERSON, TO REFER COMMENTS TO THE TOWN MANAGER. THE MOTION WAS ADOPTED UNANIMOUSLY (7-0).

Public Hearing on Request for Special Use Permit Modification by Village Companies

Parties desiring to speak in this matter were sworn.

Town Manager David Taylor requested that Agenda Item #3 and related documents be entered into the record of the hearing. Mayor Pro Tem Pasquini concurred.

Jennie Bob Culpepper, Current Development Planner, said the application before the Council requested that an 18 space parking lot be replaced by one containing 60 spaces. Ms. Culpepper stated that a 13,000 square foot building addition was granted to the Village Companies in 1985. Ms. Culpepper showed a vicinity map to the Council, depicting the location of the proposed 60 space lot. Ms. Culpepper stated that the applicant requested that only one entrance to the lot be required. Ms. Culpepper added that phasing of the lot was also sought by the applicant.

Ms. Culpepper stated that type "B", "C" and "D" buffers would be required on the site. Ms. Culpepper noted that construction of the building addition must begin by March, 1990 and be completed by March, 1992. Ms. Culpepper noted that road improvements for a portion of Weaver Dairy Road were also required. Ms. Culpepper concluded her remarks by noting that if the applicant agreed to the conditions of approval, the request could be back before the Council on July 10th.

Council Member Andresen asked how much buffering would be required under type "D" standards. Ms. Culpepper said the buffer would need to be at least seventy-five feet wide.

Noting that the Planning Board had recommended approval of the request by a vote of 5-1, Council Member Herzenberg inquired why the majority had rejected the dissenting view. Ms. Culpepper said that the currently undeveloped area is located under the television tower at the site. She added that when the project was approved in March, 1988, the boundary was drawn in relation to the height of the TV tower.

Council Member Werner inquired whether the widening of Weaver Dairy Road had been considered when the building expansion was discussed in March, 1988. Mr. Waldon responded that improvements to Weaver Dairy Road were discussed in March, 1988. He noted that all right-of-way along the property frontage is to be dedicated for widening of the road. Council Member Werner inquired whether any of the improvements had already been made. Mr. Waldon said roadway improvements would be made prior to the

concerning this item be referred to the Town Attorney for his review.

Council Member Godschalk said it was his understanding that the essence of the request was to preserve the area as greenway. Town Attorney Karpinos indicated that he had been out-of-town and had therefore not spoken to Mr. Small or Mr. Alexander concerning this matter since last Thursday. He stated that the area is used for public purposes at present. Town Attorney Karpinos said the intent of the closure would be to allow pedestrians to utilize the area as part of the greenway system. Mr. Karpinos indicated he would speak with Mr. Small before the item came back before the Council.

Town Manager Taylor stated that the Greenways Commission recommended that the road be closed and the area added to the Town's greenways system. Town Manager Taylor added that this was also his preliminary recommendation to the Council.

Pearson Stewart said he was delighted to recommend closing of the road and the addition of the area to the greenway system.

Council Member Godschalk said he thought that the action requested of the Council had occurred in 1971. He stated that future Council action would ultimately resolve this situation.

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