

MINUTES OF A PUBLIC HEARING HELD BY THE MAYOR AND COUNCIL OF THE TOWN OF CHAPEL HILL, NORTH CAROLINA, MONDAY, OCTOBER 21, 1996

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Mayor Waldorf called the meeting to order. Council Members in attendance were Julie Andresen, Joyce Brown, Joe Capowski, Mark Chilton, Pat Evans, Richard Franck, Lee Pavao and Edith Wiggins. Also in attendance were Town Manager Cal Horton, Assistant Town Managers Sonna Loewenthal and Florentine Miller, Planning Director Roger Waldon, Planning Coordinators Chris Berndt and Jennie Bob Culpepper and Town Attorney Ralph Karpinos.

Item 1 UNC Assessment for Proposed Ball Fields

Town Manager Horton

Good Evening and I will be brief. It has been proposed that the North Carolina Clearinghouse should request that the University prepare an environmental impact statement with the opportunity for interested parties including citizens to submit comments on the EIS in a public hearing. In addition, it has been proposed that the University should take ameliorative action including but not limited to increased buffer areas, noise barriers to minimize the effects on the Biological Reserve. Both of these resolutions are drawn from the council’s discussion at your last meeting though we understand that there may be desire to provide additional information and comment.

Mayor Waldorf

Thank you, I’m going to turn to the Mayor Pro-tem also I’ll note at this point that there are three citizens who have signed up to speak on this item. I don’t know what the Council’s feeling is about whether we hear from folks on this tonight. Please think about it while Joyce presents her resolution.

Mayor pro-tem Brown

Thank you and I’ll be brief too. The resolution that I have presented tonight is based on the staff’s resolution 1A and I would like to thank them for their work. I’ve taken out two words on two different places. Those two words are, “or minimum” so that the resolution would be

recommending that the ball fields be located to an area with "no impact" on the Mason Farm Biological Reserve. I've also added three whereases which address the flood storage area which is now provided for in this area of the ball fields. This is an Army Corps of Engineers overflow easement and flood storage area is extremely important for the citizens, for the town of Chapel Hill.

I've also added two to the "now therefore be it resolved" section and that the Council supports the request that a revised environmental assessment and that the council further supports preparation of an Environmental Assessment Impact Statement which would include alternatives. I think that this strengthens this and I think that it correctly gives the sentiment of the people who spoke on this issue. I think that this is an important one for the town. I would hope that the council would feel right about passing Resolution 1c.

Mayor Waldorf

All right, we have three folks who signed up to speak on this. Would the Council be willing to hear them briefly?

Bruce Runberg

Thank you for the opportunity to speak once more on this particular project. I'm Bruce Runberg, Associate Vice Chancellor of Planning and Facilities for UNC-Chapel Hill. Since the resolutions were distributed today and they did talk of relocating the fields and doing an EIS rather than an Environmental Assessment felt it was worthwhile to just make two or three comments. One, we did want you to know that based upon input to date, we are going to modify the Environmental Assessment. We are looking at changes to the existing plan at the current location. We have been working on the current plan for over 1 ½ years all in the context of the JJ&R study. It should be noted that there are no other sites available at Mason Farm yet we must move the existing fields to expand the golf course which was an accepted recommendation of the JJ&R study. In discussions with the Clearinghouse administrator where you're input will be submitted, she indicated that an Environmental Assessment was the appropriate review document for this particular project not and EIS. Lastly, I've asked Peter White to comment on the viability of the project. He's here with me. Peter is the Director of the Botanical Gardens and was unavailable last week. Thank you.

Peter White

The North Carolina Botanical Garden has not opposed the concept of moving the playing fields to the field north of Mason Farm Biological Reserve. However, we have suggested that this relocation be done in a way that protects the resources and core value of the reserve. We've worked with Bruce Runberg to propose ways to do this. We've been aware of this proposal for almost two years and during the time we've participated and filed comments in numerous public forums about impacts to Mason Farm Biological Reserve. Last week several representatives to the garden, Haven Wiley, who is chair of the Mason Farm Biological Reserve Committee, Assistant Director Charlotte Jones-Row and I met with Bruce Runberg and others to suggest specifically ways of protect the Reserve. These included expanding the buffer to Morgan Creek

and the Reserve, insuring that road access does not include the reserve entrance road, minimizing lighting impacts and understanding and forecasting effects of changes to water flow and hydrology on the flood plain.

John Kent

My name is John Kent. I want to support the proposal that is outlined by Joyce Brown. I have a great deal of respect for the people who manage the property and the Garden. However, as a private citizen who has used the Reserve and knows about it and for other people who have talked to me as well, I think we really need to have the athletic fields moved elsewhere. An EIS is a good thing in the sense that it make those who are working on this consider alternatives but it wouldn't be good enough if it were simply a paper chase they file it and then go ahead and do it with the detrimental effects on the Biological Reserve. So I don't think just doing an EIS or even an adequate description. An EIS is just what you file. When you go ahead and do it you have to document what you're doing. It says you've thought about it but it doesn't say you have to do nothing as far as what you want to do. Thank you.

Mayor Waldorf

Council discussion? Joyce?

Mayor pro-tem Brown

I would like to move R1C which you have before you tonight.

Council Member Andresen

I'll second it.

Council Member Evans

I have a question that I'd like to have answered. I wondered if anybody knew how much these fields are used? How often? How many participants are on the field? They are in my neighborhood and maybe late afternoon is the only time I've ever seen them being used. I don't know. Mr. Runberg?

Bruce Runberg

I don't have the exact information. I know that they are used generally in the afternoon during the week and sometimes on the weekend.

Council Member Evans

But the times when I've used that as my walking route, they're not used in the morning. I know that one of the issues that was a concern of citizens and of the Botanical Gardens was the relocation of the road and that has been done. I guess in the discussion of this issue I'd like to go back to what we are allowed to do which is to comment and I think it's a bit presumptuous of us to tell them that they have to relocate these fields because in almost any place on the east side of the ridge there's going to be some impact. Even at the Horace Williams site, if they locate fields there, there will be some impact.

The resolution that was passed which is the R1.1 which was passed in November of '91 which establishes policy for review of documents made available to the town. It says, "To make comment to the State Clearinghouse." And I feel that we are moving into a dangerous realm if we start telling the state what to do. I mean how would we like if it the County told us what to do in regard to our development or the State told us what to do and so I am uncomfortable telling them what to do.

I'm not uncomfortable, however, asking the University to submit an improved complete Environmental Assessment Impact Statement. I'm not uncomfortable asking the University to move the fields away from the creek to allow for a buffer. The Director of the Botanical Gardens, Peter White, has spoken in support and knowledge of the relocation of these fields and he certainly knows far more about the lands down there than any of us do. So I think we need to think about what we're doing and how this might impact on other issues that are going to come before us. As most of you know, I'm very supportive of the town working with the University not in opposition to the University. But working with the University to make this a better community and I don't feel that this is taking the direction in which we are working with the University. I'd like to see a resolution that would ask the University to submit an improved and complete Environmental Assessment Impact Statement and to continue working with the Botanical Gardens and to submit all the comments that the citizens and the council members have made which is what we have a right to do. And not go beyond the boundaries of what we need to do.

Council Member Andresen

I'd like to address my remarks to the folks here but also to the Council Members. I really support the revisions that Joyce has made and I think it makes a stronger statement. Pat, I'm absolutely aware that we can only comment and I'm sorry that we can't do more than that. I think we can make a very strong recommendation to the state Clearinghouse and we can make a very strong plea to the University and I personally will make the plea that this is an incredibly valuable resource that we have and if these ball fields are built right smack next to Morgan Creek where the very large amounts of fill will be brought in. The Army Corps of Engineers will, as they should do to protect the flood storage area, require another huge area to be dug out. This is really desecrates one of the most valuable resources this area. This is State of North Carolina property. It belongs to all of us in my view and it's a very valuable resource and I think that Joyce has done a good job in strengthening the resolution and I support it.

Mayor Waldorf

I have a question. Joyce, let me address this to you or maybe the Manager as well. Does your resolution assume that the comments that were made to the Council a week ago, last Wednesday night are forwarded along with the adopted resolution.

Mayor pro-tem Brown

They are part of this package, yes.

Mayor Waldorf

So that doesn't need to be explicitly stated?

Mayor pro-tem Brown

It is stated. "submit this resolution and the attached transcript of the council's public forum on that." So all the citizen's comments are included. And I think that that's extremely important.

Council Member Capowski

I have a few comments. Pat, I agree with you that we do not have the right to tell the State what to do, not unless this site is within our corporate limits. And we as the elected officials of Chapel Hill has a responsibility to see that what development is done on this fragile site is done well and how it might affect us. In that regard, let me bring up several interesting points. There's a radio-active waste site out there which has been around for two or three decades at least. I don't know what it's status is but it's had the good fortune of being very remote. There are very few visitors. This project would invite a lot of people to it. So I think it's very important that we know what's going on, if anything good if anything bad with that radio-active waste site.

Secondly, I'd like to know a little bit more about what the chemistry is in planting ten acres of lawn and keeping it in athletic field quality, maybe not Yankee Stadium center field quality but certainly better than my front yard. I would hate to jeopardize Rainbow Soccer. UNC owns the Rainbow Soccer fields and I would hate to drive the University to usurp those fields for their own soccer use. Finally, I would like to address the issue of what is our power here. Rosemary, I don't think we've been thinking very well. Roger and Ralph tell us that the reason that we have no approval authority on this land is because it's owned by the state and the state is not proposing to build any buildings. Well, this past summer I read Grapes of Wrath and there's a marvelous passage in it where Cotton Joe stops the truck and everybody gets down from the truck and he says, "boys to the left and girls to the right." And they all go off to the woods and do their bathroom thing. There was no bathrooms proposed for this project and it's going to attract a few hundred people out to a remote area of Chapel Hill. So I guess UNC's going to have to act like Tom Jode and say, "Girl soccer players to the woods to the left and boy soccer players to the woods to the right." Bruce, I think you're going to have to build a building. The building's going to have to house restroom just like the restroom building at the old Varsity Tennis Center on Country Club Road. That building would be our formal entrance into the approval process.

I have trouble with this resolution to the extent of requiring UNC to build the soccer fields at another site without us having some input into where that site is because I think we might get what we wish for and not like it. I guess I would like to know more about the environmental impacts of this proposed project before we make any commitment or before we make any statement at all.

Mayor Waldorf

I think in a way that this resolution is one of those kinds of resolutions that politicians often pass which points to a problem but doesn't point to a solution. So I'm not sure that we are in any way requiring or not requiring anything. The motion's been made and seconded. I would like to ask the mover and the seconder if they would accept one amendment in the "be it further resolved"

clause where it says that, "the council authorizes us to submit the resolution and the attached transcript of the council's public forum on October 16th." Can we add there, "and citizen's comments on October 21st."? Is that okay with the mover and the seconder?

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER BROWN, TO ADOPT RESOLUTION 1C, WITH THE INCLUSION OF TRANSCRIPTS FROM THE OCTOBER 16TH PUBLIC FORUM AND THIS EVENING'S HEARING ITEM.

All in favor please say "Aye". All opposed "No". Aye's are Council Members Andresen, Brown, Chilton, Franck and Mayor Waldorf. Nos are Council Members Capowski, Evans, Pavao and Wiggins. The amended motion passes by a vote of 5-4.

A RESOLUTION RECOMMENDING THAT THE BALLFIELDS NEAR FINLEY GOLF COURSE BE RELOCATED TO AN AREA WITH NO IMPACT ON THE MASON FARM BIOLOGICAL RESERVE (96-10-21/R-1c)

WHEREAS, the proposed relocation of the ballfields near Finley Golf Course to an area next to the Mason Farm Biological Reserve and Morgan Creek would result in noise, lighting, traffic, parking and other intense activities that would be harmful to the Reserve; and

WHEREAS, the Mason Farm Biological Reserve is an important asset of the State of North Carolina and its citizens, to the University of North Carolina and to the Chapel Hill-Carrboro-Orange County area;

WHEREAS, the area proposed for the ballfields is in the Army Corps of Engineers overflow easement and provides flood storage for Jordan Lake; and

WHEREAS, proper flood storage for Jordan Lake is important for the health, welfare and safety of citizens of Chapel Hill; and

WHEREAS, a mitigation area for this flood storage for Jordan Lake required by the Army Corps of Engineers needs to be in close proximity and at the same elevation as the proposed ballfields and this could adversely affect the Mason Farm Biological Reserve;

NOW, THEREFORE BE IT RESOLVED by the Chapel Hill Town Council:

1. that the Council recommends that the University relocate the ballfields to another location with no impact on the Mason Farm Biological Reserve.
2. that the Council believes that the environmental assessment submitted to the NC Clearinghouse regarding phase one of the Finley Golf Course renovations and expansion, and specifically the relocation of ballfields, is inadequate and provides insufficient analysis of environmental impacts on the Mason Farm Biological Reserve and Morgan Creek area.

- 3. the Council supports the NC Department of Environment, Health and Natural Resources request that a revised Environmental Assessment be prepared.
- 4. that the Council further supports preparation of an Environmental Impact Statement which would include alternatives.

BE IT FURTHER RESOLVED that the Council authorizes the Mayor to submit this resolution and the attached transcripts of the Council's public forum on October 16, 1996 and citizen comments at the October 21st Council meeting, to the NC Clearinghouse and to the University of North Carolina at Chapel Hill.

This the 21st day of October, 1996.

Item 2 Proposed Preliminary Plat for the Estates Development

Town Manager Horton

Thank you Madam Mayor. There are a number of letters and memoranda that have been submitted to you this evening and placed on the Council table before you. We would ask that those documents be entered into the record along with all the other material that we have submitted. Roger Waldon will make the staff presentation.

Roger Waldon, Planning Director

Thank you. We have an application before us tonight, a request for a special use permit. The subject property is 34 acres in size up near the intersection of NC86 and Weaver Dairy Road in the Timberlyne area. The applicant proposes to construct two different kinds of housing on the property. He would construct 22 single-family lots and then construct a set of apartments, 240 apartments. I'm going to briefly put a couple of overheads up on the board and then offer a few comments. This is a map that you've seen before. It came to you as part of the NC 86 corridor study that the Design Review Board brought to you. But I decided to use that as our area map tonight because I thought it is helpful in setting the context for this area that we're talking about tonight. The title was, "Approved, Proposed and Future Development." And it shows on the left side, on the west side of NC 86 Parkside and then it shows the Windsor Park subdivision on the east side on NC 86 and immediately to the north of Windsor Park there is the 34 acre property subject to the Estates. I will keep this overhead nearby because one of the topic I expect to be discussed tonight is the setting, the context, road and traffic patterns and I've found this map to be useful just in looking at the roads and seeing how all of the pieces fit together.

This is a site plan of the actual proposal that's being requested for approval. You can see in the lower right hand corner the area where there are the 22 single-family lots that would be an area that is accessed off of an existing residential neighborhood and not be connected to the apartments directly. Then the balance of the property will be to the left and above these single-family area are the layout for the apartments, 240 and the private road network that would

circulate around those apartments. The applicant is here with members of the design team for this and I'm sure they will have remarks to you and want to describe exactly what they are proposing and why in more detail so I won't go into that in any more depth right now.

There are a couple of things I just want to point out. First, there is a mistake we made in math, with your indulgence, I need to ask you to pull out your memoranda and let me tell you about an arithmetic error that we need to correct tonight. There are two places where this error occurs. It's on page 10 of the memoranda. It has to do with parking requirements. We stated on our memorandum that for the multi-family portion of this site that 334 parking spaces were required by our ordinance. That figure is wrong. It should be 368. So on page 10, on the very first line when we talk about 334 spaces required, it's actually 368. The reason that that's important is that what the applicant is proposing is 450 spaces. In the very next paragraph we say that that's 116 above the minimum. It's not that much. It's 82 spaces above the minimum. And then on page 16 of your memorandum there's the same number. Page 16 item I. We refer to the ordinance required minimum number of space as 334 and I just wanted to point our again that we did our math wrong.

What's being proposed meets all of the standards in our ordinance in terms of intensity, density, buffering and all of the quantitative standard in our ordinance. We have brought this project through the system so far through our staff review and through the various boards review and here it is before you tonight, the big issue has been traffic and the amount of traffic the project would generate and where it would go. You can see that one of the points of access to this property is going to come off of Westminster Drive and that's very logical and from the beginning that was an obvious point of access into this property. Westminster Drive stubs out to this property. When you approved the Windsor Park subdivision to the south, one of the issues was the stub-outs to the property to the north because we were expected as some point this development to come into the process and those plans have been coordinated. You did require that Windsor Park provide a stub-out to this property and then this property as it's coming through has been designed to connect to Windsor Park to the south. So there are 2 points of access. I've already mentioned the single-family portion coming off of Butternut is isolated and self-standing. Probably the bulk of our conversations about this to date have to do with Kingston Drive and the applicant is proposing to you that there be a connection to Kingston Drive

We have been talking with the applicant and the applicant is suggesting that it be an entrance only point of access off of Kingston so as to try and minimize impacts on the adjacent residential areas. Transportation board has a recommendation in your packet tonight calling for that to be a full 2 way access. What the applicant is proposing and what the staff is recommending to you tonight is an entrance only access from Kingston into this property. There are a couple of reasons why we think that that kind of access is important. As we looked at this we thought that from the point of view of public safety, fire and emergency vehicle we thought that that point of access was important. We have suggested to you before that multiple means of getting in and out of a property, multiple ways of moving about town we think is desirable and we think that this access onto Kingston will help minimize the extent to which we are forcing traffic through the Weaver Dairy Rd. and NC 86 intersection. So for all of those reasons we have recommended that there be

a point of access from Kingston and our recommendation to you is that it be a one way entrance only off Kingston. I know there are a lot of folks here wanting to talk tonight and you have your advisory boards here so I'll stop there and let you hear from some others.

Mayor Waldorf

Let's hear from the applicant.

Kelly Dunbar

Mayor, ladies and gentlemen of the Council, I appreciate the opportunity to talk to you tonight. I represent Estates, Inc. We are professional real estate development and management company located in Columbia, South Carolina. Over the past seven years we have successfully developed over \$80 million worth of apartments and continue to manage 1200 units in three states: North Carolina, South Carolina and Georgia. Three years ago our market analysis had earmarked Chapel Hill as an opportunity to do luxury apartments based on demand and a low vacancy rate. For the past two years we worked diligently with the staff and at times with the input of Timberlyne residents to develop a site plan that meets everyone's expectations and develop a product that will be successful and attractive and an asset to the community. I hope after the evidence and the facts that you will consider this development and approve our community. I'll turn this over to Jack Smyre our professional engineer.

Jack Smyre

I'm Director of Planning for the John McAdams Co. and part of the design team for the project. The other design professional that worked closely with us was the principal owner of the Design Resource Group, Mr. Jim Guyden, a Charlotte-based landscape architect. A designer this firm knew before this project actually working with on some Trammel-Crow properties and what not. It's Jim's land plan that has driven this through much of the two years we've been working with it. It is our hard-line document and we are, of course, engineers on it. The local contacts have basically shepherded this thing through a process that we want to take some time to talk to you about tonight. I totally agree with Roger Waldon's first approach to this project because we sat down as designers to look at it. We had to place the project into this context and that's not just geographic, which corner of the universe it's in. It's an historical context also.

You've got some materials I know and I'm not going to rehash them word for word from Mr. Howell. Basically, giving an historical perspective, many of you go back to the era politically, certainly as citizens. The Timberlyne neighborhood began in 1976, I believe, 20 years ago. It was Chapel Hill's first planned unit development. It had land use elements that were diverse all the way from the shopping center itself to the office complex to half acre single family duplex lots to multi-family. Some of the multi-family constructed, some of it planned in the '80's as a retirement community and not built. The actual HUD document itself was reflected in and in response to the comprehensive plan at the time, the comprehensive plan now which called for the area that you have in front of you tonight, the 34 acres to be high and medium density at the time zoned R5 and R4. And R5 at that time allowed 20 units per acre and R4 allowed 15 units per acre. So is was a development that was basically talking about 482 units on this 34 acres. The plan that was approved for this first phase of Cambridge in the '80's, the R5 portion, came within about 32 units of achieving this density.

But as we sat as designers today and Denis began looking for someone to be the developer of this pod we realized that some realities have changed. He began discussions with the staff before any designers became identified, talking about what might happen on this property and I think the decision was made by him and embraced by the Estates as a workable situation that we further and voluntarily take the density down on this project and now basically it sits 220 units below what the original proposal was. A whole apartment complex taken out of the density of this project. And to do basically a third phase of Timberlyne, a ½ acre subdivision development and to do as Roger said isolated... It is vehicular but we'll talk to you as we put the plan up to you about how we have tried to link it with strong pedestrian connections and bicycle connections, not just serving our third phase but the Timberlyne neighborhood in general. It's one of the challenges as we talked to the neighbors, we heard their concerns and we all know their complaint about Kingston Drive and traffic and it basically being the frontal into all the rest of those subdivisions. In particular, if you really listen, the complaint is the inability to be able to walk on the street.

The lack of sidewalks and so by our pedestrian linkage we provide a backdoor route with sidewalks and greenways to the shopping center complex that gets them off Kingston Drive and into the shopping area and into the theater area without having to walk Kingston Drive So Dennis, sitting with the staff, agreed that there was a certain threshold that is needed for successful multi-family development. It's somewhere in the low 200's and that the remainder of the land would be single-family and then they went in search of a developer and Estates was not necessarily, he's quick to tell them, his highest bidder but one that he thought had the product with garage units and the type of construction and the type of commitment and the development program with numbers that would work with the vision that had been jointly developed between town and owner as to what might happen on this property. So now has retained designers for Estates and working with Dennis, our approach to the property was to look at the single-family edge that Roger showed you on the east side, the existing single-family development that although it is part of the Planned Unit Development.

Some time has elapsed and ownership's have changed so therefore we're recognizing that although people looked at a zoning map and even looked at approved projects in the last decade that were multi-family in nature, at a higher density than what we're proposing, that still there would be some edge problems that could be addressed by design. So along the majority of what was the true single-family area we have some other lots that take advantage of the R3 zoning which could be as small as 5,500 square foot lots, very difficult to build on but still smaller lots. There are indeed Timberlyne size, they are ½ acre lots along that whole, not just the edge but down in our development there. In the R5 portion which is the area, the 10 acres to the north and the remainder of the R3 area is the 240 unit apartment complex. And so I think what we'll hear tonight, later, is some discussion about the remaining edge that we have against what was originally supposed to be duplex lots but frankly were developed in a single-family manner. Some duplexes were started in the Silver Cedar area and then another builder purchased them and developed them in a single family manner in the 80's. I think we're going to hear some

about that edge. I'm going to tell you our design response to that and I think we're going to hear a little bit about Kingston Drive.

I believe all the other edges are pretty much according to ordinance requirements or above. We're against multi-family, we're against undeveloped land and to the south we've got a road connection to Windsor Park which you have seen. Frankly, most of our year and a half moving through the formal process has been a discussion about Westminster Drive. I'd be less than truthful if I said we went into that willingly. Our first design did not have Westminster Drive extended to the south. We do not feel that that was a duty or ...of this applicant to provide. We discussed possibly providing the right-of-way corridor and having Windsor Park build the road. That's not a road that any resident of this project will ever use because it simply goes to the south and offers a right turn off of the community that they have further to the north using Westminster unless they know someone down there and want to drive down to visit instead of walk. This is a road that serves Windsor Park. This is a road that allows Windsor Park to move to Weaver Dairy and to the shopping center complex and we would have preferred to use some of Windsor Park's funds on that road but be that as it may we proposed some alternate solutions.

We've proposed a road to the west, we proposed looking for a right-of-way corridor through the rest of the Maddy land. We weren't able to come up with that frankly and so in May of this year we submitted the plan that you have in front of you tonight which is Westminster to the south and provides the linkage that we admit that Windsor Park needs, they certainly need that linkage because without that you have 60 some lots on a right-in right-out on NC86. We were just looking for financial help on that project. Nonetheless, you have the connection. It took about an acre of our land away and apartments got a little bit scrunched because of that but that's part of the element and that's not opposed by us at this point in time. So we're going to talk to you a little bit about what the designers did about the edge against Silver Cedar.

The ordinance would require twenty foot buffers. I guess our first submittal probably had that. We had the development pulled a little bit away from that edge but in our many discussions with the neighborhood group, we met formally with them 5 times outside the public information meeting that is part of the formal process. In addition to discussions about Kingston Dr. and their concerns about Butternut extension, that's another reason we tried to keep Westminster away, was the particular concern of the Silver Cedar residents about the nature of their back yard, what it was going to look like. So our second submittal in February of this year tried to address that by beefing that buffer up by pulling away 35 feet with any pavement leaving 20 feet of it undisturbed and planting the outside edge with evergreens. What we proposed to them to try to position the garage units that we could use small architecture to block big architecture for view sheds. They happen to sit lower than our land so it helps that vertical elements will screen larger vertical elements pretty well. We talked to them about having the buildings 100 feet away from the property lines. We met in the field with them. I would say that was not probably sufficient in their minds. And now we bring to you tonight and we're going to show you some things in just a moment and we ask that it simply be referred to Manager to have this new information absorbed before we come back to you on the November 11th. We apologize for the lateness of this but it was our inability to hook up with the overworked and elusive Urban Forester who's prime duties these days is clean up of Fran. We managed to finally get about forty-five minutes of his time

last Wednesday afternoon in order to walk with him through the woods and see his particular concerns about particular trees which we'll show you and his concern about certain hardwood stands. We're pleased to tell you that we were able to accommodate all his desires. The trees that he deemed significant, we're going to be able to save. The entire team has now seen them. Sometimes when you strip away woods around trees and they're left standing, they're not very pretty to look at because they've grown up to sunlight and they're misshapen. But these happen to be very beautiful trees. They're going to be nice. So we agree wholeheartedly they are worth the goal of saving and we're going to be bringing to you back and we're going to be able to show you in sketch form tonight and more graphical form on the 11th, a buffer against that edge that is essentially 62 feet to the pavement and the outer most 35 feet against the property line we absolutely pledge that a minimum of 35 feet to be undisturbed.

We've actually talked to Curtis about establishing a cut-hill clear line that meanders as needed outside that 35 feet so in areas it may be greater than 35 feet but in no case will we allow it to get any closer than 35 feet. And then we're going to show you a plan for the remaining 27 feet of that buffer that includes canopy trees that are 12 to 14 feet in height at installation and evergreens that are 6 feet and more at installation and understory trees, blossoming trees on the inside so it's not just a monolithic green shield and all this is occurring 40 or 50 feet from the property line. And we've now pulled the buildings 140 feet away.

Mayor Waldorf

Mr. Smyre, are you going to show us something now that is not part of the packet that we received? I would encourage you to move through it as expeditiously as you can because we've got four items tonight and we have an audience full of people who are here to speak.

Jerry Smyre

I'm talking to you about it a little bit more than usual but this is a complex project. So I'll wrap up and will be available for any questions and responses later on. And we have a couple of minor questions about some of the conditions of Resolution A but I think if it pleases the Mayor, I'll wait until the end when we're asked about conditions to specifically outline our concerns on that.

I want to talk about one more design element and then I'll wrap it up and that is the entrance onto Kingston Drive. The applicant would love to have a full-service entrance on Kingston Drive. The town staff initially was fairly adamant about that too. Your NC 86 Corridor Study Group went on record for a full-service entrance. The Transportation Board is on record for a full-service entrance. We have met five or six times now with the neighborhood group and we knew before we ever met with them that another single solitary car on Kingston Drive was the enemy and in particular it is their belief which we don't necessarily refute that if we had exiting traffic on Kingston Drive, particularly right-turning traffic, that most people would quickly learn the cut-through route that occurs down to the south through that pinball maze and comes out either on Piney Mountain or Eastgate area and we thought it would be silly of us to refute that that wouldn't necessarily occur.

We also hear, believe and want as an apartment community an emergency service access though into this development and so our design response which I think the Manager and his staff have indicated that they support also now, is to, by geometric and planting design, not just a sign but by a sweeping curve and sharp radiuses that cars cannot turn and medians that block left turns on our internal drives that we have a drive that provides an easy ingress but is very, very difficult to get out, like a porcupine quill. We think that this, while not our first wish and not even your staff's first wish, is a good compromise design solution that will allow easy access by the emergency vehicles and will, at the same time, keep cars off Kingston and will allow that Kingston/Weaver Dairy Road intersection to continue to operate at level service A and B as it does at its AM and PM peaks. And we have a traffic engineer who would like to come up here and say a brief word to you about the traffic report and then we'll hear some discussion about that and then we'll be able to turn it over, I believe. We have one brief appraisal matter and then we'll be able to turn it over to the public.

Mike Horn

Good evening, I'm with Horn and Associates at 3001 Weston Parkway, Cary , 27513. I'm a licensed engineer in the state of North Carolina, having practiced traffic engineering now for over fifteen years. At the request of Estates Inc. we've prepared a traffic impact analysis for the proposed development. The report has been submitted to the Town and it is provided in your agenda packets tonight. We submitted the report in September, 1995. As indicated in the report we did perform counts on August 1st and 2nd of that year. To account for any seasonal variation in the traffic flow, the staff recommended we look at traffic counts at other time frames. Consequently, we adjusted the August counts upward to account for the seasonal variation in the traffic which is very typical. I also add, we also confirmed our counts later with a December, 1995 count which showed that we were correct in our analysis. The staff has reviewed our analysis and has agreed with our traffic volume.

We also took into account the approved projects of Northwood 5, Chapel Hill North and the new high school which we include the entire build-out of each of these projects. As Mr. Smyre indicated earlier, the original proposal had a full-movement driveway on Kingston Drive and it was also a connection to Westminster Drive. As proposed now the project will have an entrance only on Kingston Dr. and will still access Westminster Drive. Our analysis shows that the Kingston Drive/Weaver Dairy Road intersection with the proposed configuration will maintain a level service B for the westbound left turn and a level service A for east bound right turns. Those would be the turns that we are affecting at that intersection. The intersection of Westminster Drive with NC 86 is currently full-movement however Westminster Dr. will be converted to a right in right out with the widening of NC 86 where it is proposed to be made into a right in right out and with that then Westminster Dr. with NC 86 will operate at level service A. That is the summary of my report. If you have any questions I'll be happy to answer them.

Council Member Evans

What was your date in December that you did the study?

Mike Horn

December 5th. We also looked at other months throughout the year to also see that that seasonal variation was looked at.

Tom Heffner

I'm Tom Heffner. I've been a real estate appraiser here in Chapel Hill for 23 years. The applicant asked me to review their plans and look at any potential impacts, negative impacts in particular that I felt it might have for the values of the adjoining properties. As Mr. Smyre has pointed out the property is part of the original Timberlyne PUD and is currently zoned as R5 and R3. The reasonable expectation would be that a purchaser buying property adjacent to that or nearby would look at that zoning and with reasonable expectation would see that multi-family unit development would be built there. The development as proposed to us tonight is a considerably lower density than would be allowed by zoning. The traffic is a concern and can have an adverse impact on property values. However, it would appear that the development plan effectively funnels a lot of the traffic away from the existing Timberlyne subdivision and does seem to do a fairly sensitive job of trying to deal with this traffic problem.

In terms of buffering, there is a greater buffer than is provided by the ordinance or somewhat might reasonably expect might be provided if they built property there. Conclusion is my opinion that the project as proposed would not have an adverse impact on adjoining property values. I'd be glad to answer any questions also.

Mayor Waldorf

Let me now call on Mary Reeb to speak for the Planning Board

Mary Reeb

As we look at all of these developments and have been doing so over these last few years, it's becoming clear that when you have a traffic problem there are only a few ways you can deal with it and one of them is dispersing the traffic and the other is blocking the traffic and the third is not building at all. There are factors and factions all over town who want one or the other of the three. In this particular case, we felt that while dispersion of traffic is usually better that given the environment in which this development is taking place that the right turn only off Kingston was justified, not necessarily be somewhere else but that the developer was attempting to accommodate the concerns of the neighborhood. There were some other items in this development that indicated that they were also trying to and I think you've heard tonight that they're trying even now to address some of the concerns of the neighborhood about buffering and such things as that. And so in the end, looking at all of this and realizing that there are concerns out there we felt that in this environment that this is probably a reasonable approach to this development and we approved it 7 to 0. I did tonight read that other boards came to other conclusions but given the environment in which this is being handled we decided that that was probably the best approach.

Mayor Waldorf

Are there representatives of other advisory boards that wish to make a presentation tonight? Thank you all. I have a list of citizens who signed up to speak.

Norm Rosen

My name is Norm Rosen. I'm President of the Timberlyne Neighborhood Association. Thank you for the opportunity to speak. I'll try to keep it brief. As you may have guessed our neighborhood is quite concerned about this project. As evidence of that I'd like all the Timberlyne residents to stand up so you know how many of us are here. It's not that we don't like baseball, we're trying to be home by the end of the 5th. You'll hear from a number of people in the neighborhood making different points about the Estates development. They won't agree on everything but there is one thing that we are united on and that is the concern about the safety and the traffic in our neighborhood and particularly on Kingston Drive.

As a number of people have said already, you need to look at this in the context of what's around us. You've got Northwoods, Windsor Park, Chapel Hill North, the new high school. This is all bringing traffic to the Weaver Dairy Road and Airport Road area and people are always looking for shortcuts and Kingston Drive provides a dandy shortcut for them but it's right through our neighborhood. I'll remind you again Kingston Drive is only 24 feet wide, no curbs, no gutters, no side walks, no bus stop shelters. There is no place to go but on the pavement and two cars cannot pass when you've got someone walking on the street. It's really tough to take a walk on Kingston or almost any of the roads through Timberlyne. You might remember that five years ago there was a proposal to build a 24-hour gas station up at the corner of Weaver Dairy Road and Kingston Drive that was defeated and at that point the Council recognized the need for sidewalks along Kingston Drive. Well, its' five years later and we still don't have them and traffic is only that much worse. We're unanimous in our opposition to the connection onto Kingston Drive, even if it's an entrance only, it's going to bring people coning home through our neighborhood turning in there. I would only like to mention that we did do a survey of our neighborhood. Out of all the people that responded to this, 71% also feel that there needs to be some type of reduction in the number of apartments in the projects. Thank you

David Fetteiman

My name is David Fetteiman. I represent Timberlyne. I'd like to thank you for the opportunity to speak tonight and I'd like to take this opportunity to express my position in regards to the proposed street connection of Kingston Drive into the apartments of the Estates. This includes the possible one-way connection that might easily become a two-way connection. Airport Road is currently being improved to allow for more traffic and could easily handle this additional traffic many times over. Yet this proposal in its current form encourages a lot of traffic through Timberlyne mainly because of a lack of easy access onto Airport Road south. I assume that the State Department of Transportation has not made any decision as to whether a median break will be allowed at Westminster Drive. If it is not allowed and this proposal is approved a lot of traffic will be forced through Timberlyne. A neighborhood with streets that aren't designed for a lot of traffic. This would not be a fix. It would merely be a reaction. Nonetheless, if millions of tax dollars are being spent for a four-lane Airport Road, then we should use it and to use it would require some sort of sufficient mechanism to allow for easy access onto Airport Road south.

I don't see that mechanism and without it we will be forcing R5 traffic through and R1 neighborhood. A neighborhood that has heavy pedestrian flow. A neighborhood that has a lot of

kids on bicycles, joggers, walkers and this is the environment in which we chose to live and it is also the environment in which we continue to live. Due to the recently approved developments in the area. The new Harris Teeter, the adjoining strip mall in Chapel Hill North to name a few, Timberlyne will already be acquiring a lot more cut-through traffic as it is. Kingston Drive is already a heavily favored cut-through to Timberlyne Shopping Center for a lot of north Chapel Hillians. Kingston Drive was not designed to handle a lot of traffic. Please find out what the DOT decision will be in regard to the median break on Westminster Drive before allowing this proposal to continue the approval process. And I also urge you all to please do whatever possible to keep large volumes of traffic on streets and roads that are designed for it. Thank you.

Mayor Waldorf

Mr. Weeks followed by Sarah Gravy and Jenna Stern. Mr. Fetteyman, I just want to say that we're trying very hard to get that curb cut at Westminster Drive and I wish we could wave a magic wand and get it done but we have to get the agreement of people in Raleigh and we're working on that.

Kevin Weeks

My name is Kevin Weeks and I'll be very brief. I'd just like to propose a standard by which you can judge the success of your decision tonight. That is, I'd like to tell you one thing about our community and about my neighbors. We are a walking community, we walk to visit our friends. My three year old daughter rides her tricycle on Kingston Drive to visit her friends, Meg and Melanie. Our teenagers ride and bike to the shopping center to be funky, to hang out, to eat ice cream, to go to movies. Our adults jog and walk on that street. If we are still a walking neighborhood when you're done with your decision, you can pat yourself on the backs and we would be delighted to applaud you. We're not ludites but we simply want to maintain the walking character of our neighborhood. It requires that we be able to walk and live on Kingston Drive. So how do you do that? Well, you don't do it don't think with an access from these development onto Kingston. And you might not do it with the density that's been proposed. And the other thing is is that we need some sidewalks. We have a special place in Chapel Hill where you don't have to drive your car to do every little errand. It's an unusual neighborhood in that way. It's why many of us chose to be here. So as you make your decision I'd just like you to think about, "Is this neighborhood still a walking neighborhood when we are done with this decision?" And if it is whatever decision you make I will applaud you as will, I'm sure, all of my neighbors. Thank you.

Mayor Waldorf

I would really appreciate it if you all would hold the applause. We have a lot of speakers to get through and I think we'll be able to do it more expeditiously if we don't applaud after every speaker. You two girls are going to do this together?

Sarah Gravy

I'm Sarah Gravy. I'm 11 years old and I live on Kingston Drive. I think if traffic from the apartments comes up to Kingston it will not be safe for kids because all the bus stops in the

neighborhood are on Kingston. The kids in the neighborhood all go to the bus stops and already the cars run stop signs and speed. We have nowhere else to stand except for the road and the grass. Every day lots of people ride their bikes, roller blade and walk their dogs up and down Kingston. So it is not only for kid's safely but the safety of everyone. Thank you.

Mayor Waldorf

Okay, applaud only for children please.

Jenna Stern

..... and I also don't think you should tear down the woods because it's the home of a lot of animals and stuff so just you should save our neighborhood and the children in it. Thank you.

Sarah Frost

Hi, my name is Sarah Frost. I've heard that people want to build an apartment complex of about 200 apartments and that means about 200 to 300 more cars on our roads. Our roads are not that big. They're about one and a half roads and cars are barely able to pass each other. There are already a lot of cars driving on them and being a kid myself, I know that kids like to do a lot of stuff on the road like bike and rollerblade and we won't be able to do that if we keep on adding more cars and like Sarah and Jenna said, people just keep on speed and so it's really dangerous. Also if you want to build the apartment complex, you'll be tearing down a lot of woods and the woods do not belong to us, they belong to the animals. Thank you.

Howard Krasnow

I'm Howard Krasnow, Chairman of the Lake Forest Association. We are impacted in two ways by this development. First, of course, any traffic that does get diverted down Kingston much of it will inevitably come through the Lake Forest community. Secondly, we are very concerned about stormwater run-off. This is in our water shed. We have a significant problem resulting from the extensive development that's taken place throughout the watershed area. This is a major development. We have concerns both with respect to construction, run-off and with respect to the effect subsequent to the building and the paving over of the large area. I plan to talk to the council further about this next week more specifically but that's the nature of our concern on this project.

Ben Sweezy

I am Ben Sweezy and I live on Timberlyne Road. One of the reasons we moved to Timberlyne was so my 7 year old brother and I could go to the shopping center by ourselves. My mom hesitates now and probably won't let us go if the traffic increases any more. There are about 130 kids in our neighborhood. The elementary school kids catch their bus and 7:10 AM at a few places on Kingston Drive. It is very dark at that time of the day. The middle school kids catch their bus at 7:40 a.m. at Kingston Dr. and Butternut. This is during the heaviest traffic time. The middle school had to add another bus stop because there are so many kids at the Kingston bus stop. For the safety of these kids could you please not approve a development that will greatly increase the traffic on Kingston Drive. We do not want any accidents or injuries to occur. Thank you

Lawrence Kodak

I'm Lawrence Kodak. Thank you for the opportunity to speak. I'm a resident of Northwoods 5, the development to the west side of Airport Road at Weaver Dairy Road. Our major concern is the Airport Road traffic. With the two cut-throughs on Airport Road not yet decided by the State and therefore turning Weaver Dairy into a U-turn site for all the southbound traffic. We have our own issues with further development at Parkside but that is later to come up and this will just add to that problem much further without those cut-throughs.

Terry Veskuzy

My name is Terry Veskuzy, I live in Timberlyne Apartments, Building C and right behind my building are the woods that are going to be getting cleared out. I just want to let you know to address the issue of the traffic. Just yesterday I was going to call the school. My daughter's bus stop is right on Weaver Dairy Road, in front of the apartment complex and yesterday I was thinking of calling the school and asking if the bus driver can look for her to stand in the parking lot instead of standing on the street because of all the traffic that's there for safety reasons for the kids. So that's one of my concerns. It's already a magnet area for traffic to come in on the weekends and nighttime. During the early morning rush-hour it's not as bad as it would get, especially on the weekends.

The apartments are right beside the movie theater which is a magnet, everything is a magnet. Everything just comes there. And to add all the other stuff. That would be crazy. To figure out a better way or something but it's crazy. The other thing I wanted to say is the issue with the environment. I've been there three years. I've seen in the woods behind my apartment complex, which is an apartments complex and it's fortunate to have woods behind it. I've seen two generations of possums, deer and raccoons and we hand feed them, It's fantastic. It's just not going to be there anymore. So you all need to stop by take a couple pictures before they die. Thank you

Gwen Stack

I am Gwen Stack. I manage the Timberlyne apartments and I'm just hear to be a voice. I want to share my observations for the traffic on Westminster Drive over the last few years. It has increasingly gotten heavier of course, especially during peak times. Sixty one percent of my residents, I've been there 12 years so I feel like their mine, right now go out Westminster Drive onto Airport Road and take a left. So sixty one percent are going that way. Now, because we're going south, we're going to have to go up Banks Drive and take a left and go to the stop light and take a left and go into town. Thirty nine percent of my residents go north. I'm not opposed to change or growth for Chapel Hill because I'm from Chapel Hill but I'm opposed to the lack of planning of the traffic, the safety issue and that's what I'm here to say today. Thank you.

Pat Cabarga

I'm Pat Cabarga and I live at 107 Stateside Drive. First, I want to say quickly the regret I feel for the diminishing charm and the natural beauty in Chapel Hill due especially to the past couple

of years of rapid development and my distress of the increasing classroom size in public schools and as you probably read in the newspaper, when school began not everyone had registered yet so during the first weeks of school, they adding more teachers, still hiring after school had begun due to the unpredictability of how many kids would be in what classes again due to the rapid development. I also wanted to express my concern for the dense proposed development both commercial and residential in the Weaver Dairy/Airport Rd. area. The traffic, due to development that's already been completed, is inconvenient as well as dangerous and with the proposed new development it's completely overwhelming. I also have a concern about storm water run-off due to proposed development again in this whole general area. The proposed Estates development shows a detention pond on the southern boundary. In looking at the topography in this area which we don't have on the screen now, the elevation for the western apartment complex and a portion of the single-family homes, the elevation's between 540 and 570 feet. This detention pond will detain the water, temporarily contain part of it while it's running through to the retention/detention pond in the southern boundary of Windsor Park. So the Windsor Park retention/detention pond will contain water from Windsor Park development, the western part of Estates development as well as the lower part, the southern part of Madres Land that's facing Airport Rd. So our request, our fear is that if this dam were damaged in a heavy storm that run-off water from all these different area would be coming onto our property. The retention/detention pond, the southern edge of it where our property begins is 500 feet in elevation. So we would like to urge you to consider a lower density development which would mean less impervious surface and hopefully less storm water run-off. Thank you.

Danny Costland

My name is Danny Costand and I'm 12 years old and I live on the corner of Butternut and Kingston Drive and I get home at about 6:30 p.m. every day and during that time between 6:30 p.m. and 9:00 p.m. I see about five cars speeding through the stop signs and I'm wondering if the apartment complex is put in will the traffic be increased more because Kingston Drive is the main route to the shopping center and I don't know about you but I'd rather walk a block than have to drive. Thank you.

Evvone Costan (Check spelling)

Evvon Washeleski Coston. Thank you so much for allowing me to speak tonight. I'm very proud to represent Timberlyne neighborhood as the vice-president of the Neighborhood Association and also just I'm very happy to live there because it's a really wonderful neighborhood and a wonderful community and I'm so proud of all of you tonight for being here. I am also going to keep this very brief. You've heard from all of us and you've heard the whole range of perspectives on how we feel and what we believe about what's best for our neighborhood. Basically, I think that all of us, including the developers have the same spirit and that is we're really trying hard to work this out so that developers can do what they need to do and make a profit. We can have a safe neighborhood that has, hopefully, relatively small change in the quality of life. I think, however, that.. and I ask you, I implore you and I know you have a really hard job to go beyond simply looking at the letter of the law when it comes to this matter. The decision that you're making about our neighborhood has so much to do with the spirit of our neighborhood and what it's like to live in Timberlyne and other neighborhoods like Timberlyne that are fastly disappearing from Chapel Hill and elsewhere. It's a very serious decision that you

have to make and I believe that, and I hope that you'll give it a lot of consideration so that you'll balance our need for a good quality of life and that means safety, primarily we're talking about here, with what you decide about the density of this apartment complex. It's at 87% and it could go up, it could also go lower and I think that that would be so much more helpful to all of us. Thank you.

Victor Friedman

Madam Mayor and members of the Town Council, my name is Victor Friedman and I'm President of the Alliance of Neighborhoods. This meeting tonight brings back memories of about a year ago. Tonight you hear from concerned citizens who worry about the impact that three story buildings in their backyards on their property values, citizens who are concerned with the effect of traffic on streets that were not designed to handle the car-load that the project would generate, citizens who have made the biggest lifetime investment in their homes and who now worry about what will happen to their once tranquil neighborhood. You have been and will be presented with facts, statistics and observations.

I promise not to add to your burden rather I wish to appeal to your sense of justice. I ask you not to think about what is legal or not legal. I ask you to disregard for a minute whether this project has followed the rules of the book or not rather I ask you to think about what is right. Is it right to force members of an established single-family residential neighborhood to accept three story apartment buildings in their backyards without the benefits of a transitional density area? Is it right to generate higher density traffic and unsafe conditions for pedestrians, cyclists and drivers alike, when we already experience a worrying accident rate in our residential area? I ask you finally to think about the decision process you used when you bought your own home in your neighborhoods, how you would feel if this project was in your own backyard. I urge you to do the right thing and that is to provide adequate buffering to protect privacy and property values and to delay construction until traffic handling improvements are in place. Thank You.

Chris Vanhassle

Good evening my name is Chris Vanhassle and I'm here as a representative of the Sierra Club and also as a nearby resident of Timberlyne. I live on Shadylawn Road and I'm glad to take my bicycle to Vis-Art and get a video every now and then and after hearing the comments from residents tonight, I'll be doing it more often. Let me begin by saying that the Sierra Club and for myself also are not wholly opposed to development on this site. While development on this site is a loss of in-town greenspace, on balance the loss of green space in this location, where there is the potential of creating a pedestrian and transit-friendly development near existing retail businesses is an opportunity worth pursuing. Unfortunately, the proposed development does not create a pedestrian and transit-friendly environment and in fact threatens to destroy what has become a pedestrian-friendly environment next door.

In talking with other Sierra Club members about this project there have been two main concerns expressed about it. The first concern is, as everyone has mentioned, is transportation planning for this project. Without reiterating each point of the memo I would simply say that the Sierra Club and myself are agreeing with many of the points raised by the transportation board, especially for

the inclusion of more pedestrian access. Additionally, and the Council may be able to answer this concern of mine, I wonder if new data concerning the traffic from the high school has been included in any consideration of transportation at this project.

I'm also very concerned by the absence of any clear-cut plans for mass transit at this site. There appear to be no bus stops planned for this site and I know that for a development of this size, that would be necessary. The size and density of this project really demands more proactive mass transit plan. The second concern that I have about the proposed site is that as I understand it there has been a payment in lieu to satisfy greenspace requirements for this site. What I find disturbing about that is immediately adjacent to that site is a site already held in trust by the Triangle Land Conservancy. Rather than purchase land elsewhere to preserve greenspace, it seems to me that it would make sense to preserve a contiguous amount of greenspace next to land that is already preserved. There are good environmental aesthetic and ultimately economic reasons to do that because I think that people will want to live next to that kind of site. I don't think the problems with this proposed development are un-correctable problems. In particular the concerns of the Transportation Board should be fully addressed. There needs to be a way to preserve more greenspace on site and provide more pedestrian access to Timberlyne shopping center and incorporate a mass transit plan. I would ask the council to work with the developer to address these concerns and bring a better plan forward rather than accept this flawed plan.

Flicka Bateman

I'm Flicka Bateman, I live on Stateside Dr., one block in from Airport Road. For the sixth time this year, it is my pleasure to come before you to talk about a development proposal that will have an impact on traffic along this road and as Yogi Berra says, "It's deja-vu all over again." As you know this stretch of road between Homestead Road and Weaver Dairy Road is winding, congested, dangerous and scary. In March, I shared with you police reports of the number of accidents along this stretch. I won't repeat the statistics but I hope you remember that they were sobering. That stretch of road is not safe and it will not be safe until it's widened. With the 142 dwellings approved for Parkside, 69 for Windsor Park and 262 proposed for the Estates, adding more cars to NC86 is like pouring water on a drowning man. In addition, you'd be playing havoc with two intersections which are already overburdened and dangerous. I urge you to follow the Transportation Board's recommendations, to ask you to postpone the approval of the Estates until you have an answer from the Department of Transportation about providing an interrupted median at Westminster Drive. Let me leave you with an adage. "If you're not part of the solution, you're part of the problem." I am part of the problem. My neighbors and many people and many people in this room are part of the problem because we travel NC 86 everyday and unlike you, we don't have the opportunity to be a part of the solution in any big way. I encourage you to exercise your unique privilege and responsibilities. Be part of the solution. Keep us safe. Thanks.

Jesse Eversol

Jesse Eversol, I live in Timberlyne on Silver Cedar Lane. I'm a member of the Timberlyne Neighborhood Association and I'm here to speak about property values and I just want to say that I do have four kids, 4 year old twins and a 13 and an 11 year old and they walk Kingston Drive continuously back and forth between their friend's houses. So the buffer or any greenways

that go between Butternut are not really places they are going to travel, in other words, it's not going to take them off Kingston. There's a substantial amount of people that walk in between houses. So I understand that there's a revised plan that has come forth that I haven't seen so I want to display what I have. I went out and made some measurements and I wanted to speak to an appraiser's comments here recently. To me it's very interesting, there's a special use permit that says you need to maintain and enhance contiguous property and in speaking with some people I'm not really sure this I understand exactly what that means so I still wanted to give some dimension to exactly where the greenspace is in direct perspective to my house. I guess, I've been involved in this project about eight months which you might expect because I'm the closest house to it.

The first project that came out basically puts a parking lot right up next to our property line, within the 20 foot buffer. I was interested in the Appearance Commission's findings that they actually came out and said that there were things that needed to be preserved in here so I wanted to give you some perspective about where it is. It turns out that it's right about between 90 and 100 feet if you think of a forest canopy. So I drew this orange line right along where the parking places are. I'm not sure that we've been as much as concerned about property values as far as the setbacks from the buildings but at first when we got into this we were expected to think that the parking lot was a buffer as well. It's difficult for me to conceive that that's actually the case. I'm not really sure that the garage that goes up is a buffer as well and when I think about appraising this, I would really be hard pressed to think that this enhances my property, if I could go to that step first. Then I think it really has thrown us back here to maintaining the property.

Just to get some perspective on what it means to maintain or enhance property. Take a look at some of the neighbors and I think it's safe to say that if your house.... I mean in some cases this stuff is ambiguous and in others it's not, but I think it's safe to say that if your house is currently bordering an R3 and you had an R1 development up in next to it, I think most everyone in this room would be comfortable that the property might actually be enhanced and at least maintained because this was R3 and they got an R1 and this is kind of what's happened in this development. I've also been told that, "Well, your house was supposed to be a duplex so really you should kind of consider your appraisal as far as a duplex is concerned." But it's not. It's a single-family home and in order to achieve some of the numbers I think you'll find the densities are very high. So the single-family homes in here are, from a sheer perspective point of view of an appraisal, are taken care of. I mean what else could you ask for? But right here we got a parking lot 30 feet from our lawn and this has been a big concern. I've heard that this is actually an extended... I was here last Thursday.... So effectively the final plan is not here, right here tonight as far as we're concerned for appraisal. So I would say that in terms of... I don't know who makes the decision as to whether it maintains or enhances our property but it would be difficult for me to conceive that... It's questionable on maintaining and supposedly they're moving it back but I would ask you that you postpone it until you see something final for this.

Reginald Morgan

My name is Reginald Morgan. I live at 160 Kingston Drive I'm a state certified general real estate appraiser and I'm a real estate broker licensed in the State of North Carolina. That's my

house. I just wanted to correct Mr. Rosen... All the pictures you're going to see were taken this morning and the measurements were taken by me. The street at that point in front of my house is twenty feet three inches. Just to borrow Roger's words, "Just to give you an overview of what's going on here." This is 1000 cars are going to park up here. New homes and existing homes in Northwoods which is here and here, 64... 151 at Parkside and that's units. There's 450 parking spaces there. Windsor Park, 70... So if you live here you see that things are coming in on you hard and fast and it's like... I speak as a professional but I speak as somebody who lives in the neighborhood and it's just.. there's a lot going on.

I just wanted you all to be aware of this because we are rudely aware of it and I like the lady's point about an adage and I have another adage. "Poor planning on your part should not be an emergency on our part." And it seems like it's an emergency on our part because we're all here tonight. This is what is at the corner of Kingston and Weaver Dairy and behind it is the American Board of Pediatrics and it doesn't come through very well on a transparency but that is a pond and I think a lot of the young people would enjoy that pond. This is what development does in our area. They fenced it out so we have no use of the natural resources which are already there. This is the biggie here, you're going to like this one. That's the developer's piece of property in the corner of Weaver Dairy Road and Airport Road. It has been there.....

Mayor Waldorf

Mr. Morgan are you going to finish soon? It's not part of the site that we're looking at.

Reginald Morgan

No but it's how we feel about development in our area. Somebody mentioned charm and natural beauty? We do have a charming and naturally beautiful subdivision and this is the first thing that somebody sees when they come to see our subdivision and it's the last thing that they see when they leave town. I have another view of the same property. This is the zoning map of the town of Chapel Hill. This is Timber Hollow. This is all R1 here. They do not enter R1. This is Shadowoods. They do not enter R1. This does not connect into this R1 or R2. So how come we, in R1, are going to be impacted by R5 and R3 into our R1 neighborhood?

Sue Sweezy

I'm Sue Sweezy. I live at 9 Timberlyne Road, slightly removed from the Estates site. I, together with other real estate professionals, researched the effect of the Estates proposal on Timberlyne property values. We wanted to see where apartments were built next to existing homes and what effect the apartments had on housing property values. We discovered that apartments never have been built next to existing homes in Chapel Hill. The closest example shows a substantial impact. In order to locate where apartments were next to houses, we studied the zoning map. We found twenty-seven places where R1 and R3 or higher zoning meet. Twenty-three of these places had a substantial physical barrier between the R1 and R3 or higher properties.

There were only four locations where the single-family homes directly backed up to the R3 or higher zoning. This is shown on the next map. The top circle is the subject property, the Estates. We focused our attention on the Woodshire Drive area because it had the right-sized houses, similar to Timberlyne and it's on the right side of town to compare with Timberlyne but the

Woodshire houses are built at an R2 density lot size. Remember, apartments have never been built next to R1 density lot sizes in Chapel Hill. Nevertheless, we found two similar Woodshire houses sold at the same time. We looked for similar houses in Chapel Hill that were that same house size, the same lot size and sold within 6 months of the Woodshire house. Here's what we found. The baseline on this graph is the Woodshire sale price. They were within \$400.00 of each other. The bars above the line indicate the thirteen houses that sold for more than the Woodshire houses. The bar below the line shows the one house that sold for slightly less. The houses that sold for more than the Woodshire houses, sold for up to \$25,000.00 more. The average increase was \$10,000.00. Keep in mind that this finding is with R2 houses and not R1 ½ acre lots like Timberlyne. The Estates proposal set a groundbreaking precedent in Chapel Hill for apartments being built next to R1 property without a substantial barrier. For the Council to make the finding that the Estates proposal maintains or enhances contiguous property values, it seems to me that the Town of Chapel Hill must require the developer to submit substantial evidence to this effect. Thank you.

Mayor Waldorf

Ms. Sweezy, Mr. Eversol and perhaps to others before you, the maps that you've presented tonight and the graphs and so on, even if there in transparency form, if you could leave those with us. We need to have those for the record and copies can be made for us. Is that all right? The speakers agreed to do so.

Burrough Ware

Just a little graphic there. That's Weaver Dairy Road right next to Airport Road at morning peak time. I'm Burrough Ware and I want to quickly go over a list of concerns about the traffic analysis. Don Sweezy is going to give a detailed example of our greatest concern and I hope you'll give him adequate time to talk about it because I think it's important to know those details. According to the comprehensive plan, the State must prove that the development promotes public health and safety. The Estates traffic analysis combined with an analysis with an analysis from Windsor Park fails to offer realistic assessment of traffic in this area and distorts the data to the advantage of the applicant. The Transportation Board points out that these studies do not assess the impact the Estates has on the Banks Drive/Weaver Dairy Road intersection. We agree strongly and add that no studies have been done to measure the pressure that the Estates traffic would place on Kingston down through Piney Mountain or on Kingston down through Lake Shore Drive. Because the Estates conducted no 24-hour traffic counts, important issues go unrecognized and unstudied, like pedestrian theater traffic between Eastern Federal Theaters across Kingston Drive to the parking lot at the Timberlyne Shopping Center. Without this data and the time to study it, the Estates' claim to promote public health and safety must be rejected and the permit denied.

The state's traffic analysis concludes that only 20% of its occupants will go south. According to your traffic engineer, David Brown, this projection was based on a study of Stateside Drive residents. Since more than 93% of the Estates apartments will have two bedrooms or fewer, you cannot compare them with Stateside Drive. A better comparison would be to examine traffic patterns of the residents of Timberlyne Apartments and as you heard from manager Gwen Stack,

61% go south, 39% go north. They've got 61% going south and the Estates only projects 20% going south. There's something wrong with the statistics and with this study. Shouldn't the Estates compare their development with an existing apartment complex located right next door?

The Estates claimed that their development adds only 5% of the traffic projected at the intersections along Weaver Dairy Road and Airport Road. The number's the truth but not the whole truth. The whole truth is that the Estates will add at least 40% at peak times where it is most dangerous left turns onto Weaver Dairy Road from the Estates. These are the Estates own numbers. The Estate's impact is often hidden in this report. For example, many of the Estate's intersections at peak time will be rated at Level of Service F before the estates is built. A level of service rating of F does not differentiate between an intersection with a two minute wait from an intersection with a sixteen minute wait. Much of the data about left-turn delays are off the charts measured as greater than 199.99 seconds.

With faulty, hidden and inadequate data this permit must be rejected. The Estate's analysis do not have the data to support their conclusions. The convenience making left turns is one issue but when you finally get the chance to make a left turn a car from Weaver Dairy will be heading right for you from one side or the other. Will it be safe? David Brown says that the left turns onto unsignalized busy roads are major risks for side impacts. How will people drive south from this development?

Mayor Waldorf

We'd really appreciate if everybody could try to stay within the time limit. We still have three other public hearings tonight.

Donald Sweezy

Here's why traffic will be a problem. There are only three ways for traffic from the development area to get out of the development area. Intersections A, B and D. A and B will be blocked for southbound traffic, and southbound traffic is the issue here, by the median on NC 86. All of B traffic analyses of this area agree that all southbound traffic from the development area will have to go to Weaver Dairy Road in order to travel south. The developers traffic analysis assumes that that traffic will turn left on Weaver Dairy Road. It does not explain that assumption but they assume it because they have not recognized that Kingston Drive connects to Piney Mountain Road and provides a convenient and effective alternative route to the Piney Mountain/86 intersection and on to Chapel Hill. This also provides a convenient access to the Estes Drive commercial area through Brookview, Lake Shore and the Lake Forest areas. These folks are represented here as well.

The developer's traffic study does recognize that there would be a significant delay for left turning traffic. They computed at Kingston Drive, the present proposal doesn't generate any traffic into Weaver Dairy Road from Kingston Drive, it will actually be at Banks Drive, however their number is 6.6 minutes average wait in the morning rush hour. We can accept that, well, we can't accept it - it's way low but we can talk about it and see what it means.

Six point six minutes is a long time. That's as long as 2 of our three minute speeches. So you know it's a long time to sit. Yesterday I drove from D down to F in 6 minutes. Would you wait 6.6 minutes in line when you know that there's a faster way to go? I was at F before a person waiting to make a left turn would even be on to Weaver Dairy Road. That 6.6 minutes did not include traffic from the existing Timberlyne Apartments or the proposed Windsor Park development. This route is effectively locked for southbound traffic. They have no practical choice. They have to come through Kingston Drive. So how many cars will that be? Again, we don't know because it has not been studied. The studies don't acknowledge that traffic will go through there at all. But here is the growth in the number of cars to be served by Kingston Drive for southbound traffic. Right now it only serves the Timberlyne neighborhood and that's the number that it was designed for, 272 cars.

When the median on NC 86 comes in Timberlyne apartments will have to take this route, that adds another 216 cars. Windsor Park comes on line and that adds another 144 and when the Estates would open, if it is approved as it is proposed you'll add another 500 cars. This is four times the traffic generation than we have now. Clearly, this is unsafe. It is dangerous and that is our issue.

Safety. The traffic studies never addressed safety they only talk about drive times and wait times. We must have a median break with a light at Windsor Park. Even with that break and light though there will be pressure for traffic through Kingston. There must not be an exit from the Estates onto Kingston. If possible the density of this development should be reduced and we would certainly appreciate if it's nature returned to a retirement community as was originally planned and requested when the zoning was raised. A retirement community would not generate this kind of traffic problem even at the same density.

Jane Shiko

I'm Jane Shiko. I live at 128 Kingston Drive. I'm a realtor in Chapel Hill. Thank you for your courteous attention to us tonight. We needed this. The perception that Timberlyne is a great place to live is eroding. Selling homes on Kingston Drive, I can tell you, has become a challenge with the numbers and the speed of the cars. The stop signs on Kingston Drive are helping somewhat but they are still going through. It's a twenty-foot wide road. Prospective buyers are hesitant and wary about it. I've listed homes recently on Kingston Drive and I can tell you that when we call the realtors back for feedback afterward when they've shown their prospective buyers, they're telling us that their buyers are not going to buy those homes because of the traffic. They stand out in the driveway and they say, "This is unacceptable to our family." Kingston Drive does not meet the standards of the collector road. The safety of walkers, bikers and joggers is at risk now. Dumping 500 more cars and over 1600 more trips per day in the area is dangerous. Traffic is fast enough and frequent enough. Please do not further damage the safety of the children and the families that you see before you tonight. We ask that the density be lowered. We ask that you keep both entrance and exit of this complex off Kingston Drive I can tell you that a high density student occupied or high-end apartment complex is not what north Chapel Hill needs nor can accommodate. Thank you

Pat Carpenter

I'm Pat Carpenter a resident of Timberlyne for two years and a member of the Timberlyne Neighborhood Association Board. For the 31 years prior to my move to Timberlyne two years ago my husband and I owned a house in another Chapel Hill neighborhood. When we decided to move we looked at houses in a lot of areas of Chapel Hill. We chose Timberlyne because it is a clearly defined, safe, peaceful and friendly neighborhood and I think most of our neighbors chose that for the very same reasons. I hope that helps you to understand why we all feel so impassioned about explained to you what we see as detrimental aspects of this development as it is planned. Our neighborhood and people in our adjoining neighborhoods know that change is coming but we know too that this can be managed change which sustains the quality of life for Chapel Hill and accepts that is not our obligation to sacrifice our neighborhood to maximize a developer's profits.

We sincerely believe that this special use application does not meet the development ordinances to promote the general safety and welfare and to maintain and enhance the property values. We've demonstrated that the Estate's plan with its added traffic from 262 units is going to become a major contributor to Kingston Drive becoming a relief valve for all the blocked intersections that were shown just now. Assuming the absence of a median cut at Westminster Drive, and you have to assume that at this point because the DOT has not told us otherwise, especially if it is an unsignalized median break, we are going to get traffic on Kingston Drive whether there's a direct access onto our road or not. This is going to significantly threaten the safety of our neighborhood and its residents. We've demonstrated too that because of proximity of a large multi-story complex and the traffic that goes with it, our property investment is going to be reduced or otherwise negatively impacted.

In the failure to meet both of these ordinance requirements density is the basic element. No matter what the current zoning is, this project is too big for this location adjacent to a neighborhood that never expected to serve as a major connector between parts of town. Moreover, this impact is going to add tremendous stress to the safety and quality of other neighborhoods as well. Brookview, North Lakeshore, Northwoods and other areas of Airport Road and Weaver Dairy Road corridors. We see the Council as our only line of defense to protect our infrastructure and the spirit of this community. We hope you'll read not only the development documents in your packet but think about all that you have heard tonight that you'll ask the hard questions and the right questions about this application. Don't consider this either please in isolation from all the other development in the northern part of Town. Please consider the implications of the new high school, Chapel Hill North, Parkside and Windsor Park, the northern community park. Significantly reduced apartment density adjacent to Kingston Drive with limited or no access to the main street in our neighborhood and more on site greenspace to save some of the natural elements of this site, to provide more separation from our homes would go a long way toward maintaining our neighborhood community and in the long run, we believe, enhance the spirit, place and the quality of life that we all want for Chapel Hill as a whole. I have some petitions that I will leave for you from Brookview, some others will be forthcoming.

Mike Bonner

My name is Mike Bonner. I live on Pine Oak Court and I've lived in that property for 10 ½ years and at the time I purchased the property I was well aware of the zoning allowance that bordered my property and any potential developments which would eventually be built there. I speak on behalf of the individuals that signed a letter that was sent to your office on Friday, dated October 14th and it's subject title is the Estates development and you should have it in front of you. You won't have many people speak on this side of the position but I do speak on behalf of these individuals. Fifty-four people represent thirty-nine property owners on Butternut Drive, Pin Oak Court, Cottonwood Court., Black Cherry Lane, Basswood Court and Pitch Pine Lane. I believe the views of these individuals have not been represented to date. The position of these individuals that signed the letter is to support the density of the development as proposed but without automobile access to Kingston Drive.

Allowing access to Kingston Drive will only increase the problem that already exists. Just to show you some statistical data representing the letter. This represents a tabular data from the letter, the signatures on the letter. This was done last week so the data is 4 days old. The six streets I mentioned were surveyed-one due to time and two because these streets do not have any representation outside the first home on Butternut, the majority of these homes are not represented by the Timberlyne Neighborhood Association Board. Of those houses we were able to make contact with, 89% support the density of the project but do not support access to Kingston Drive.

The key reasons for supporting the inclusion of 22 single-family homes in the neighborhood that are representative of the type of homes that already exist in Timberlyne. The proposed development also is 17% below what is allowed by the current zoning. We feel there's also a significant change in some of the opinions that Norm Rosen mentioned in the survey. This is the data that was done on the survey in June and it's four months old. The survey shows six houses referenced,...position 6 was no opposition, 2.4%, position 5 which was basically the position that 39 homeowners have taken here is an entrance only access to Kingston Drive with no reduction in density. That's 25%. And position 4 only talks about a modest reduction in apartments but replaces that reduction with single-family homes. Probably a minimal impact in overall density. So there's 53% who are basically really not in that much opposition to the density of the project.

In conclusion, the Estate's development is a project that this group believes will be an asset to Chapel Hill and the Timberlyne community. In no way do we compromise the safety on Kingston Dr. and we are concerned about access to Kingston Drive but we feel that with adequate traffic studies and denying access to Kingston Drive the density of the project is appropriate and we recommend approval of the project without access to Kingston Drive. Thank you.

Jeff Galloway

My name is Jeff Galloway. I live at 106 Pine Oak Court in Timberlyne. I've been living there for eleven years and eleven years ago when I bought my lot to build my home I asked what the large parcel of property was going to be. At that time I was told that it would be some kind of multi-

family dwellings. I was told it was probably going to be a retirement center. For some reason that did not happen and now it's become an apartment complex. I've often heard many times at these meetings that Chapel Hill is a nice place to live. It's a nice place to live because we do have these meetings and because we have very tight standards for development. That piece of property has been designed long-term and has been always spoken in term of being a multi-family project. I think the developer, the designers, the planners and the city have done an excellent job of make sure that that piece of property not be abused. They've done everything that they possibly could to please everyone that's involved.

Unfortunately, it's impossible to make everyone happy. I intend to live in Timberlyne for a long time. I think that this project is the best that we'll be able to do. I support the project but like the other people I'm very concerned about the intense traffic on Kingston Drive and I'd like to see us to continue to address that. That is for the developers and the designers and the planners it's an excellent land use, excellent architecture. They're using an extensive amount of landscaping. I support the project. I just wish we could do something about that problem on Kingston Drive and it's been there for a very long time.

Mayor Waldorf

That's all the citizens I have signed up to speak. Are there questions from Council Members?

Council Member Franck

I have two questions for Mr. Horn if he's still here. In your traffic impact analysis you assumed two-way access to Kingston Drive because that was the design point at the time. Yet no analysis was made of the traffic on Kingston Drive. Is that correct? Do you have analysis of the increase in traffic on Kingston Drive and if not why wasn't that analysis done?

Mike Horn

Clearly in the report you have in your agenda we did look at the impact on Kingston Drive. It did have access in the original report for a two-way access. We did restudy it based on the condition of coming back and looking at a one way entrance only driveway on Kingston Drive.

Council Member Franck

Let me be clear. We're talking about Kingston Drive south of the proposed developments. It's pretty obvious with median on Airport Road that traffic is going to be going south and that's the impact that I didn't see in your report.

Mike Horn

We did put traffic south on Kingston Drive. We had, if you look on page 7 we talked about the traffic distribution. On it we talked that approximately 60% of the traffic would be to and from the north on 86. 20% to and from the south on 86, 10% to and from the east on Weaver Dairy and 10% to and from the south on Piney Mountain Road which would be using Kingston Drive. Understand, we worked very diligently with your staff in working out these percentages and working with them what they felt also was the impact in this distribution. Also with the market analysis that was performed and where they saw the patrons of this apartment complex it was arrived at and again agreed with your staff.

Council Member Franck

So you're saying that because you assume that only 10% of the traffic would be going south on Piney Mountain Road you didn't do any more analysis of that roadway as to whether that road was able to handle that capacity?

Mike Horn

No the staff did not require this. They felt it was a minimal impact.

Council Member Franck

That's the answer I was looking for. The other question I have though is whether you have any evidence to support those traffic distribution numbers that you've pointed out on the bottom of page 7 and the top of page 8 because it seems to me that I have to agree with many of the citizens tonight that those numbers just can't be right given the other developments in the area and the draw of downtown Chapel Hill.

Mike Horn

I think the feeling was that we should let the Estates come up and actually answer that question but truly the feeling was that they would be oriented more toward Research Triangle Park wanting to access on I-40.

Mayor Waldorf

Mr. Horn I think maybe you need to address those questions for the November 11th continuation of this hearing.

Mayor pro-tem Brown

That was my question but I would be interested in knowing more information about why you did make those particular assumptions.

Mike Horn

Again it was working with your staff.

Council Member Franck

If I could I had a couple of questions for Mr. Dunbar as well. We've seen some evidence, not necessarily really from you, I think we have a couple of memos from the Chamber of Commerce about the need for luxury-style apartments, the type of apartment that you're proposing and I wonder if you had any evidence regarding your market surveys about the need for this style of housing.

Kelly Dunbar

The Triangle Apartment Association has a semi-annual report that considers market conditions in Raleigh, Durham and Chapel Hill and they support those findings.

Council Member Franck

The other question is.... if you or your designers maybe want to get Mr. Smyre up here to help with this.. did you give any consideration to alternative designs which would have involved a variety of housing types in a more pedestrian and transit-friendly environment rather than what I view as a very automobile-centered design that you've got for the apartments?

Kelly Dunbar

We believe it's very pedestrian. We have pedestrian right of ways throughout the community attaching to Timberlyne and to the shopping center. I'm not sure I understand what you mean by traffic.

Council Member Franck

Transit-friendly. Mass transit. Buses.

Kelly Dunbar

I still don't understand what you're asking.

Council Member Franck

You've got apartment buildings surrounded by oceans of parking and even if there were transit to serve along Westminster Drive it would not be convenient and it would certainly not be more convenient than using an automobile. What I'm asking is have you given thoughts to any design that might make transit use more attractive than automobiles.

Kelly Dunbar

We have Westminster which is a public road cutting through our property which may or may not be used for mass transit. Our apartments are designed to accommodate everyday life and the reality is our residents do have automobiles and they do need to take care of them and the flow-through is an circular motion and is very attractive to our potential residents.

Mayor pro-tem Brown

Could you please define luxury. What price range are you talking about for 2-3 bedroom apartments? How can you guarantee the kind of people that would be renting these apartments, even though you may be targeting, it doesn't necessarily mean that it's going to be...

Kelly Dunbar

Based on our proven track record of the product that we build, the price range that the property and the product itself dictates will demand, in this particular market, 1, 2 and 3 bedrooms from \$650.00 per month to in excess of \$1,200.00 per month. Our apartments are marketed toward a residential feel apartments with extra interior appointments such as crown mouldings, nine foot ceilings, oversize and Jacuzzi tubs and hardwood floors.

Council Member Capowski

We've got a beautiful colored map of it which shows the intersection from Kingston Drive is not perpendicular to Kingston Drive, but it looks like only southbound traffic can get into that intersection. Is that right or not?

Kelly Dunbar

I believe that's not correct. They should be able to go right in and left into the community only.

Council Member Capowski

From both directions?

Kelly Dunbar

The intent is to inhibit anyone who might want to challenge the one way to come out and turn right into Kingston Drive.

Council Member Capowski

So two of the four options are possible. I have a question about parking spaces. You're building 428 bedrooms in the apartments and yet you're suggesting 334 parking spaces.

Kelly Dunbar

We're suggesting more than that. It's approximately 1.8 spaces per apartment.

Council Member Capowski

Roger, when you bring this back to us please will you discuss.... I got a little confused by what you said earlier. My concern is that there will not be enough parking spaces and that the residences will end up parking in the neighborhood because even though they might use cars to commute they still will have cars and need to park them somewhere.

Kelly Dunbar

Typically our communities are from 1.6 to 2 spaces per units.

Council Member Capowski

I also disagree with your comment that almost everyone will go north considering that UNC has 13,000 employees, not students. My final question is this. Have you considered a plan that does not have access onto Kingston Drive and what is your reaction to it?

Kelly Dunbar

I believe the concern was access onto Kingston Drive. I feel like this is a more than fair compromise and will ensure no access onto Kingston Drive out of the community.

Council Member Capowski

I'll be more direct in my question then. If we will not approve this with access to Kingston Drive, either in or out, will you not build the project?

Kelly Dunbar

I don't want to pigeon-hole myself. I have not studied that. Another reason that we are really pushing for that entrance is not only traffic but for signage purposes and marketability.

Council Member Andresen

First of all, traffic. It seems to me that the traffic is the big issue here and I must say in reading the Manager's memo was that I don't think that the staff has been critical enough of what this project's going to mean, not only to this neighborhood, but to many neighborhoods adjacent to this neighborhood. I think, and I'll try to phrase it into a question, we need to as a Council be aware of every development project we are approving is adding incrementally to the traffic in this town and that for the staff and anyone else to take the position that it's just a little more and it's going to be okay, it all adds up and just 5%, if it increases the rate of time from 2 to 16 minutes or whatever it is at the intersection and position is "That's okay because it's still at level F" Well level F is a failure. It's a failure for cars to move and when we're long gone off this Council and when the staff is probably no longer working here, we are going to have gridlock in this town and I think we have to look at every development that comes along and make sure that each development, those impacts are addresses as we go along. Because if we don't address them as we go along we only make the problem worse.

So a couple of things on traffic. One, I want to applaud the Transportation Board's critical look at this project and their call that the applicant's traffic impact study is not adequate. Their stand which I think is a very reasonable and safe one, a median cut is needed at Westminster Drive before this development can be approved. I think that's very responsible. The number of cars here you can roughly multiply every car that's going to be added to this development by 10. So you're either looking at, depending on how many people are in each apartment, you're either looking at 2500 cars or 4000 more cars. You're looking at a lot of cars. I would like to ask the staff to look very carefully at the points that have been raised by the citizens in the cut-through traffic because I think that's very, very real.

I've traveled these roads, I have friends that live on these roads in these neighborhoods and these roads were built to town standard. These are very narrow roads and there are a lot of kids on these roads and I just think we need to approach this exceedingly carefully. I would like to ask the staff to look at the path that traffic takes through the neighborhoods and to bring some kind of analysis back to us of that.

I note that there are a couple of stormwater ponds on the site. Did we get a stormwater plan? And I really would like reassurance from the Engineering Department that that stormwater plan is going to work and not put a lot of extra water off-site into someone else's retention pond which might not hold or drain into Eastwood Lake.

Greenspace. We've gotten a couple letters recently from the other members of our boards questioning our policy of accepting money in lieu of greenspace. I think this Council is kind of a flag, parking lot issue not to be discussed tonight. At some point we ought to come back and look at that because if we're building very dense development then it seems to me we ought to contain some greenspace as well. We need to have adequate buffers so that apartments are not within 20-50 feet on single-family residences. I don't think that's wise. I would just like to ask the staff to look at the impact on services. I don't think that we tend to do that when these development projects come before us. We tend to think of, "Oh, well this is going to be more tax

base and money coming in.” Well, there will be money going out and as we’ve seen with the school bonds coming up and other bonds there are costs to servicing those developments so I would like to have some analysis from the staff on police and fire services.

Council Member Evans

I look at our pretty plan and I’d like to say that I don’t see quite how the pedestrian plan is connected up so that people who live in the apartments can use the sidewalk and walk to Timberlyne Shopping Center because it appears to me that there are no sidewalks along the entry road and I think that needs to be rectified, no matter what happens. Also could answer for me, is there any recreation space or open space in the Timberlyne development? It wasn’t required I take it. Well maybe you’d answer that then, why isn’t there?

Council Member Wiggins

I travel Kingston Drive all the time because I live on Piney Mountain Road and I was surprised that none of the residents of Kingston Drive mentioned that awful curve at the end of Kingston Drive right before you get to Partin. So I would like to have someone address what any increase in traffic on Kingston Drive would mean for that curve. It’s one of the worst curves in a residential neighborhood in Chapel Hill. When will we have a response to our request about those median cuts?

Town Manager Horton

I do not have a guess to hazard. The best I could estimate at this time would be a few weeks to a few months. We don’t know.

Mayor pro-tem Brown

To follow up on the stormwater management. I don’t think that we’ve gotten adequate information about that and when this comes back I would like to see some clear maps with the stormwater proposal that this developer’s proposing as well as what we heard from the Windsor Park development that that pond would also somehow be connected to this. Could we see some detailed maps of that whole area? And how the drainage system is supposed to go and what the developer is doing and is proposing to do as well as how this is connected to any other development? And what sort of storm water impact this is going to have on that whole area. And I’d also like to know about the trees. It’s noted on page 12 that only 4 of the significant existing trees are going to be preserved. Could we have a tree plan to show what significant trees on this property are and any sort of reason why more trees shouldn’t be preserved in this area?

Mayor Waldorf

Does the applicant wish to make a statement regarding conditions of approval? I think Mr. Smyre alluded to this earlier.

Jack Smyre

Madam Mayor if it would please the Council and the Manager, I’ll ask if in the interest of time, I realize you’ve got a busy agenda, if we could just state our concerns in writing to the Manager this week. It’s more a clarification of issues than anything else.

Mayor Waldorf

Thank you that would be good. Mr. Manager, given the number of questions that have come up is November 11th still a reasonable time for this to come back?

Town Manager Horton

No ma'am, I don't think so. I would recommend the 26th of November instead.

Mayor Waldorf

Is there a motion to recess this hearing until Nov. 26th and to refer all the comments to the Manager and the staff?

COUNCIL MEMBER CHILTON MOVED, SECONDED BY COUNCIL MEMBER FRANCK, TO REFER THE MATTER TO STAFF, WITH A FOLLOW-UP REPORT BEING MADE ON NOVEMBER 26TH. THE MOTION WAS ADOPTED UNANIMOUSLY.

Item 3 Preliminary Plat for Kent Woodlands Subdivision**Town Manager Horton**

Thank you. I believe there are some materials that have been submitted to you tonight. We would ask those to be entered into the record along with the agenda material previously submitted to you. J.B. Culpepper will make a brief presentation.

J.B. Culpepper

Good evening. This public hearing has been called to consider a preliminary plat application proposing 26 lots on 11 acres. The property is located near the corner of Smith Level Road and Culbreth Road and adjacent to the Cobble Ridge development. As you can see on the overhead that we have identified the property. This proposed development is divided by a stream which also happens to be a jurisdictional line. On the Chapel Hill side, in yellow, we have eleven acres and the property is zoned R2 and it's also in the watershed protection district. If fully developed, this proposed subdivision would have two points of access. One would be on the Chapel Hill side from Nuttree Lane which is in this area an existing road in Cobble Ridge. The other point of access would be on the Carrboro side of the proposed development along Culbreth Road. Several transportation related issues have arisen as we have gone through the review process. We are recommending a street stub-out to the south. That stub-out is not identified on the plans. It would be a potential roadway connection to properties to the south. The potential roadway connection would be along the southern property line. We're also recommending an inclusion of a transportation board recommendation which suggests that a paved pedestrian bicycle path be provided to connect over to Smith Level Road. One possible way to make that connection would be using the existing Woodcrest Drive which is a roadway on the Carrboro side that stubs-out to this development. We have included a stipulation in Resolution A that would require a path, bicycle and pedestrian paved path over to Smith Level Road if the Town of Carrboro were willing to approve that connection, recognizing that that portion of the development in Carrboro's jurisdiction. Our preliminary recommendation is adoption of Resolution A.

Gregg Shephard

Good evening, my name is Gregg Shephard with Philip Post and Associates, representing the developers this evening. I'd first like to say that we endorse Resolution A's stipulations with the exception of one. It has to do with the pedestrian path to Smith Level Road and our objection is that we be only required to construct that path with a natural surface. The recreation area in Carrboro is in an area which would have to be traversed to get an access to Woodcrest Drive which leads to Smith Level Road and the pathway that's proposed through the recreation area and into the heart of that recreation area is a Chapel Hill gravel surfaced area with 1x4 timbers on either side so it's a finished walkway with defined edges but it's to be constructed with natural materials as opposed to pavement and we would respectfully request that you delete the word paving and substitute something similar to natural surface.

Mayor Waldorf

That's your only objection to the stipulations?

Gregg Shephard

Yes. I'd also like to tell you a few things about our subdivision that we're excited about as engineers for the development. The entryway, although it is in Carrboro coming off of Culbreth Rd, the first 300 feet of the street that enters into the subdivision is going through a natural area before you even come to the first lot. And we think that that's going to be a very attractive feature. The property as you enter off of Culbreth Road slopes from right to left. There's a drainage channel to the left. The roadway will be up above that channel and for the first couple hundred feet along the left hand side of this road, we're proposing a retaining wall as opposed to grading out a shoulder and sloping that roadway down into a drainage way and the whole purpose of that is to, as you enter the main drive and you're looking to your left, you'll have the feeling of those trees being very close to you, the car or to the pedestrian as they're entering that subdivision. We think that's a very unique treatment for the entry to the subdivision.

About two-thirds of the way through the subdivision there's a natural spring. There's some surface rock that's exposed. We are untraditionally providing the sewer line for this subdivision in an area that is upward and not down in the actual bottom where the drainage way is. It's probably 40 to 50 feet up on the side of the slope away from that drainage way in an effort to preserve it. It is a very unique thing for the subdivision.

There is a petition in your packet from the Cobble Ridge Homeowner's Association and there are two items that are covered. One is having to do with the southern stub-out and I'd like to say for the record that all throughout this process with Chapel Hill either myself or Carol Ann Zinn who's the perspective developer of the property has continued to keep in touch with the Homeowner's Association president and any other interested parties who choose to have periodic meetings or telephone conversations and there have been numerous.. We started this process back in December of last year. And specifically I'd like to say that in August 20th when we went to the Planning Board meeting, I personally informed the Homeowner's Association president that the following week, on August 27th, there would be a Transportation Advisory Board

meeting and of the meetings in the Chapel Hill process that's probably the one that most people don't know about because notices are not sent out to the adjacent property owners and it's only people such as ourselves, the developers and their agents, who tend to know when that meeting is.

I also made them aware that if there was any concern about the southern stub-out that they should attend that meeting and make their feelings known. And that was the only meeting that no one from the Homeowner's Association attended. So it was our assumption that they didn't have any concerns with the southern stub-out. They had previously mentioned some concern. We told them that we were going to try to encourage the town to not have Nuttree Lane extend to the south, that there be an off-set between Nuttree and this stub-out and they were encouraged by that. So we're a little bit surprised that in the petition dated September 10th that they had pointed out the objection to the stub-out.

More importantly their first item had to do with the construction traffic. There are two types of construction that will occur, as you know, through a subdivision. First, there's the infrastructure improvements where the grading, the clearing, the pipe work, the road construction occurs. During that first part of the subdivision, much of the equipment that comes to do a particular piece of work such as pipe work. The pipe is delivered, the pipe crew comes, the equipment is there and it stays at that subdivision and on that site until the work is completed. And that is true for each phase of the infrastructure improvement whether it's water line, sewer line, road construction. That's quite different from the later phase after the infrastructure gets completed and homebuilding... The construction traffic is perhaps more frequent but the trucks are shorter bed and there are things like deliveries of block and wood materials. The people that are coming to work to actually build the homes. And they are quite different from on another and I think that that should be obvious to all of you.

As the homebuilding occurs in the Phase 1 in Chapel Hill for the first 26 lots, at some point the developer will make a decision as to when to start the next part which will be in the Carrboro portion. And that would be factored by the time of the year, the market conditions, existing and proposed how the subdivision is going. It's too premature for any of us to say at this point when that second phase would start. If the subdivision is successful, obviously the market conditions are going to tell us that and it'll pretty much be a factor of when to start the infrastructure for Phase 2 so that building can immediately succeed that. We met with the Homeowner's Assoc. as recently as this weekend and we discussed their concerns. I think we continue to disagree about their concern about the construction traffic. We don't see that there's any viable alternative to come to this property through any other means.

One of the suggestions that was made by us was to point out to them that their portion of Nuttree Lane does not have a sidewalk and it is required by the town ordinance. Our extension of Nuttree Lane does have a sidewalk planned on the north side of the street and we offered to join forces with the Homeowner's Association in approaching the Town to find out what priority system the Town has to put this particular section of sidewalk on the list so that it could perhaps be completed at a future date. I don't know the specifics of that but I do know that the Town has some sort of fund for that purpose.

I also want to point out that Cobble Ridge is not unique in having construction traffic come through their subdivision and I have some examples that I'd like to show you of other places around town where this has occurred. The first example is Cobble Ridge subdivision itself. The lots that don't have any numbers in them or are open is Phase A and at the top of the sheet going toward Culbreth and the back have of the subdivision was constructed as Phase B and so the lots that front upon the portion of the road that's highlighted in red from this point to Culbreth, were affected by all the home construction that occurred in Phase B. All that construction traffic had to go through an area that was already developed in that earlier phase. I'm showing you this for a second reason and that is to show you the construction traffic route for the proposed Kent Woodlands. It would come through the red and continue up Nuttree to this point and this is the entry to the proposed construction to Kent Woodlands. This is another subdivision in the same area of town, Southbridge phases 4A and 4B. This is Culbreth Road at the bottom of the sheet. This street is Adam's Way, this one is Westbury Drive with a stub-out here to a perhaps future phase of either Southbridge of some other name and you can see that during construction of Phase 4 even these 11 lots closer to the entrance were impacted by construction that occurred in the later phases of that first phase. And when Phase 4B was under construction obviously that construction traffic in this area had a choice of either coming back through this way or this way. Of course these homes all came back this way but again the area in red indicates the area of greatest impact. To the north of the blue line is their proposed Phase 2. There are 28 lots in Phase 1 that are directly affected by the construction of 28 future lots to the north of that blue line. I do have some other examples but I won't take your time to show them to you. There's many examples throughout the town.

Mayor Waldorf

If you could leave them for the record, that would be good and we'll look at them.

Gregg Shephard

Sure. That concludes my part of the presentation. If you have any questions I'll be happy to answer them now or later.

Mayor Waldorf

Does the applicant have other speakers?

Carol Ann Zinn

My name is Carol Ann Zinn and I'm the perspective developer of Kent Woodlands. I do not currently own the property but I will be purchasing the property and developing it. I don't know if you received a letter that I wrote to you this afternoon. I would be happy to answer any question relative to the letter and that would be the first thing that I would offer you is , do you have any questions to ask me at this time?

Council Member Andresen

I was wondering, given the concern about the construction traffic, what means could you offer to ameliorate the concerns with safety and noise and so on.

Carol Ann Zinn

Thank you for asking that question. As I mentioned in the letter, my son and I have spoken with Captain Jarvies from the Chapel Hill Police Department and he assured us that within the existing police department there is already a mechanism to deal with concerns about trucks going too fast or debris falling from vehicles and I've mentioned that in my letter. Beyond that I'm certainly willing to assure you and the residents of Cobble Ridge that I will take extra measures to make sure that your streets are kept clean. Sometimes when it's wet and certain times of the year mud is dragged onto roadways and... I really would like for us all to exist as good neighbors and I'm very willing to do that and I'm also willing to do whatever I can to further the installation of a sidewalk on Nuttree which I think is a very valid safety factor and merits consideration and some assistance. I don't really have another way in to the neighborhood. As I mentioned in my letter, the part that exists in Carrboro is of undetermined length of time in terms of approvals. I mean I have absolutely no idea and I feel like an Alice in Wonderland because it's really just a total unknown. It's a very different process than dealing with Chapel Hill and I actually believe that the issue of whether we come in through Carrboro or not should not be considered as a factor that basically we're asking Chapel Hill to deal with a Chapel Hill neighborhood which is the first phase in 26 lots. Any other questions?

Mayor Waldorf

Thanks. Steve did you want to speak?

Steve Miller

My name is Steve Miller. I represent the developer in this action. I will try to be brief. Ms. Zinn has asked me to address one issue and that is the concerns of the Cobble Ridge Homeowner's Association. The concern dealing with access in and out of the subdivision. I do not really know what their proposal will be. I can only hazard a guess based upon the letter to Mayor Waldorf on September 10th. I would ask the Council to consult Mr. Karpinos on this as I have concerns that it appears that the project has met all the terms and conditions of the ordinance and I think under those circumstances this isn't a special use permit this is a conditional use permit, that if they have met the requirements of the ordinance that is as far as the council can go further to the extent that there might be some concern or some consideration of limiting access if and when Carrboro ever acts on the portion of the property that is in their jurisdiction. As Ms. Zinn has already said, it's speculative if and when they will ever get to that. I believe that any action would considerably... What Carrboro may do is beyond the authority of the board to deal with, the council to deal with. My concern would be as you decide how to go forward on this you would consult Mr. Karpinos and certainly give us a chance to respond if there is a notion of limiting access by requiring access through the Carrboro tract. Thank you.

Mary Reeb

We (the Planning Board) do recommend Resolution A and we also recommend and I think would, if everyone were here from the Board, would agree that we do need stub-outs in all of our developments. I mean if the last development didn't teach you that, it's something you're going

to keep running into. What I think would be nice would be that somebody would come and zap the town and build connections between all our neighborhoods and then we would have far fewer problems. There have been councils, none of you of course, who were very attentive people who didn't want any stub-out anywhere. So we have some stub-outs and we have no stub-outs and that's what's one of the routes of some of our problems that people feel that the traffic on the collector roads is too intense. I think if we had long ago dispersed traffic we would probably have had fewer problems on the collector road. So anyway, I'm just talking off the top of my head tonight but we do recommend Resolution A.

David McGrain

My name is David McGrain. I'm President of the Cobble Ridge Homeowner's Association and I want to thank you for an opportunity to speak tonight. Before we get started I'd like to ask the Cobble Ridge residents to stand. Thank you, be seated. We indicated in our petition letter that while we had no objection to the proposed Kent Woodlands development as such but we did have some major concerns and we have four speakers here tonight who are going to briefly address these concerns. I say briefly, it's not going to take two hours.

Before we get into the that though, I must respond to Mr. Shephard's three points. Number one regarding the stub-out. Mr. Shephard said that he informed me of a Transportation meeting of August 27th. I was not made aware or I misunderstood that I didn't think that there was any room for citizen comment at this meeting plus I had another commitment, I could not make the meeting and since there was not room for citizen comment I felt that going to the meeting was not necessary. That was point number one. Point number 2, Mr. Shephard and Ms. Zinn now refer to the Chapel Hill section of the Kent Woodlands development as Phase 1. What was the driving factor in this establishment of phases? Was it because Carrboro were dragging their feet on approval? I'm not sure that it wasn't phase 1 and phase 2 to begin with. The next thing is that Mr. Shephard showed a couple examples of construction traffic through phases of the same development. That's not a valid comparison. This is a new development that has nothing to do with Cobble Ridge. It's a new development, a new developer. It's not a phase of the same development. That's all I want to say at this point.

Mary Beth Baylor

Good evening Council Members and Mayor. Thanks for listening to me for a few minutes here. Like so many of the people that live in Hollow Ridge, we moved to North Carolina for a couple of different reasons, economic as well as social. Most of us could have purchased a home anywhere in the triangle but we chose Chapel Hill and specifically Cobble Ridge. Chapel Hill because it offered a quality of life that is really unique to this area and Cobble Ridge because it offered us a place where we could get to know our neighbors and feel safe and secure that our children were also safe and secure and so were our homes. It's a small community.

I think we're faced now with a threat to that, to our family's safety, our family's security, home security and our quality of life. All of the folks on Nuttree Lane realize that building a home on a stub-out street meant possible future development. In fact, as Miss Zinn has proposed, Kent Woodlands will eventually be a welcome neighbor to us. Her home designs and attention to the

natural landscape should complement our neighborhood quite well. However, this proposed subdivision should not be built through Cobble Ridge. The citizens of Cobble Ridge have already endured construction traffic, workers, noise, debris for over 2 ½ years. We are just now enjoying our finished subdivision. We have over 100 children in Cobble Ridge and they use the streets for bicycling, for running, for playing, for catching the bus, getting off the bus and going to the bus. And adults use the streets as well. As a matter of fact, many conversations are struck up curb-side. We think it's both dangerous and unnecessary to route construction traffic through our streets. There must be an alternative to this. Every subdivision needs to stand on its own in construction ingress and egress. In addition, we also object to the stub-out street being built to the south of Kent Woodlands. Future development to the south may lead to more traffic being funneled through Cobble Ridge. Given the narrowness of our streets, the curves and the grading safety would be an issue. I thank you for your time and I hope you consider my comments when you discuss the Kent Woodlands subdivision.

Lynne Talbot

This isn't very good but... I'm standing at the stub-out here looking out so that you can just a picture of what our street looks like. My name is Lynne Talbot and I live on this small side street called Nuttree Lane. There are no sidewalks on Nuttree Lane. There is no common area in our neighborhood because the developer was allowed to pay instead of providing us with a common area. Our children ride bikes and skate on Nuttree Lane because there re no sidewalks and there's no common area. This is a very big safety concern for us as parents. Cobble Ridge is a big family neighborhood and homeowners drive slowly and carefully through the neighborhood. It's sort of a neighborhood pact that we have. We know that construction workers do not have the safety of our children in mind when they go back and forth to work. How do we know this? Because we've lived through it for 2 ½ years through our phase 1 and 2. We're completed. This is not phase 3 of our subdivision. Phase 3 of our subdivision is being routed through a different access of Culbreth Road. So we've lived through this. We've lived through standing on the corner yelling at construction workers to slow down, picking up their debris and their dirt that they leave. We're finished with all that.

We feel it's unfair to ask Cobble Ridge to bear the brunt of two more years of construction traffic going past our houses. We just want to be able to stroll with the children, walk with our toddlers and skate and bike in the streets. Our stub-out is also a very popular place for the ice cream truck. You can't see this well but these are children that bike and skate on the streets. And this is just the last one. This is the school bus stop that the construction traffic would go right past on the street past the school bus stop. I'd also like to say that we at Cobble Ridge certainly appreciate Ms. Zinn making a presentation to us and keeping us informed of what was going on. She offered us an opportunity to express our concerns. Our major concern was construction traffic through our neighborhood and we realize she originally planned for construction to come off Culbreth Road. We don't have any objections to her developing the land or connecting it to our neighborhood. It's going to be a nice neighborhood. It's a welcome connection. We just do not want the construction traffic by our houses. We urge the Council Members and the Planning Board and Ms. Zinn to work together to figure out a plan that can be built with routing traffic off of Culbreth or Smith Level Road. Thank you.

Stan Byler

My name is Stan Byler and my wife and my two children and I are residents of Cobble Ridge. I might take a lot of time to present a lot of concerns that we have pertaining to the suitability of Nuttree Lane as a construction avenue for Kent Woodlands. I have some photographs on slides to illustrate a point. First, Nuttree Lane is only 24 feet wide and we question whether this is within the defined codes for heavy construction traffic. With cars parked on either side only 10 and 12 feet of clearance might be available for the passage of earth-moving equipment and large trucks hauling materials in and out of the development. The presence of other vehicles parked on the street to deliver goods and services to the homes would make matters even worse. It's quite likely that damage would occur to cars and other personal property by large trucks and trailers that come in and negotiate the street. Construction workers might also experience delay as well waiting for parked vehicles and other obstructions to be moved.

Secondly, the safety issue must again be addressed. This is a view of Nuttree looking west. Again notice that the street is not wide and there are no sidewalks so pedestrians and children constantly use the street. Of course, the major concern is one of bodily harm from a moving vehicle. I'd like to point out that when one turns on to the street, later in the afternoon, it is common to be blinded by the sun. Going back eastbound, there's a fairly steep downhill grade which make stopping more difficult for heavy trucks and kids on bikes and rollerblade. In addition, this construction traffic will surely cause damage to the street as there are already two sink-holes forming on the east end of Nuttree. It will also invariable drop debris such as mud, rocks, wood splinters, nails, building materials, etc. onto the street and our properties. This would not only make running barefoot risky but it would also affect walking, skating, bicycling and even driving.

During the Cobble Ridge construction I had to fix two flat tires that were punctured by nails. I'm actually getting pretty good at that. Finally, when my house was nearing completion, it was burglarized. And the major appliances were stolen. During construction many different people and many different trucks and cars come and go. The residents of Cobble Ridge have set up a neighborhood watch program along with the Chapel Hill police department. Construction flow through Cobble Ridge would certainly undermine this effort. In summary, we feel that routing construction traffic through our completed and safe neighborhood for the convenience of an adjacent development would be a mistake. It would be disruptive for residents, inconvenient for construction workers, damaging to personal property and hazardous to people. Thank you for you consideration and attention to these issues.

Keith Silva

My name is Keith Silva and my family and I join our fellow residents of Cobble Ridge in welcoming our neighbors, the Kentwood Lands subdivision as shown in this slide. It includes a direct entrance from Culbreth Road, a recreation facility and zoning that creates a neighborhood that complements Cobble Ridge. But ladies and gentlemen this slide does not show the subdivision which you are considering tonight. Kent Woodlands consists of two parts and your decision affects only the east section. The western section does not exist today. It may developed

as shown here. It could be altered slightly or drastically. Indeed, it may never be developed. None of us here today can say what will happen.

Therefore, the issue before you tonight is the Kent Woodlands as shown in this slide. This development offers no recreation facilities to its residents. The planning staff report before you clearly states that the land designated for recreation is unsuitable for recreation as defined by the development ordinance. The staff accepted this because the developer promised recreation facilities in the western section which again may never be developed. Perhaps more importantly the Kent Woodlands before you has no access to Culbreth Road so its only access is via Nuttree Lane and Cobble Ridge. This will be used for earth moving and road construction equipment, all construction traffic and eventually the residential traffic from its 26 homes, including emergency and fire access. All through Nuttree Lane only.

To make matters worse the proposal includes a stub-out south of Kent Woodlands. At first glance this is unnecessary since it leads toward an existing neighborhood of single-family homes. But if that area were to be re-developed some day, the stub-out raises the possibility of cut-through traffic from Smith Level Road and that new development. While we support the concept of cut-throughs that allows traffic between compatible subdivisions, this cut-through raises the possibility of having Kent Woodlands and Cobble Ridge endure a high level of traffic through, not between, them. This cut-through traffic very likely as indicated by the transportation impact report in your package indicating levels of service of D,E and F. No recreation, no direct access, no construction entrance and the threat of future traffic conditions unsuitable for residential areas. Is this the development that you want? Please help us correct these deficiencies so that Kent Woodlands becomes a subdivision that we can all be proud of. Thank you.

Mayor Waldorf

Thank you. I appreciate everyone's courtesy and brevity. Are there questions from Council Members?

Mayor pro-tem Brown

Yes, when this comes back to us can we have some idea of how many construction vehicles will be going through this neighborhood for how long? I think more detailed information than we've been given about what construction vehicles there are. As much information as possible. I'd also like to have you all address the question of recreation in the Chapel Hill area and also about access to Culbreth Road from this development.

Council Member Capowski

Concerning the stub-out to the south from Kent Woodlands, when you come back to us with this would you make a comment on whether this would end up becoming a route to avoid the intersection of Smith Level and Culbreth Road for people who are south of these areas and may be heading toward Culbreth School? My biggest concern is that these two neighborhoods would become a commuting pattern for people who don't live in either neighborhood. Mr. Shephard, you have an example of Cobble Ridge where the northern phase was built before the southern phase. In that case was the infrastructure of the southern phase, the latter phase already built or was that virgin land and you had to do all the work of a subdivision?

Gregg Shephard

It was already built.

Council Member Capowski

So the southern road already existed?

Mayor Waldorf

Why don't we get that answer by the staff and back to us for subsequent meetings.

Town Attorney Karpinos

We need to have that in the record or it will be.....

Mayor Waldorf

Right but it's unacceptable to have answers from the audience. We need to have the staff get them and make them part of the public record.

Council Member Capowski

My last question is, this is not part of the city limits or it is? Kent Woodlands? It is already? (Yes) Okay.

Council Member Andresen

Just to follow up on what Joyce mentioned on the recreation facilities in Carrboro. I'd like to ask the staff to ask if we decided that we wanted to require recreation area on the site what might they come up with to talk to the developer about. And then I would like to, if the Council's agreeable to challenge the staff with some ideas on... I think it's going to be real difficult for us to say let's wait for Carrboro, clearly that's absolutely the best thing to do, that's the best entrance for the trucks to take but I think we'd be in difficult ground in saying we've got to wait for Carrboro's approval. I would like to see us really make a genuine effort to mitigate it. I just don't think relying on the police force is adequate. It just won't do. I would like to challenge the staff to come back with some creative suggestions on what we might require of the developer, if the developer really wants to work with us and with the neighbors and they understand the situation. They see the narrow streets. I mean this is a unique neighborhood in that the roads are very narrow and there are no sidewalks. I would like to see us be creative there. The last item about... I think it's far from unanimous that our town policy is always to put in stub-outs and sometimes they can cause problems and our comprehensive plan has indeed statements that speak to both side of the issue there. I think that grids and stub-outs work real well when the topography is very flat but I think we're lucky that we have more hilly terrain and we don't just have routes (?) to deal with. So I disagree with our esteemed Planning Board on that point.

Council Member Evans

Would they identify the spring on the map please?

Mayor Waldorf

I have a question. The situation with Carrboro is that the applicant, you have put in an application and you have absolutely no idea when it will be considered.

Carol Ann Zinn

Well, both portions, the Carrboro and the Chapel Hill portion were submitted within days of one another and here we are at this meeting with approval that could happen in the next month or so. Carrboro, because of shortages in the staff and being overwhelmed with other projects, has been very, very slow in responding and as I said in my letter, they have a zoning administrator who maintains a very tight control over every aspect so this has been a very frustrating experience for me and for all of us.

I really don't have a specific idea of when the project will come out of Carrboro. They have told us probably March, 1997. But that's not the first time they have told us things that didn't come to pass and I think that when we're told that that's intention but they keep falling short of that. And to be further specific, if it comes out of Carrboro approvals in March, 1997 that is only the first part of the approvals we need in order to put the neighborhood in place. Just as in Chapel Hill, we have to have a construction drawings done by our project engineer and those construction drawings need to be approved, it's the same process in Carrboro except whereas it takes about two months in Chapel Hill, in Carrboro it takes five at least and I know of two other developers that have had severe problems getting their construction drawings out of Carrboro. One of them had to threaten a law suit in order to get them to respond. It's a situation that is probably so far from your frame of reference because we have such a capable and professional staff here but it's really a It's not a very professional situation right now.

Mayor Waldorf

We're all kind of overloaded. That's why we're in here so late now. But it seems to me, from everything I was hearing, that it suits the best interests of both the neighborhood and the applicant if we can get these meshed better.

Town Manager Horton

We can make an inquiry but I think that's the most that we could do.

Council Member Andresen

I think it would be good to do that.

Mayor Waldorf

I would like for the staff to make an inquiry. If it would be okay with the council I will be willing to speak with the Mayor of Carrboro and see if... It just makes sense to look at them together. Any other questions?

Council Member Evans

I thought maybe Joe would raise the issue about how we've worked on this boundary line that was up the gully there thinking that maybe they would not be connected but of course, low and behold, they are connected. So because there is open space in between it doesn't seem to me that we are creating the problem that exists on Colony Woods Drive where one side is in Chapel Hill,

the other side is in Durham and so the trash is picked up different ways on different sides of the street. This, at least, will be separated by some greenspace but I'm sure that a sign saying Chapel Hill and a sign saying Carrboro might be appropriate so that people realize the services are going to be different on the different sides of the greenspace there.

Mayor Waldorf

Is November the 11th still a reasonable date for a follow up report on this? Is there a motion to recess this hearing to November 11th and refer these questions to the Manager and the Attorney?

COUNCIL MEMBER FRANCK MOVED, SECONDED BY COUNCIL MEMBER PAVAO, TO RECESS THE HEARING TO NOVEMBER 11TH AND REFER THE MATTER TO THE MANAGER AND ATTORNEY. THE MOTION WAS ADOPTED UNANIMOUSLY.

Item 4 Public Hearing on Proposed Hunt's Reserve Development

Moved and seconded by Franck and Pavao. All in favor please say Aye, "Aye". All opposed no. Passes unanimously. Let's move onto the third public hearing with is on a special use application for the proposed Hunt's Reserve residential development. Is the applicant for the Reserve here? Is the Manager ready to introduce?

Jennie Bob Culpepper

This public hearing has been called to consider a special use permit application for Hunt's Reserve. The application proposes thirty-six single-family lots on 157 acres. The property is located at the eastern extension of Bayberry Drive and is located, a portion of it is located, in our R1 district and a large portion of the property is located in R5 zoning which is a five acre minimum lot size zoning district.

With this development application several transportation related issues have arisen. The first involves sidewalks. Both the Planning Board and the Transportation Board discussed the need for sidewalks and we're recommending that sidewalks be installed along one side of Bayberry Drive and not on the cul-de-sacs. We believe that Bayberry will carry more traffic and that sidewalks would be appropriate on the main collector road rather than the cul-de-sacs. Another issue that's arisen involves access. Access through the Bayberry/ Rhododendron Drive intersection. This proposed development is located outside the Town limits and the existing roadways at the entrance to the development are privately maintained. The developer has provided evidence of an easement giving her the right to use the privately maintained streets and the developer has agreed to be responsible for the damage due to infrastructure construction traffic. Our preliminary recommendation is the adoption of Resolution A.

Mayor pro-tem Brown

Does the applicant have a presentation?

Sally Brown

I'm Sally Brown with Marin Development. I believe it would be appropriate tonight to begin our presentation with a tribute to the man that this proposed neighborhood is to be named for. William Lanier Hunt died this past weekend after a lifetime of service to our community and State. Mr. Hunt began purchasing the land that encompassed the Morgan Creek/Rhododendron blocks during his college years here in the 1930's. In 1961 he began to donate the land to the University to create the William Hunt Arboretum of the North Carolina Gardens. He had kept this particular tract of land with the hopes of building it into a housing development one day. His vision was shattered with the downzoning of this tract which was done in 1994. He subsequently was forced to file bankruptcy but we were fortunate to be able to purchase this land and hopefully we'll be able to develop this in a way that satisfies the Town and leaves another thoughtful memorial to a special man.

The most rewarding part of my work over the years has been my ability to meet some of the most forward thinking citizens of our community and Mr. Hunt and Chesley Beaty, who own the land where the Chesley neighborhood now stands. The fascinating history of our town can be learned from hearing the stories of these two people and studying the land they cherished. The 157 acre Hunt's Reserve unique history, character, topography and location inspired a carefully crafted development plan which seeks to preserve 50 acres for permanent conservation. In addition to a separate community recreation space and an additional 6 acres of open space. This 50 acres provides for a buffer for the rare Morgan Creek/ Rhododendron bluffs and the Mason Farm Biological Reserve. Prior to the design work on this property, we met with our neighbors on all sides. The conservation goals of the Botanical Garden were a driving force behind this proposed plan. The entryway open space was in regard for our neighbors of the Woods at Laurel Hill.

The Town Council's concern for traffic is one of the reasons for the downzoning of this land from the R1 zone, allowing 400+ home-sites to 47. We took those concerns seriously and we're proposing only 36 home-sites. We appreciate the support, the design and technical expertise, the town's staff, Jennie Bob and Kendal (Brown) in particular. We debated the sidewalk issue hard amongst ourselves. There's legitimate issues on both sides. We came down in favor of the environmental issues of no sidewalks meaning considerably less cutting of trees and grading earth. We envision this neighborhood as environmentally friendly as possible.

We concur with the recommendation that stop signs be installed off site to the Bayberry and Rhododendron Drive intersections. In fact, we've already done this. We did, in consultation with Woods home owners had these signs made and they matched the ones that are in The Reserve, Phases 1 and 2. We also changed out their signage to match The Reserve's 1 and 2 signs. We recognize that the construction traffic has the potential to damage these private roads and the Woods. We propose a thorough examination of the roads prior to construction and we will be responsible for any damage that is caused to these private roads during our construction. In conclusion, we have met the four findings necessary to approve a special use permit and we ask your approval to build a neighborhood that Mr. Hunt and the Botanical Gardens and the Town of Chapel Hill can be proud of.

Mayor pro-tem Brown

We have one citizen signed up to speak.

Pearson Stewart

I am Pearson Stewart and I'm a consultant to the Botanical Garden Foundation. I support this plan wholeheartedly and I note with great approval the great amount of increased protection it gives to the Mason Farm Biological Reserve and to the Rhododendron Bluffs, an excellent plan. As an individual citizen I do agree with the Transportation Board and not with the Manager about the proposed widths of the cul-de-sacs. Why do short cul-de-sacs need to be wide rather than narrower?

Mayor pro-tem Brown

Are there any question by the council, Julie?

Council Member Andresen

Are these roads to be private rather than public?

Town Manager Horton

These roadways are proposed to be public roads but the development is not yet within the town limits.

Council Member Andresen

I think that we don't want to have private roads and that's my own opinion. I think this is really a good project and thoughtful but I'm concerned about the degree to which we will see that the resource conservation district will be affected by roadways and so I would like to ask the staff to be sensitive to that and I would like to see more exactly what parts might be impinged upon by roadways. That's important.

Third, I would like to ask about the annexation schedule for this area. Aren't we beginning to overburden the North Chatham Fire Department? Because they are going to be providing fire service and they're providing for Southern Village too. I think that we, in the spirit of providing services for development as we approve it, just asking Chatham County to do it is not exactly in that spirit. So I'd like the staff to address that at some point.

Council Member Franck

I just wanted to see on the map where the resource conservation district is. Maybe I missed it on the exhibit maps but I didn't see the area that was identified. Okay, that's good enough. So it is in that area that is identified as the R1 zone and I assume that JB, you've done your homework. That doesn't change the allowed density because the R1 acreage, some of it is in RD. That doesn't change the number of units that would be allowed, combining the two pieces in different zones?

J.B. Culpepper

The resource conservation district does not impact the overall density that's allowed for the development.

Council Member Capowski

JB, the fifty acres of land that will be preserved, who will own that?

J.B. Culpepper

The developer is proposing that the Botanical Garden Foundation will own that property.

Council Member Capowski

And do you have an opinion or would you offer it when it comes back to us whether that's reasonable or is that something the Town should own? Or a homeowner's association? Whatever you think is best. You said that all these are public streets, so we couldn't possibly have a Colony Lakes problem when this is annexed?

J.B. Culpepper

No, these will be built to town standards and dedicated as public streets. It's just that they're not in the Town limits yet.

Council Member Capowski

As we've been looking at development plans in this area both private ones and through the Mason Farm tract, at least one of my ideas recurrent has been, is there some way to get a bicycle and pedestrian access to the bypass or to Manning Drive or to campus? Could you address that issue when this comes back to us?

Council Member Andresen

Just two points that occurred to me. One is the provision of water and sewer. I noticed that most of the water and sewer service will be delivered by gravity which is generally preferable, not always in a sensitive site and I know the OWASA Board has been considering recently other alternatives to gravity systems and if they follow roadways it does a whole lot less damage to woodlands. I would encourage our staff to make a suggestion to the OWASA staff. Maybe the Manager could come back and tell us how we might do that. Then, Pearson's point about the width of the cul-de-sacs. I want to understand that issue and I think in general cul-de-sac widths are unnecessarily wide.

Council Member Evans

I'd like the staff to reconsider the recommendation on the sidewalks. Most of the time, I'm wild about sidewalks but this is a wonderfully forested area and not very many lots, most of them are quite large with a lot of open spaces around them and it seems to me that it may not be needed for the environmental impact that it would cause.

Council Member Chilton

To follow up on that, that was actually my question. Could you show me again on that map where the sidewalk on Bayberry Drive is going to be?

J.B. Culpepper

We're recommending a sidewalk on one side of Bayberry Drive for its entire length. We haven't looked at specific plans that say which side of the street.

Council Member Chilton

But you're thinking all the way down?

J.B. Culpepper

Correct.

Mayor pro-tem Brown

If there are no further questions do we have a statement from the applicant regarding the proposed conditions of approval?

Sally Brown

We're willing to accept all those conditions. We would like for you to consider deleting the sidewalk condition.

COUNCIL MEMBER FRANCK MOVED, SECONDED BY COUNCIL MEMBER PAVAO, TO RECESS THE HEARING UNTIL NOVEMBER 11TH AND REFER COMMENTS TO THE MANAGER AND ATTORNEY. THE MOTION WAS ADOPTED UNANIMOUSLY.

Mayor Waldorf

Item #4 is a public hearing on the proposed rezoning of the potential parking lot that straddles the Carrboro/Chapel Hill line.

Council Member Andresen

Madam Mayor, do our meeting recess procedures apply on public hearing nights?

Mayor Waldorf

I don't think so but if the council wishes to make a motion to adjourn and if three fourths of the council wish to adjourn.

COUNCIL MEMBER EVANS MOVED, SECONDED BY COUNCIL MEMBER CHILTON, TO EXTEND THE MEETING TIME BEYOND 10:30 P.M. TO COMPLETE THE FINAL PUBLIC HEARING ON THE AGENDA. THE MOTION WAS ADOPTED UNANIMOUSLY.

Item 5 Possible Rezoning of Parking Lot at West Rosemary Street and Sunset Drive

Town Manager Horton

This one grows out of a petition from the Town of Carrboro to the Town of Chapel Hill to help them find a way to establish a parking lot that would serve the Midway neighborhood. Residents and business operators in that area apparently have a strong interest in that. We came to the Council earlier and recommended that you consider a couple of options. One was to de-annex

this particular location. We determined that might take a period of time. The Council decided to go ahead with consideration of re-zoning and that's what brings us to this point tonight.

Mayor Waldorf

Is there an applicant? Chris, are you the applicant?

Chris Berndt

Tonight's public hearing is on a zoning atlas amendment for a particular piece of property, tax map 93 L18. The map behind me highlights the area in yellow. I'd also like to point out the location of the Town limits line in orange. The lot directly adjoins the Carrboro/Chapel Hill Town limits. Also the zoning of the surrounding area is very important here. You'll note that in Carrboro's portion the area is zoned B1C which is a commercial zone but to the east in Chapel Hill side the area immediately to the north and east of this property is zoned residential 3 and the existing character of that is pretty much single-family. To the south directly is the town center 2 zoning. Tonight's proposal is to consider changing the zoning from R3 to the town center zoning.

There are three main tests for considering zoning atlas amendments. The first is a manifest error also a test would be changing conditions in the area and the third is whether it achieves the purposes of the comprehensive plan. In our memorandum tonight, we're suggesting that the third test of achieving the comprehensive plan might be addressed by this proposal and the attached materials goes into the different aspects of the comprehensive plan, the goal, objective and policies which might support such a rezoning. These chiefly have to do with the economy and employment, town character and the town's center so that one might make a case that revitalization of this area might be a way to achieve this goal so that the comprehensive plan can be used. On the other hand, that comprehensive plan also has the goal that the town shall maintain existing boundaries of the town center and to protect the integrity of surrounding residential neighborhoods. So that the test before the council is to weight these competing objectives.

I'd like to note in considering our preliminary recommendation that since our last report to the council in September, I'd like to point out that an option that we formerly presented for conditional use zoning, we have since learned is really not an option for this property. I'd also like to point out to the council that you tonight in considering the rezoning need to consider the full range of uses that might be applied in such a town center 2 zoning to this property. On balance, our preliminary recommendation is that because of this full range of potential uses for the town center zoning that changing this area to town center 2 zoning would not achieve the purpose of the comprehensive plan in that it might represent an encroachment into the residential area. Also in your packet tonight is the recommendation of the Planning Board. They considered this recently, on October 15th and wanted to point out that they voted unanimously also that the council not rezone the property to town center 2. Citing that they felt that rezoning would not achieve the council's intended purposes relating to a parking lot and the proposed zoning would place the property at risk for redevelopment. After comments tonight the next step in this process would be that the proposal would return to you on November 11th.

Mayor Waldorf

Mr. Edwards?

Stepney Edwards

Good evening my name is Stepney Edwards and I'm here to just thank the town council for their continuing support in helping us resolve our parking needs in the Midway area for both Chapel Hill and Carrboro. I also represent the petition which is over 100 names in support of having adequate parking in our area. Plus, I have three letters from those who support the parking and Mr. George Tate who owns the lot in the Chapel Hill area. We just want to really meet the needs of the community and not turn this into something that doesn't meet the needs.. and turn into some development as far as a building or something. Most of the names I acquired on the Graham Street side of Chapel Hill were really concerned about just meeting the needs of the community as far as just having parking. We just hope that you can help us resolve this issue as quickly as possible.

Mary M. Jones

I am Mary M. Jones and I'm a resident in the area near the Midway area and I've talked with several people in the area and they really want to have parking. We are hopeful that there will be good lighting in the parking area and even hopeful too that if there is any way that that particular area can be surfaced with asphalt we would be very appreciative due to the fact that in inclement weather it can be even more serviceable for parking. Also we would like to make sure that the lot is safe as far as signs are concerned. That there will be no loitering and the police will be better able to enforce the laws if there are proper signs in place. And I'd like to thank you in advance for something that is really, really needed and we just hope that it will come about as soon as possible. Thank you.

Mayor Waldorf

Are there questions from Council Members?

Council Member Evans

It seems to me that we know what we're trying to achieve, we don't know how we're going to do it. Can we use conditional use zoning on this at all?

Town Manager Horton

I don't believe that we can.

Ralph Karpinos, Attorney

There's no town center conditional use zoning available.

Town Manager Horton

You'd have to create a new category.

Council Member Evans

What about a residential conditional use?

Town Manager Horton

We can take a look at that but I don't believe it would help solve the problem.

Council Member Evans

Don't we have an R5C?

J.B. Culpepper

Yes, R5 would be a possibility, but that's the only one for a residential zoning.

Planning Director Roger Waldon

I just have one additional comment. I think conditional use zoning is a great tool and it's worked for us in many circumstances. The problem here is there is no conditional town center zone and in all of the other zones stand alone parking is not a permitted use. So that's our problem in pursuing this through conditional use zoning. It just doesn't work. We could create another conditional use zone but we don't have another one now that would....

Council Member Evans

So R5 wouldn't work?

Roger Waldon, Planning Director

A parking lot is not a permitted use in R5.

Town Manager Horton

If we could get Carrboro to work out an arrangement so that this would be considered a permanent parking facility, it would be permitted in the present zoning.

Council Member Evans

Well, I encourage you to work on this. We know where we want it to go so let's get there.

Council Member Capowski

I agree with Pat.

Mayor pro-tem Brown

Could you just give us some idea of where those conversations are and how soon you think that this could be resolved with Carrboro?

Town Manager Horton

The conversations are stalled while we try to solve this problem. They would like to move ahead. They don't have enough money to do everything and they would like to have both lots. Until we can figure out how to solve this part of the problem they can't move ahead.

Mayor pro-tem Brown

You mean after some decision is made after November the 11th then you all can go back to your conversation and negotiations. Is that it?

Town Manager Horton

If Council is able to approve something that would allow us to go ahead. We talked about it , Bob Morgan and I virtually every week but just talking about it doesn't move it further.

Mayor Waldorf

Can you get a special use permit for a parking lot?

Town Manager Horton

I don't think you could do it in this zoning.

COUNCIL MEMBER FRANCK MOVED, SECONDED BY COUNCIL MEMBER EVANS, TO RECESS THE PUBLIC HEARING TO NOVEMBER 11TH AND REFER COMMENTS TO THE MANAGER AND ATTORNEY. THE MOTION WAS ADOPTED UNANIMOUSLY.

The meeting concluded at 10:47 p.m.