

A regular meeting of the Carrboro Board of Aldermen was held on November 26, 1985 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

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

Absent:

Alderman	Jim White
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APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT THE MINUTES OF NOVEMBER 19, 1985 BE APPROVED.
VOTE: AFFIRMATIVE ALL

CHARGE ISSUED TO PLANNING BOARD MEMBER

The Town Clerk issued a charge to Marjory Schwartz, a new appointee to the Planning Board.

TOWN CODE AMENDMENT/MARKING OF FIRE LANES

It has come to the attention of the Police Chief and Fire Chief that, under some circumstances, particularly in inclement weather, fire lanes that are marked in the travel lanes of parking lots with letters three inches high in compliance with Section 12-13(d)(3) of the Town Code are difficult to see. Therefore, the Fire Chief and Police Chief have recommended that the ordinance be amended to require that the letters be increased from three inches to six inches in height. Pursuant to this request, the Town Attorney prepared an ordinance which would accomplish this.

The Board of Aldermen at its worksession held on November 19, 1985 recommended adoption of the ordinance increasing the size of letters from three inches to six inches in height.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING CHAPTER 12 OF THE TOWN CODE TO PROVIDE THAT FIRE LANES MUST BE MARKED WITH LETTERS ON THE PAVEMENT WITH LETTERS THAT ARE A LEAST SIX INCHES HIGH IN SOME CIRCUMSTANCES", BE ADOPTED.
VOTE: AFFIRMATIVE ALL

PUBLIC HEARING/CONDITIONAL USE PERMIT REQUEST/THE VILLAGES, PHASE 5

CHR Associates, representing BT Venture Corporation, has applied for a conditional use permit which would allow construction of 76 apartments on a 5.312-acre parcel located north of and adjacent to the existing Villages of Chapel Hill apartments. The parcel is identified as Tax Map 122, Block A, Lot 5A and is zoned residential-S.I.R. (Suitable for Intensive Residential).

Greg Shepard, Zoning Administrator, was sworn in. Mr. Shepard presented the proposed site plan and stated that the administration was recommending approval of the conditional use permit with the following conditions:

1) That the Chapel Hill Transit Authority shall be permitted to circulate bus traffic through the development in order to maintain bus service to the development;

2) That fire hydrants shall be installed and in working condition, subject to OWASA approval, prior to framing of any buildings in each phase;

3) That improvements proposed for S.R. 1967 shall begin at its intersection with Smith Level Road and end at the western edge of the private road proposed for connection to S.R. 1967. That specifications for taper improvements to the intersection of Smith Level Road to provide a minimum left turn lane shall be as indicated on the staff's recommended sketch with drainage improvements as required by the Town Engineer and N.C.D.O.T.

Diana Woolley, Chair of the Planning Board, was sworn in. Ms. Woolley stated that the Planning Board was recommending approval of the conditional use permit with the staff recommendations plus one additional condition to read as follows: That the half basketball court and jogging trail be excluded as fulfilling the recreation requirements.

Jim Dunlop, the town's transportation planner, was sworn in. Mr. Dunlop stated that the Transportation Advisory Board was recommending approval of the conditional use permit with all the staff's recommendations.

Dana Staats, representing CHR Associates, was sworn in. Mr. Staats stated that their goals in preparing the plans for this development were to ensure harmony with the existing development and to save as much of the existing vegetation as possible. Mr. Staats stated that they would prefer to put the recreation funds for this development into additional landscaping, that they do not feel the left turn lane is warranted, and that they feel the majority of motorists coming from the Star Point area to this development will take the first entrance to The Villages and not the proposed entrance.

Mr. Shepard stated that Phases 1-4 of The Villages has different owners than Phase 5, therefore this development has to be considered as a separate project. Mr. Shepard stated that the proposed fitness trails, gazebos and fitness stations meet the Land Use Ordinance requirements for recreation.

Jim Dunlop stated that the Transportation Advisory Board had recommended the left-turn lane be installed for safety reasons to get cars out of the travel lane. Mr. Dunlop stated that the proposed southern loop will change the travel routes in this area.

Dana Staats presented the Board with a copy of an agreement between the owners of Phase 5 and the owners of the remaining phases of The Villages which would authorize the occupants of Phase 5 to use the recreational facilities of the existing Villages Apartments.

Mr. Shepard stated that the proposed road improvements will cost the developer approximately \$33,000.

Aldermen Anderson stated that the Appearance Commission was recommending approval of the conditional use permit with the following conditions:

1) If any trees, which are marked as existing and to be retained on the site plan, are removed during construction, they shall be replaced in the following configuration: hardwoods on 40' centers and evergreens on 15' centers;

2) Protection of all trees to be retained shall be provided at their driplines during all phases of grading and construction.

3) All shade trees to be planted on the site shall have a minimum caliper of 2 1/2" at the time of planting.

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

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

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL 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 HILLIARD CALDWELL 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 THE CHAPEL HILL TRANSIT AUTHORITY SHALL BE PERMITTED TO CIRCULATE BUS TRAFFIC THROUGH THE DEVELOPMENT IN ORDER TO MAINTAIN BUS SERVICE TO THE DEVELOPMENT.

4) THAT FIRE HYDRANTS SHALL BE INSTALLED AND IN WORKING CONDITION, SUBJECT TO OWASA APPROVAL, PRIOR TO FRAMING OF ANY BUILDINGS IN EACH PHASE.

5) THAT IMPROVEMENTS PROPOSED FOR S.R. 1967 SHALL BEGIN AT ITS INTERSECTION WITH SMITH LEVEL ROAD AND END AT THE WESTERN EDGE OF THE PRIVATE ROAD PROPOSED FOR CONNECTION TO S.R. 1967. THAT SPECIFICATIONS FOR TAPER IMPROVEMENTS TO THE INTERSECTION OF SMITH LEVEL ROAD TO PROVIDE A MINIMUM LEFT-TURN LANE SHALL BE AS INDICATED ON THE STAFF'S RECOMMENDED SKETCH WITH DRAINAGE IMPROVEMENTS AS REQUIRED BY THE TOWN ENGINEER AND N.C.D.O.T.

6) IF ANY TREES, WHICH ARE MARKED AS EXISTING AND TO BE RETAINED ON THE SITE PLAN, ARE REMOVED DURING CONSTRUCTION, THEY SHALL BE REPLACED IN THE FOLLOWING CONFIGURATION: HARDWOODS ON 40' CENTERS AND EVERGREENS ON 15' CENTERS.

7) PROTECTION OF ALL TREES TO BE RETAINED SHALL BE PROVIDED AT THEIR DRIPLINES DURING ALL PHASES OF GRADING AND CONSTRUCTION.

8) ALL SHADE TREES TO BE PLANTED ON THE SITE SHALL HAVE A MINIMUM CALIPER OF 2 1/2" AT THE TIME OF PLANTING.

9) THAT AT LEAST TWO TRASH RECEPTACLES BE PLACED ON THE BUILDING SITE AND THAT THE DEVELOPER BE REQUIRED TO KEEP THE SITE REASONABLY FREE OF TRASH.

VOTE: AFFIRMATIVE ALL

PUBLIC HEARING/LAND USE ORDINANCE AMENDMENTS: MISCELLANEOUS AMENDMENTS

Mike Brough stated that the matter before the Board of Aldermen was whether to adopt numerous miscellaneous amendments to the Land Use Ordinance which recognize existing policy, codify standard permit conditions, clarify ambiguities in the law, and make editorial changes.

Diana Woolley, Chair of the Planning Board, stated that the Planning Board was recommending approval of the proposed

amendments with the exception of Sections 3 and 10, which the Planning Board would like to review further.

Jay Bryan asked what the effect of Section 8 was concerning protest petitions for proposed rezonings.

Mike Brough explained that the proposed amendment brings the language in the Land Use Ordinance in conformity with the language in the General Statutes.

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 DOUG ANDERSON THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO MAKE SEVERAL MISCELLANEOUS AMENDMENTS", BE ADOPTED WITH THE EXCLUSION OF SECTION 3 AND 10 WHICH SHOULD BE REFERRED BACK TO THE PLANNING BOARD FOR FURTHER CONSIDERATION. VOTE: AFFIRMATIVE ALL

LAND USE ORDINANCE AMENDMENT: TEMPORARY PARKING LOTS AND GARAGES

Mike Brough stated that a loophole presently exists in the Land Use Ordinance that allows a business to obtain off-site parking by leasing an adjacent lot and not paving the lot. The reason is that the ordinance presently treats the adjacent lot, if not otherwise developed, as an independent parking lot, but the ordinance does not specifically require such lot to be paved. Mr. Brough stated that the proposed amendment closes this loophole but allows such independent parking lots to remain unpaved under certain circumstances on a temporary basis.

Diana Woolley, Chair of the Planning Board, stated that the Planning Board was recommending denial of the proposed ordinance and that the Board of Aldermen should proceed with the municipal parking plan.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY ZONA NORWOOD 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 PROPOSED ORDINANCE BE TABLED. VOTE: AFFIRMATIVE THREE, NEGATIVE THREE (NORWOOD, PORTO, ANDERSON)

PUBLIC HEARING/LAND USE ORDINANCE AMENDMENT: PRIVATE ROADS

Jerry Davenport, the town's planner, stated that the matter before the Board of Aldermen, on the request of Tallmark Corporation, was to determine whether to amend the Land Use Ordinance to allow some architecturally integrated subdivisions with more than 15 units to build with private roads that do not meet public road standards.

Diana Woolley, Chair of the Planning Board, stated that the Planning Board was recommending adoption of the proposed ordinance.

Judith Wegner expressed concerns with the proposed ordinance and asked if the Transportation Advisory Board had reviewed the ordinance.

Frances Shetley, Chair of the Transportation Advisory Board, stated that the TAB had chosen not to review the proposed ordinance.

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 CARRBORO LAND USE ORDINANCE TO PROVIDE FOR PRIVATE ROADS IN ARCHITECTURALLY INTEGRATED SUBDIVISIONS OF 15 UNITS OR MORE UNDER CERTAIN CONDITIONS," BE ADOPTED. VOTE: AFFIRMATIVE ALL

DOWNTOWN AND COMMERCIAL REZONING

The Board of Aldermen, at its meeting of November 12, 1985, requested that the Downtown and Commercial Rezoning Plan and ordinance be placed on tonight's agenda for action.

Jerry Davenport, the town's planner, stated that if the building heights are lowered, the Board would be trading off open space on the ground. Mr. Davenport stated that if the Board decided to lower building heights in the overlay zone, the town staff would have to adjust the open space requirements.

MOTION WAS MADE BY DOUG ANDERSON THAT THE BUILDING HEIGHTS BE ADJUSTED TO 50' IN THE B-4 AND R-2 ZONES. (THIS MOTION DIED DUE TO THE LACK OF A SECOND.)

MOTION WAS MADE BY HILLIARD CALDWELL THAT CONSIDERATION OF THIS MATTER BE POSTPONED UNTIL THE NEW BOARD IS SWORN IN. (THIS MOTION DIED DUE TO THE LACK OF A SECOND.)

MOTION WAS MADE BY JOYCE GARRETT AND SECONDED BY DOUG ANDERSON THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE RELATING TO COMMERCIAL AND DOWNTOWN ZONING DISTRICTS AND CHANGING THE ZONING OF NUMEROUS PROPERTIES" BE ADOPTED WITH BUILDING HEIGHT ADJUSTMENTS IN THE R-2 AND B-4 ZONES FROM 75' TO 50'. VOTE: AFFIRMATIVE THREE, NEGATIVE THREE (GARRETT, BOONE, CALDWELL)

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY DOUG ANDERSON THAT A SPECIAL MEETING OF THE BOARD OF ALDERMEN BE HELD ON TUESDAY, DECEMBER 3, 1985 AT 7:00 P.M. FOR THE PURPOSE OF TAKING ACTION ON THE DOWNTOWN AND COMMERCIAL REZONING PLAN. VOTE: AFFIRMATIVE ALL

ADDITION TO BUS SERVICE/THE VILLAGES

Jim Dunlop, the town's transportation planner, stated that the Town of Carrboro and Chapel Hill Transit have received a number of calls requesting mid-day bus service to The Villages on the "J" route. Currently, there is a 5 1/2 hour break between morning and evening service. The cost of providing this service is \$3.33 per day. The total cost of providing this service will be \$479.52 if started on December 1, 1985. The Town of Carrboro can expect half of this cost to be reimbursed with UMTA funds.

Mr. Dunlop stated that the administration recommended that bus service on the "J" route be extended to serve The Villages on the trip leaving The Carolina Inn at 12:20 p.m.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY DOUG ANDERSON THAT THE ADMINISTRATION BE DIRECTED TO REQUEST THAT THE TOWN OF CHAPEL HILL PROVIDE MID-DAY BUS SERVICE TO THE VILLAGES FOR THE REMAINDER OF THE CURRENT FISCAL YEAR FOR A TOTAL COST OF \$479.52. VOTE: AFFIRMATIVE ALL

SCHEDULE OF BOARD OF ALDERMEN FOR THE MONTH OF DECEMBER

Mr. Morgan stated that the town staff was seeking guidance in scheduling matters before the Board of Aldermen during the month of December. The fourth regular meeting in December falls on December 24th. Therefore, the Board needed to address whether to cancel this meeting.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JOHN BOONE THAT THE DECEMBER 24, 1985 MEETING OF THE BOARD OF ALDERMEN BE CANCELLED. VOTE: AFFIRMATIVE ALL

EMPLOYEES' CHRISTMAS LUNCHEON

Mr. Morgan recommended that the employees' Christmas luncheon be catered this year.

It was the consensus of the Board to direct the administration to proceed with having the Christmas luncheon catered.

There being no further business, the meeting was adjourned.

Sarah A. Williamson
Town Clerk

J. P. [Signature]
Mayor