

A regular meeting of the Carrboro Board of Aldermen was held on January 6, 1987 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	James V. Porto, Jr.
Aldermen	Randy Marshall
	Tom Gurganus
	Hilliard Caldwell
	John Boone
	Judith Wegner
	Zona Norwood
Town Manager	Robert W. Morgan
Town Clerk	Sarah C. Williamson
Town Attorney	Michael B. Brough

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY RANDY MARSHALL THAT THE MINUTES OF DECEMBER 16, 1986 BE APPROVED. VOTE: AFFIRMATIVE ALL

REQUESTS TO SET PUBLIC HEARINGS

(1) Voluntary Annexation/Woodbridge II, Phases 8-19

Charter Properties Project Partnership #5 has submitted a petition requesting the annexation of Woodbridge II, Phases 8-19. This property is contiguous to the Town of Carrboro and is located at the southeast corner of Jones Ferry Road and State Road 1937. Woodbridge II, Phases 8-19 contains 12.62 acres and has 145 units.

The administration recommended that the Board of Aldermen accept the petition for annexation and adopt resolution setting a public hearing for January 20, 1987.

The following resolution was introduced by Alderman John Boone and duly seconded by Alderman Hilliard Caldwell.

A RESOLUTION SETTING A PUBLIC HEARING TO
CONSIDER THE ANNEXATION OF
WOODBIDGE II, PHASES 8-19
UPON THE REQUEST OF THE PROPERTY OWNERS
Resolution No. 15/86-87

WHEREAS, the Town of Carrboro has received petitions their property be annexed into the Town of Carrboro; and

WHEREAS, the Town Clerk has certified that the petition requesting the annexation of this property is sufficient in all respects under G.S. 160A-31;

NOW, THEREFORE, THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. The Board of Aldermen shall hold a public hearing on January 20, 1987 to consider the voluntary annexation of Woodbridge II, Phases 19.

Section 2. The Town Clerk shall cause a notice of this public hearing to be published once in The Chapel Hill News-paper at least ten days prior to the date of the public hearing.

Section 3. This resolution shall become effective upon adoption.

The foregoing resolution having been submitted to a vote

received the following vote and was duly adopted this 6th day of January, 1987:

Ayes: Zona Norwood, Judith Wegner, John Boone, Jim Porto, Hilliard Caldwell, Tom Gurganus, Randy Marshall

Noes: None

Absent or Excused: None

(2) Voluntary Annexation/Bolin Forest, Phase 2

Wells Management Group, Inc. has submitted a petition requesting the annexation of Bolin Forest, Phase 2. This property is contiguous to the Town of Carrboro and is located north of the existing Bolin Forest, Phase 1 subdivision and south of Bolin Creek. Phase 2 contains 15.63 acres and 27 lots.

The administration recommended that the Board of Aldermen accept the petition for annexation and adopt a resolution setting a public hearing for January 20, 1987.

The following resolution was introduced by Alderman John Boone and duly seconded by Alderman Hilliard Caldwell.

A RESOLUTION SETTING A PUBLIC HEARING TO
CONSIDER THE ANNEXATION OF
BOLIN FOREST SUBDIVISION, PHASE 2
UPON THE REQUEST OF THE PROPERTY OWNERS
Resolution No. 16/86-87

WHEREAS, the Town of Carrboro has received petitions their property be annexed into the Town of Carrboro; and

WHEREAS, the Town Clerk has certified that the petition requesting the annexation of this property is sufficient in all respects under G.S. 160A-31;

NOW, THEREFORE, THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. The Board of Aldermen shall hold a public hearing on January 20, 1987 to consider the voluntary annexation of Bolin Forest Subdivision, Phase 2.

Section 2. The Town Clerk shall cause a notice of this public hearing to be published once in The Chapel Hill News-paper at least ten days prior to the date of the public hearing.

Section 3. This resolution shall become effective upon adoption.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 6th day of January, 1987:

Ayes: Zona Norwood, Judith Wegner, John Boone, Jim Porto, Hilliard Caldwell, Tom Gurganus, Randy Marshall

Noes: None

Absent or Excused: None

PUBLIC HEARING/CONDITIONAL USE PERMIT REQUEST/FITCH LUMBER COMPANY

Greg Shepard, Zoning Administrator, was sworn in. Mr. Shepard stated that Miles Fitch, Jr. had applied for a conditional use permit that would allow the construction of a covered facility for building material storage and enclosed

assembly facility at 502-A North Greensboro Street. The land is identified as Tax Map 93, Block A, Lots 3A and 2 and is zoned M-1 and CT.

Mr. Shepard presented the site plan and stated that documentation is needed indicating legal authority for Fitch Lumber Co. to perform the necessary grading and improvements within the railroad right-of-way. Mr. Shepard stated that the administration recommended that the application be approved, subject to submission of the documentation from the railroad on the drainage improvements with the following conditions:

1. That as additional pieces of shop equipment are added for use in the enclosed manufacturing/assembling area, the owner shall notify the Town so that a determination may be made to ensure compliance with the noise regulations of the Town Land Use Ordinance.

2. That an erosion control plan be approved by the Orange County Erosion Control Officer prior to approval of construction plans.

3. That revised grading plans and details for the stormwater management system be reviewed and approved by the Town Engineer prior to approval of construction plans.

4. That the existing cinderblock building shall be removed at time of construction, since no provisions have been made for utilization with the proposed plan for development.

Mayor Porto stated that the Planning Board recommended approval of the conditional use permit request with the following conditions:

1. If access for fire protection is from Lloyd Street, documentation shall be required which indicates legal authority for use of the accessway across the railroad right-of-way.

2. The revised grading plans and details for the stormwater management system be reviewed and approved by the Town Engineer prior to approval of construction plans.

Mayor Porto stated that the Appearance Commission recommended approval of the conditional use permit with the following condition:

1. That shrubs proposed for planting along the Williams' property border be planted at 4 feet off center spacing.

Steve Oglesbee, Chair of the Transportation Advisory Board, was sworn in. Mr. Oglesbee stated that the T.A.B. was split on whether to recommend access to North Greensboro Street to from Lloyd Street and that is why it had been unable to reach a consensus on a recommendation. Mr. Oglesbee stated that Mr. Fitch had indicated at the T.A.B.'s meeting that there would not be a significant increase in traffic onto North Greensboro Street from this development.

Robert Morgan, Executive Director of the Downtown Development Commission stated that the Downtown Development Commission had recommended that the conditional use permit be granted. Mr. Morgan stated that the Downtown Development Com. had requested that the town work with Mr. Fitch in obtaining legal authority to perform the necessary grading and improvements within the railroad right-of-way.

John McAdams, representing the developer, was sworn in. Mr. McAdams stated that Mr. Fitch had problems with the administration's recommendation concerning notification of the town when additional pieces of shop equipment are added to ensure compliance with the noise regulations of the land use

ordinance. Mr. McAdams stated that the developer would request that the town inspect any new equipment on the site of the development. Mr. McAdams requested that the town withhold issuance of the certificate of occupancy until documentation is received from the railroad to perform the drainage improvements, rather than holding up issuance of the building permit. Mr. McAdams stated that his office had received verbal approval from the railroad to perform the necessary drainage improvements. Mr. McAdams stated that Fitch Lumber is currently operating the requested use at a site behind the location of the proposed development and has stated that the current operation generates approximately 12 trips per day onto North Greensboro Street. Mr. McAdams stated that transportation studies estimate approximately 90 trips per day for a development of this nature.

Frances Shetley, a member of the Transportation Advisory Board, was sworn in. Ms. Shetley expressed her concern that access onto North Greensboro by this proposed development is inappropriate as it will extend the CT zone to a residential area.

Bill Clark, a resident of Cedar Court, was sworn in. Mr. Clark presented a petition opposing this development for the following reasons:

1. There are residential zoning districts on two sides of the property;
2. The value of surrounding residential property will be substantially lowered as will the marketability of the property as rental units;
3. Industrial use means noise and constant activity during business hours, unlike that characterized by the current residential use;
4. There will be an increase in vehicle traffic, impairing the flow of traffic because of the locations of two separate warehouses.

Roy Williford, Planning Director, was sworn in. Mr. Williford stated that transportation projections indicate a need for a five-lane section of roadway along North Greensboro in the area of the proposed development.

Jay Bryan, a resident of 301 Oak Avenue, was sworn in. Mr. Bryan requested information on the proposed building material and what the width of the access to North Greensboro Street was. Mr. Bryan also requested that the staff's recommendation concerning new equipment complying the noise regulations be included as a condition on the conditional use permit.

Mac Fitch was sworn in. Mr. Fitch stated that his company is currently using the North Greensboro Street mainly for Carrboro deliveries and the Lloyd Street access for Chapel Hill deliveries.

Ken Gibson, a resident of 509 North Greensboro Street, was sworn in. Mr. Gibson stated that it was important to keep North Greensboro residential and stated that the Lloyd Street access should be retained.

Lisa Slade, a resident of 502 North Greensboro Street, was sworn in. Ms. Slade expressed concern about the traffic and noise generated by the proposed development.

Braxton Foushee, a resident of Alabama Avenue, was sworn in. Mr. Foushee stated that Fitch Lumber would not be able to obtain written approval from the railroad for the drainage improvements. Mr. Foushee suggested that the road be constructed of some type material other than gravel to keep down dust.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY RANDY MARSHALL

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, YES, THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY TOM GURGANUS 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 owner comply with the noise regulations of the Carrboro Land Use Ordinance.

4) That an erosion control plan be approved by the Orange County Erosion Control Officer prior to approval of construction plans.

5) That revised grading plans and details for the stormwater management system be reviewed and approved by the Town Engineer prior to approval of construction plans.

6) That the existing cinderblock building be removed at the time of construction, since no provisions have been made for utilization with the proposed plan of development.

7) That shrubs proposed for planting along the Williams' property border (Tax Map 93, Block A, Lot 4) be planted at four feet off center spacing.

8) If access for fire protection is from Lloyd Street, that documentation be required which indicates legal authority for use of the accessway across the railroad right of-way.

VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (WEGNER)

MOTION WAS MADE BY JUDITH WEGNER THAT NO MORE THAN 40 TRIPS PER DAY BE ALLOWED FROM THE NORTH GREENSBORO STREET ENTRANCE. (Motion died for the lack of a second.)

PUBLIC HEARING/LAND USE ORDINANCE AMENDMENTS: MISCELLANEOUS II

This was a public hearing to consider whether to make a number of miscellaneous changes to the Land Use Ordinance. These changes are believed to be minor in nature and do not involve a significant change in the land use or development policies.

The administration recommended that the Board of Aldermen open the public hearing and continue the hearing until January 27, 1987 in order to obtain the Planning Board's comments on the proposed changes.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY ZONA NORWOOD

THAT THIS PUBLIC HEARING BE CONTINUED ON JANUARY 27, 1987
VOTE: AFFIRMATIVE ALL

QUARTERLY REPORT/OWASA REPRESENTATIVES

The town's representatives on the OWASA Board, Bill Aderholt and Braxton Foushee, presented a report on the activities of the OWASA Board during the past quarter. (See Town Clerk's file for this meeting for a copy of report.)

REQUEST FOR FINAL PLAT APPROVAL/BOLIN FOREST SUBDIVISION, PHASE 2

Greg Shepard, Zoning Administrator, stated that Wells Management Group had requested final plat approval that would allow the subdivision of 15.63 acres into 27 single family lots.

Mr. Shepard stated that the administration recommended approval of the final plat and acceptance of the performance security in the amount of \$217,978.02 with the following conditions:

a. That the applicant inform each buyer, prior to closing, of the proposed schedule for completion of all incomplete site improvements;

b. That the Town Attorney review and approve the performance security to ensure specific language with reference to the 10-month limitation and the guarantee against defects for an additional 12-month period; and

c. That the town staff review and approve the restrictive covenants prior to release of the plat for recordation.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT FINAL PLAT APPROVAL BE GRANTED AND THAT THE PERFORMANCE SECURITY IN THE AMOUNT OF \$217,978.02 BE ACCEPTED SUBJECT TO THE CONDITIONS RECOMMENDED BY THE ADMINISTRATION.
VOTE: AFFIRMATIVE ALL

There being no further business, the meeting was adjourned.

Sarah C. Williamson
Town Clerk

J. W. Potts
Mayor