

A regular meeting of the Carrboro Board of Aldermen was held on February 14, 1984 at 7:30 p.m. in the Town Hall board room, the regular place of meeting.

Present and presiding:

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| Mayor | Jim Porto |
| Aldermen | Joyce Garrett |
| | Doug Anderson |
| | Hilliard Caldwell |
| | John Boone |
| | Jim White |
| | Zona Norwood |
| Interim Town Manager | Don Casper |
| Town Clerk | Sarah C. Williamson |
| Town Attorney | Michael B. Brough |

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY DOUG ANDERSON THAT THE MINUTES OF JANUARY 24 AND 31, 1984 BE APPROVED. VOTE: AFFIRMATIVE ALL

MAYOR'S PROCLAMATION

Mayor Porto read a proclamation proclaiming the week of February 19, 1984 as Sertoma's Freedom Week in Carrboro.

REQUESTS TO SET PUBLIC HEARINGS

(1) Conditional Use Permit Request/Harris Subdivision

Joe M. Harris has applied for a conditional use permit which will allow subdivision of the Harris property located at 308 Highway 54 Bypass, directly across from the Windwood Subdivision, into three lots. The property is identified as Tax Map 114, Lot 17E and is zoned Business-4.

The administration recommended that a public hearing be set for February 28, 1984.

(2) Conditional Use Permit Request/Rock Haven

Columbia-Stuart, Inc. of Atlanta, Georgia has applied for a conditional use permit which will allow construction of 188 condominium dwelling units on a 13-acre parcel located on the west side of Smith Level Road and directly south and adjacent to The Villages Apartments. The parcel is identified as Tax Map 122, Block A, part of Lot 5 and is zoned Residential-S.I.R. (Suitable for Intensive Residential).

The administration recommended that a public hearing be set for February 28, 1984.

(3) Conditional Use Permit Request/Webbwood Phase IV

Prairie Development, Inc. of Matteson, Illinois has applied for a conditional use permit which allow construction of 146 single-family and two-family dwelling units in a architecturally integrated subdivision on a 34.29-acre tract located directly north of the Webbwood subdivision. The property is zoned Residential-S.I.R.-2 and is identified as Tax Map 30, Lot 2B and Tax Map 108, Lot 10.

The administration recommended that a public hearing be set for February 28, 1984.

(4) Conditional Use Permit Request/Whispering Hills

Kale Properties, Inc. has applied for a conditional use permit which will allow construction of 58 dwelling units in an architecturally integrated subdivision on a 7.6-acre parcel located at the east end of

King Street and northwest of the intersection of South Greensboro Street and N.C. 54 Bypass. The parcel is identified as Tax Map 101, Block A, Lots 9, 10, 11, and 12 and is zoned Residential-7.5.

The administration recommended that a public hearing be set for February 28, 1984.

(5) Urban Development Action Grant Program

The administration recommended that the Board of Aldermen set two concurrent public hearings on February 28, 1984. The purpose of the first public hearing will be to explain the UDAG program and the second public hearing will be held to receive public comment on the proposed UDAG grant application.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY JIM WHITE THAT THE REQUESTED PUBLIC HEARINGS BE SET. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING/BALDWIN PARK IMPROVEMENTS AND ASSOCIATED RECREATION FACILITIES

The purpose of this public hearing was to receive comments from the public and residents of the Baldwin park area in regards to improvements suggested for this facility which include a basketball court with lights. After receiving comments, the Board was to determine the scope of a recreation facilities improvement project which includes the Baldwin, Carrboro Elementary, and Community Parks.

Richard Kinney, Recreation Director, stated that in October, 1983 the Board of Aldermen met in a worksession to discuss amending the Land and Water Conservation Fund grant for development of outdoor recreational facilities. At that meeting, the Board directed the administration to include in that grant amendment a lighted basketball court complex at the Community Park. At the request of a former member of the Board, and a citizen in attendance that evening, the Board included a similar facility for the Henry Baldwin Neighborhood park in that amendment. Subsequently, the federal government denied the inclusion of a basketball court at the Baldwin Park in the grant amendment. However, the Board of Aldermen expressed an interest in funding that facility out of the town's local funds. The Board and town staff were concerned that the implementation of a lighted basketball court in this neighborhood park might have a negative impact on neighboring residents. Therefore, the Board asked that a public hearing be held to assess resident's feelings on this subject.

Mr. Kinney stated that notification of this public hearing was sent to all residents and owners of property within a 200-foot boundary of the Baldwin Park on the Carrboro side and all adjoining property on the Chapel Hill side.

Mr. Kinney stated that he was asked to convey the concern of Mrs. Lula Nicks, who resides at 109 Hill Street, that the impact of a lighted facility would have a detrimental effect on the neighborhood and felt that an alternate recreational facility could be better utilized.

Alderman Caldwell stated that he had spoken with several residents of the Baldwin Park neighborhood and it was their feeling that the lighted court would have a negative impact on their neighborhood and that some other type of improvement to the park would better serve their neighborhood such a picnic shelter.

MOTION WAS MADE BY JIM WHITE AND SECONDED BY JOHN BOONE THAT THE PUBLIC HEARING BE CLOSED AS NO ONE ELSE WISHED TO SPEAK. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JIM WHITE AND SECONDED BY JOHN BOONE THAT UP TO \$8,000 BE ALLOCATED TO CONSTRUCT A PICNIC SHELTER FACILITY AT THE BALDWIN NEIGHBORHOOD PARK, THAT A LIGHTED BASKETBALL COURT COMPLEX BE CONSTRUCTED AT THE COMMUNITY PARK, AND THAT THE BASKETBALL COURTS AND OTHER TOWN-OWNED EQUIPMENT AT CARRBORO ELEMENTARY SCHOOL BE REHABILITATED. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING/LAND USE ORDINANCE AMENDMENTS/R-S.I.R. AND OTHERS

The Board of Aldermen continued the public hearing on proposed changes to the R-S.I.R. and a number of other provisions.

Mike Brough explained the proposed amendments.

Diana Woolley, representing the Planning Board, presented the recommendations of the Planning Board.

Fred Emmerson, an attorney representing the developer of the proposed Spring Valley subdivision, requested that the Board of Aldermen consider adoption of the provisions pertaining to private roads at tonight's meeting.

Mike Brough stated that he had talked previously with Mr. Emmerson and had pulled out the section of the proposed ordinance dealing with private roads and included it in a separate ordinance if the Board wished to consider it separately.

Robert McDuffee, Chairman of the Planning Board, explained further the Planning Board's recommendations concerning private roads.

Alderman Anderson presented a letter from Mrs. Emma Tripp speaking against the proposed Land Use Ordinance amendments which would reduce the number of housing units which could be placed on her land located on Old Hillsborough Road.

Jay Bryan, residing on Oak Avenue, spoke in favor of encouraging the development of single-family units in Carrboro.

Emmett Pendergraph, a member of the Planning Board, spoke in favor of in-fill development within Carrboro.

Steve Rose, residing on Hanna Street, spoke in favor of encouraging single-family development.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY DOUG ANDERSON THAT THE PUBLIC HEARING BE CLOSED AS NO ONE ELSE WISHED TO SPEAK. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE LAND USE ORDINANCE PROVISIONS RELATING TO PRIVATE ROADS" BE ADOPTED. VOTE: AFFIRMATIVE ALL

It was the consensus of the Board to request the Planning Committee to schedule worksessions on the remaining portions of the proposed ordinance.

CONTINUATION OF PUBLIC HEARING/CONDITIONAL USE PERMIT REQUEST/HIGHLAND HILLS APARTMENTS

The Board of Aldermen continued the public hearing on the conditional use permit amendment request submitted by Real Estate Ventures Corp. of Huntsville, Alabama, which will allow construction of 270 apartment dwelling units for low and moderate income persons and families on a 47-acre parcel located north of The Villages Apartments and south of Morgan Creek and the Chapel Hill Tennis Club. The parcel is identified as Tax Map 116, Lots 9 and 9A and is zoned Residential-S.I.R. (Suitable for Intensive Residential).

Greg Shepard, Zoning Administrator, stated that the administration was recommending approval of the project with the condition that the timbering, clearing and construction be done in phases as specified in the erosion control plan as approved by the Orange County Erosion Control Officer.

John Banks, one of the developers, presented the erosion control plan for the proposed project.

Libbey Ludington requested that the developers reconsider moving the units away from the creek and expressed her concern over the additional traffic being put onto Smith Level Road from this and other new developments along Smith Level Road.

Ann Griffin expressed her concern over Carrboro becoming a bedroom community to Chapel Hill and the Research Triangle. In addition, Ms. Griffin stated she thought the Board made a mistake in issuing the original conditional use permit for this property.

Steve Chandler read a letter from he and his wife expressing their concern over the well-being of Spring Branch Creek if the proposed development is constructed and also expressed their concern over the installation of the proposed sewer line along the creek.

Mary Jane Baker expressed her concern that this development will have a detrimental effect on the property and will have a drastic impact on the area around the creek.

Dick Ludington stated that the proposed plan does not conform to the mandate of the Carrboro Land Use Ordinance which states that the development shall conform to the natural contours of the land and the natural drainage ways shall remain undisturbed. Mr. Ludington asked that the Board condition this conditional use permit to meet watershed standards for perennial streams listed in the Land Use Ordinance.

Greg Shepard pointed out that those watershed standards could not be applied to this development because this property is not within the watershed zoning district.

John Banks stated that OWASA dictates where the sewer line will be located. Mr. Banks also stated that this project would not be feasible if they were required to delete the units along the stream.

John McAdams, one of the developer's engineers also stated that OWASA dictates where the sewer line will be located.

Peggy Chandler stated that Spring Branch Creek is a perennial stream.

Tom Higgins, the developer's attorney, pointed out that there are several units closer to the creek in the original conditional use permit than in the proposed plans and urged the Board to approve the amended plans.

MOTION WAS MADE BY DOUG ANDERSON AND SECONDED BY JOHN BOONE THAT THE PUBLIC HEARING BE CLOSED AS NO ONE ELSE WISHED TO SPEAK. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY DOUG ANDERSON THAT, YES, THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JOHN BOONE THAT, YES, THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY DOUG ANDERSON THAT THE APPLICATION IS GRANTED, SUBJECT TO THE FOLLOWING CONDITIONS:

- (1) The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Carrboro Town Hall. Any deviations from or changes in these plans must be pointed out specifically to the administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.
- (2) If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
- (3) That the timbering, clearing and construction be done in phases as specified in the erosion control plan as approved by the Orange County Erosion Control Officer.

(4) That fifty percent (50%) of the trees indicated to be planted shall consist four (4) additional species selected from the Land Use Ordinance shade tree list.

(5) That the existing vegetation cover indicated to remain undisturbed shall be strung off to indicate clearing limits and if removed or damaged shall be replaced.

(6) That all dumpsters shall be screened with architectural materials that match the material of the building facades and natural plant materials.

(7) That the parking lot islands shall be curbed to protect shade trees.

(8) That all signs on the site shall be painted or routed and if lit, shall be externally lit.

(9) That the detail for the left turn lane widening be constructed as submitted.

VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY ZONA NORWOOD THAT BEFORE A CERTIFICATE OF OCCUPANCY ON ANY BUILDING IS ISSUED, THE DEVELOPER SHALL BE REQUIRED TO REQUEST VOLUNTARY ANNEXATION INTO THE TOWN OF CARRBORO. VOTE: AFFIRMATIVE FIVE, NEGATIVE ONE (GARRETT)

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY JIM WHITE THAT THE CONDITIONAL USE PERMIT BE GRANTED SUBJECT TO THE ABOVE CONDITIONS. VOTE: AFFIRMATIVE ALL

SALES TAX INCREASE

MOTION WAS MADE BY JIM WHITE AND SECONDED BY HILLIARD CALDWELL THAT A RESOLUTION BE SENT TO THE ORANGE COUNTY COMMISSIONERS URGING THEM TO ADOPT THE ONE-HALF CENT SALES TAX INCREASE BY RESOLUTION OF THE COMMISSIONERS AS SOON AS POSSIBLE. VOTE: AFFIRMATIVE ALL

JOGGERS

Alderman Caldwell expressed his concern over joggers running on highly traveled town streets after dark and requested the Town Attorney to check into ways of encouraging them to make themselves more visible.

There being no further business, the meeting was adjourned.

Sarah C. Williamson
Town Clerk

James V. Purdy
Mayor