

A special meeting of the Carrboro Board of Aldermen was held on March 25, 1985 at 7:30 p.m. in the Town Hall Board Room, the regular place of meeting.

Present and presiding:

Mayor	James V. Porto, Jr.
Aldermen	Zona Norwood
	Jim White
	John Boone
	Hilliard Caldwell
	Doug Anderson
	Joyce Garrett
Town Manager	Robert W. Morgan
Town Clerk	Sarah C. Williamson
Town Attorney	Michael B. Brough

PUBLIC HEARING/VOLUNTARY ANNEXATION REQUEST/CANTERBURY TOWNHOMES, PHASES I AND II

Roy Williford, Planning Director, stated that the Pine Ridge Development Corporation had submitted a petition requesting the annexation of Canterbury Townhomes, Phases I and II and a lot to be dedicated to the Town of Carrboro. Phase I contains 1.45 acres, Phase II contains 1.38 acres, and the lot to be dedicated to the town contains 6.89 acres. Mr. Williford stated that the administration was recommending adoption of the annexation ordinance to become effective on March 31, 1985.

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

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT THE ORDINANCE ENTITLED, "AN ORDINANCE ANNEXING PHASES I, II OF THE CANTERBURY TOWNHOUSES IN ADDITION TO THE AREA TO BE DEDICATED TO THE TOWN OF CARRBORO," BE ADOPTED.  
VOTE: AFFIRMATIVE ALL

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PUBLIC HEARING/CONDITIONAL USE PERMIT REQUEST/CREST STREET APARTMENTS

Orange Builders has applied for a conditional use permit which would allow construction of 15 townhouse units on a 2.52-acre site located on the north side of the terminus of Crest Street. The property is zoned Residential-7.5 and is identified as Tax Map 94, Block A, Lot 16..

Greg Shepard, Zoning Administrator, was sworn in. Mr. Shepard explained that the administration was recommending denial of the conditional use permit request on the basis of Section 15-261 (Natural Drainage System Utilized to Extent Feasible) and Section 15-262 (Developments Must Drain Properly) of the Land Use Ordinance, unless: (1) the town commits to a special assessments improvement project, or (2) the developer and Estes Park Apartments management resolve the drainage problem cooperatively.

Mr. Shepard stated that the Transportation Advisory Board had reserved the right to review this project until such time that the drainage dispute is resolved and the town staff recommends approval of the project.

Mr. Shepard stated that the Appearance Commission was recommending approval of the project with the the conditions that: (1) any signs to be used in the project be made of routed/painted wood and externally lit; and (2) any existing trees noted to remain should be replaced if lost due to construction or related activities.

Diana Woolley, Chairman of the Planning Board, stated that the Planning Board was recommending denial of this request at the present time because of the staff's statement of its noncompliance with Sections 15-261 and 15-262 of the Carrboro Land Use Ordinance. The Planning Board further recommended that: (a) the Town Attorney explore the legal questions raised by this conflict; (b) on the basis of these findings, the town offer to mediate as necessary between the affected/Involved parties; and (c) the results of this mediation be presented to the Planning Board and Board of Aldermen in sixty (60) days.

Phillip Post, the town's consulting engineer, discussed a letter that he had submitted to the town reference his review of the site plan for this project concerning storm drainage. (See Town Clerk's file of this meeting for a copy of this letter.) Mr. Post stated that during a 100-year storm, the undersized 36" pipe at Estes Park will cause flooding up stream on the Crest Street site and will also cause flooding in the parking lots and some apartment Buildings in Estes Park and it could possibly overtop and damage the Southern Railroad tracks. Mr. Post stated that he thought the drainage system originally constructed for Estes Park was sub-standard in pipe sizing.

Mr. Post stated that he would recommend the following: (1) that the applicant provide an engineering floodplain study of the site showing floodplain elevation and limits, floodway calculations, and 100-year storm flows; (2) that all building and fill should be prohibited from the calculated floodway (finished floors should be set one foot above base flood elevation); (3) that the culvert should be designed so that calculated backwater is no greater than one foot above base flood elevation; (4) that an overall analysis should be made of potential problems downstream of Crest Street, including backwater at the railroad and street culverts towards Bolin Creek; (5) that curb and drainage structures be constructed to accommodate parking lot drainage on the site; (6) that the flow line of the creek from Oakwood Apartments be defined by field surveys; and (7) that headwalls be used at least on the inlet end of any major culvert and tentatively size engery dissipator dimensions for the downstream outlet.

Harold Williams, the developer, was sworn in. Mr. Williams stated that the land swap proposed between he and the town had been initiated by the town. Mr. Williams presented a chart showing the building elevations in relation to the

floodplain and stated that the building elevations were sufficiently high to avoid flooding.

John McAdams, the developer's consulting engineer, was sworn in. Mr. McAdams stated that the storm drainage downstream is what is causing the drainage not the proposed construction project. Mr. McAdams stated that the proposed drainage system will handle a 10-year storm. Mr. McAdams stated that the developer was conforming to the extent possible to Section 15-261 and 15-262 of the town's land use ordinance.

Bill Daniel, representing Estes Park Apartments, was sworn in. Mr. Daniel stated that Estes Park had not experienced any flooding problems until three years ago and had not experienced any problems since that time. Mr. Daniel requested that the proposed project be studied carefully before it is approved. Mr. Daniel stated that Estes Park should not be required to put in a larger drainage pipe since it was told by the town at the time of construction what size pipe to install.

David Kale was sworn in. Mr. Kale stated that he owned property in the area of the proposed project and stated that the drainage problems have worsened on his property since the construction of the public housing units.

Steven Clapp was sworn in. Mr. Clapp requested that as many trees as possible be retained on the site.

MOTION WAS MADE BY JIM WHITE AND SECONDED BY JOHN BOONE THAT THE PUBLIC HEARING BE CLOSED. VOTE: AFFIRMATIVE FIVE, NEGATIVE ONE (GARRETT)

MOTION WAS MADE BY JIM WHITE AND SECONDED BY HILLIARD CALDWELL THAT ACTION ON THE PROJECT BE DELAYED, THAT THIS MATTER BE REFERRED BACK TO THE STAFF AND TOWN ATTORNEY, THAT THE STAFF SERVE AS MEDIATORS IN RESOLVING THE DRAINAGE PROBLEMS, THAT THE TOWN'S RESPONSIBILITY BE CONSIDERED, AND THAT A REPORT BE PRESENTED TO THE BOARD WITHIN 30 DAYS. MOTION WITHDRAWN.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY DOUG ANDERSON THAT THE PUBLIC HEARING BE REOPENED. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY DOUG ANDERSON THAT THIS PUBLIC HEARING BE CONTINUED ON APRIL 23, 1985. VOTE: AFFIRMATIVE FIVE, NEGATIVE ONE (WHITE)

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PUBLIC HEARING/CONDITIONAL USE PERMIT REQUEST/FAIROAKS SUBDIVISION

The Westminster Company has applied for a conditional use permit which would allow construction of 295 units on a 49.16-acre parcel located on the north side of Hillsborough Road directly opposite its intersection with James Street. The parcel is identified as Tax Map 108, Lots 9 and 9A and is zoned a combination of Residential-15 and Residential-S.I.R.

Greg Shepard, Zoning Administrator, was sworn in. Mr. Shepard outlined the proposed development. Mr. Shepard stated that the administration was recommending approval of the conditional use permit with the following conditions: (1) that fire hydrants for each phase be installed and in working condition prior to framing of any buildings in each phase; (2) that the proposed 8-inch waterline in Pathway Drive be extended to connect with the stubbed out 8-inch waterline at the western end of Pathway Drive in Spring Valley Subdivision as part of Phase 6; (3) that the proposed Pathway Drive extension be constructed to connect with the present western terminus of Pathway Drive in Spring Valley Subdivision as part of Phase 6; (4) that the owner construct to bus shelters and related facilities to Town of Carrboro specifications on either side of Pathway Drive when bus service is extended to the development; (5) that the proposed 10 feet of additional right-of-way along the property's frontage on Hillsborough Road be dedicated with final plat approval for Phase 1; (6) that the owner petition for annexation upon completion of each phase prior to final plat approval or issuance of certificates of occupancy for each phase; (7) that the existing Hillsborough Road west of the proposed entrance road be improved in accordance with the staff's proposal for improvements to this intersection by both Cobblestone and Fair Oaks developments. And that if the Cobblestone development has not made its share of these improvements by Phase 6 of Fair Oaks, the developer of Fair Oaks shall complete all improvements on Hillsborough Road west of the proposed entrance road as part of Phase 7; (8) that the proposed improvements on Hillsborough Road east of the proposed entrance road shall be completed as part of Phase 6; (9) that waterline in Pathway Drive must be looped to Hillsborough Road; (10) that Type C screening specifications include requirement of 2" minimum caliper tree size at time of planting; (11) that proposed landscape trees on north side of Pathway Drive opposite Parkview Avenue shall be specified as 2" minimum caliper tree at time of planting; and (12) that in consideration of the phasing plan, Pathway Drive and Oakpark Avenue shall not be accepted by the Town of Carrboro until the completion of Phase 11.

Mr. Shepard stated that the Appearance Commission was recommending approval of the conditional use permit with the following conditions: (1) that an "A" type screen be placed (or must be retained) along designated tot lots on the project's southern border/property line. The screening for the tot lot in Phase 1 should extend from the southwestern corner of the project's property line to the Duke Power Company easement. The "A" type screen for the second tot lot designated in Phase 8 should begin at the western edge of the tot lot and extend westward, approximately 35 feet along the border of the project from that point. (The purpose of the screening is to provide a spatial separation between the tot lots and adjoining private properties to deter individuals (primarily children) from crossing onto private property; (2) that any signs used within the project be made of routed/painted wood and be externally lit; (3) that existing trees noted to remain should be replaced if lost due to construction or related activities (2" caliper minimum); and (4) that the Planning Board look into any possible alternatives avail-

able for providing some type of screening or buffer on Duke Power easement.

Diana Woolley, Chairman of the Planning Board, was sworn in. Ms. Woolley stated that the Planning Board was recommending approval of the conditional use permit including specifically staff recommendations 1,2,6,9,10 and 11; and noting that the Planning Board's lack of inclusion of the other recommendations does not indicate disagreement but that they (recommendations) are from other boards/commissions.

David Bonk, the town's Transportation Planner, was sworn in. Mr. Bonk stated that the TAB was recommending approval of the conditional use permit with the following conditions: (1) that fire hydrants for each phase shall be installed and in working condition prior to framing of any buildings in each phase; (2) that the proposed 8-inch waterline in Pathway Drive be extended to connect with the stubbed 8-inch waterline at the western end of Pathway Drive in Spring Valley Subdivision at such time as the road is connected; (3) that the proposed Pathway Drive extension be constructed to connect with the present western terminus of Pathway Drive in Spring Valley as part of Phase 6 if Pathway Drive has been extended from Spring Valley across the Goforth property and into the undeveloped portion of Bolin Forest. If by Phase 6 these other improvements have not taken place, then the connection of Pathway by Fair Oaks should be delayed until such time as they are made but that the connection should be constructed no later than the final phase of development; (4) that the owner construct two bus shelters and related facilities to Town of Carrboro specifications on either side of Pathway Drive when bus service is extended to the development; (5) that the proposed 10 feet of additional right-of-way to be dedicated with final plat approval for Phase 1; (6) that the owner petition for annexation upon completion of each phase prior to final plat approval or issuance of certificates of occupancy for each phase; (7) that the existing Hillsborough Road west of the proposed entrance road be improved in accordance with the staff's proposal for improvements to this intersection by both Cobblestone and Fair Oaks developments. And that if the Cobblestone development has not made its share of these improvements by Phase 6 of Fair Oaks, the developer of Fair Oaks shall complete all improvements on Hillsborough Road west of the proposed entrance road as part of Phase 7; (8) that the proposed improvements to Hillsborough Road east of the proposed entrance road shall be completed as part of Phase 6; (9) that waterline in Pathway Drive must be looped to Hillsborough Road; (10) that Type "C" screening specifications include requirement of 2" minimum caliper tree size at time of planting; and (12) that Pathway Drive be constructed as a continuous road to insure safe traffic movement and to provide efficient bus service.

Roman Kolidij, the developer's architect, was sworn in. Mr. Kolidij explained the layout of the development and discussed the recommendations of the staff and advisory boards.

Frances Shetley, residing at 1102 Hillsborough Road, was sworn in. Ms. Shetley requested that a good buffer be pro-

vided between her property and Fairoaks and asked that the developers submit a detailed landscape plan to the staff and Appearance Commission for approval prior to construction of Phase I.

Steve Oglesbee, President of the Webbwood Homeowners' Association, was sworn in. Mr. Oglesbee stated that the Webbwood Homeowners Organization urged inclusion of a condition that Pathway Drive be extended to connect with the present western terminus of Pathway Drive in Spring Valley, but that it should not be constructed until a comprehensive connector roads system is in place toward the east.

Marvin Walker, representing the developer, was sworn in. Mr. Walker requested relief from the requirement to construct one-half of the improvements to Hillsborough Road.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY DOUG ANDERSON THAT THE PUBLIC HEARING BE CLOSED. VOTE: AFFIRMATIVE ALL

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

MOTION WAS MADE BY JIM WHITE 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 JIM WHITE AND SECONDED BY JOHN BOONE THAT THE APPLICATION BE 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 fire hydrants for each phase shall be installed and in working condition prior to framing of any buildings in each phase.
- 4) That the owner construct two bus shelters and related facilities to Town of Carrboro specifications on either side of Pathway Drive when bus service is extended to the development.
- 5) That the proposed 10 feet of additional right-of-way along the property's frontage on Hillsborough Road shall be dedicated with final plat approval for Phase I.
- 6) That the proposed improvements to Hillsborough Road east

of the proposed entrance road shall be completed as part of Phase 6.

- 7) That the water line in Pathway Drive must be looped to Hillsborough Road if no other looped connection is provided.
- 8) That Type "C" screening specifications include the requirement of 2-inch minimum caliper tree sizes at the time of planting.
- 9) That the proposed landscape trees on the north side of Pathway Drive opposite Parkview Avenue shall be specified as 2-inch minimum caliper trees at the time of planting.
- 10) That in consideration of the phasing plan, Pathway Drive and Oakpark Avenue shall not be accepted by the Town of Carrboro until the completion of Phase 11.
- 11) That the proposed 8-inch waterline in Pathway Drive be extended to connect with the stubbed 8-inch waterline at the western end of Pathway Drive in the Spring Valley Subdivision at such time as the road is connected.
- 12) That any signs used within the project be externally lit.
- 13) That detailed landscaping plans for each phase be referred to the Appearance Commission for a courtesy review.

VOTE: AFFIRMATIVE ALL

- 14) That the proposed Pathway Drive extension be constructed to connect with the present western terminus of Pathway Drive in the Spring Valley Subdivision as part of Phase 6 if Pathway Drive has been extended from Spring Valley Subdivision across the Goforth property and into the undeveloped portion of Bolin Forest. If by Phase 6 these other improvements have not taken place, then the connection of Pathway Drive by Fair Oaks should be delayed until such time as they are made but that the connection should be constructed no later than the final phase of development.

VOTE: AFFIRMATIVE THREE, NEGATIVE THREE (WHITE, NORWOOD, BOONE) MAYOR PORTO CAST AN AFFIRMATIVE VOTE.

- 15) That the owner petition for annexation upon completion of each phase prior to final plat approval or issuance of certificates of occupancy for each phase.

VOTE: AFFIRMATIVE FIVE, NEGATIVE ONE (GARRETT)

- 16) That the existing Hillsborough Road west of the proposed entrance road be improved in accordance with the staff's proposal for improvements to this intersection by both Cobblestone and Fair Oaks developments. And that if the Cobblestone development has not made its share of these

improvements by Phase 6 of Fair Oaks, the developer of Fair Oaks shall complete all improvements on Hillsborough Road west of the proposed entrance road as part of Phase 7.

VOTE: AFFIRMATIVE ALL

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PUBLIC HEARING/ESTABLISHMENT OF DOWNTOWN DEVELOPMENT COMMISSION

The purpose of this item was to to receive citizens' comments on the establishment of a Downtown Development Commission.

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

It was the consensus of the Board to delay further action on this matter until its meeting scheduled for March 26, 1985.

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There being no further business, the meeting was adjourned.

Sarah C. Williamson  
Town Clerk

J. P. [Signature]  
Mayor