

A regular meeting of the Carrboro Board of Aldermen was held on January 13, 1987 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	James V. Porto, Jr.
Aldermen	John Boone
	Judith Wegner
	Zona Norwood
	Hilliard Caldwell
	Tom Gurganus
	Randy Marshall
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 HILLIARD CALDWELL THAT THE MINUTES OF JANUARY 6, 1987 BE APPROVED. VOTE: AFFIRMATIVE ALL

REQUEST FOR LAND USE ORDINANCE TEXT AMENDMENT

Dr. Charles Ward, owner of The Animal Hospital on Main Street, requested the Board to amend the Land Use Ordinance to allow veterinarian hospitals in the B-1(g) zoning district.

It was the consensus of the Board to refer this matter to its worksession scheduled for January 20, 1987.

REQUESTS TO SET PUBLIC HEARINGS

(1) Revisions to Primary and Secondary Fire Districts

The Board of Aldermen at its worksession held on January 6, 1987 reviewed proposed revisions to the primary and secondary fire districts. The Board requested that this matter be placed on tonight's consent agenda to set a public hearing for February 3, 1987 to receive citizen comments on the proposed amendments.

(2) Conditional Use Permit/Weatherhill Point

Wells Management Group, Inc. has applied for a conditional use permit that would allow the construction of 57 single-family units on the east side of Westbrook at Berryhill Drive to be known as Weatherhill Point. The land is identified as Tax Map 116A, Blocks C, E, and F. The administration recommends that a public hearing be set for January 27, 1987.

Greg Shepard, Zoning Administrator, stated that the Appearance Commission had requested that the public hearing on the conditional use permit for Weatherhill Point not be set until the Appearance Commission has an opportunity to act on complete plans.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JOHN BOONE THAT THE PUBLIC HEARINGS BE SET AS REQUESTED. VOTE: AFFIRMATIVE THREE, NEGATIVE FOUR (MARSHALL, GURGANUS, WEGNER, NORWOOD)

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY JUDITH WEGNER THAT A PUBLIC HEARING BE SET FOR FEBRUARY 3, 1987 TO CONSIDER REVISIONS TO THE PRIMARY AND SECONDARY FIRE DISTRICTS. VOTE: AFFIRMATIVE ALL

(The Board took no action on the request to set a public hearing on the conditional use permit request for Weatherhill Point.)

PUBLIC HEARING/LAND USE ORDINANCE MAP AMENDMENT: YAGGY TRACT

This matter was before the Board of Aldermen at the request of the petitioner, G & H Properties, Inc., to decide whether to rezone 20 acres, more or less, of property lying east of Maple Avenue, south of the French properties, and north of Triem, Inc. from R-3 to R-2.

Roy Williford, Planning Director, explained the requested amendment and stated that the administration recommended denial of the rezoning request.

Andy Dobelsteim, Chair of the Planning Board, stated that the Planning Board recommended approval of the rezoning in order to help realize downtown development. Mr. Dobelsteim stated that there is already mixed uses in this area and a conditional use permit could handle issues of development to increase potential for higher density development in the downtown.

Robert Morgan, Executive Director of the Downtown Development Commission, stated that the Downtown Development Commission recommended approval of the rezoning request because of its positive impact on the downtown business district. Mr. Morgan stated the Commission had the following concerns: the height of buildings allowed in the R-2 zone, access to the tract, additional inappropriate uses allowed in R-2 and the inability of the ordinance to control the number of bedrooms per dwelling unit.

Steve Oglesbee, Chair of the Transportation Advisory Board, stated that the Transportation Advisory Board recommended denial of the rezoning request because of the potential for increased traffic in the downtown.

Bob Epting, representing the developers of this property, stated that this tract is very suitable for high density development in the downtown area. Mr. Epting stated that the developers are concerned about the existing neighborhood, but that the tract in its current state detracts from this neighborhood. Mr. Epting stated that this property should be rezoned to fit into the plans for downtown revitalization. Mr. Epting stated that condominiums seem to be a good use of this property due to the proximity to downtown Carrboro and the University. Mr. Epting stated that Gary Phillips and David Kale, members of the Downtown Development Commission, had stated that this property cannot feasibly be developed zoned R-3.

Duncan Yaggy, owner of the property, stated that the previous developer of this property had run into financial problems and was unable to complete the development. Mr. Yaggy stated that he felt high density residential development of this property can be compatible with the existing neighborhood and the developer feels the same way. Mr. Yaggy stated that the fall of the land provides a natural barrier on the south side of the property. Mr. Yaggy stated that one-bedroom units seem very suitable for this property.

Mike Brough explained that the Board is not permitted to base its decision of whether to rezone this property on a proposed use of the property, but that does not prohibit a developer from informing the Board of what he plans for the property.

Julie Andresen, owner of property on Maple Avenue, requested that the rezoning request be denied. Ms. Andresen stated that she felt like the land will sell as currently zoned and that rezoning would not likely benefit the surrounding area.

Brett Sutton, a resident of Maple Avenue, read a statement from Ann Leonard speaking against the rezoning as there have been no changes in this area to require a change in zoning since the last rezoning of this area. Mr. Sutton quoted Section 15-325 of the Land Use Ordinance, which speaks to rezonings and why they should or should not be approved. Mr. Sutton stated that the requested rezoning could allow much more density, people and cars than the current zone would allow. That the surrounding property consists mainly of single-family residences, and the present zoning will meet the high density requirements for the downtown.

Jay Bryan, a resident of Oak Avenue, spoke against the rezoning request and urged the Board to consider the impact of the area if the rezoning is approved. Mr. Bryan reminded the Board of the time and effort put into the recent downtown rezoning and requested the Board to review the 2000 Task Force recommendations urging retention of the small town atmosphere and that development should not destroy the character of existing neighborhoods.

Lee Corum, representing Rogers Triem, stated that the property proposed for rezoning has caused extensive run-off on the Rogers-Triem property. Mr. Corum stated Rogers-Triem wants to have Rand Road abandoned.

Phil Zook, a resident of Maple Avenue, spoke against the proposed rezoning.

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY HILLIARD CALDWELL 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 PROPERTY BE REZONED TO R-2. VOTE: AFFIRMATIVE TWO, NEGATIVE FOUR (PORTO, NORWOOD, WEGNER, MARSHALL)

ORDINANCE AMENDING CHAPTER 10 OF THE TOWN CODE

The administration recommended adoption of an ordinance to provide that an animal that destroys property or injures other animals shall be deemed to have created a nuisance.

Mike Brough explained the proposed ordinance.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JOHN BOONE THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING CHAPTER 10 OF THE CARRBORO TOWN CODE TO PROVIDE THAT AN ANIMAL THAT DESTROYS PROPERTY OR INJURES OTHER ANIMALS SHALL BE DEEMED TO HAVE CREATED A NUISANCE" BE ADOPTED. VOTE: AFFIRMATIVE ALL

INTERIM RECYCLING PROGRAM FOR ORANGE COUNTY

Mr. Morgan stated that the administration recommended approval of an interim recycling program for Orange County which would be operated by the Town of Chapel Hill. Funding for this program will come from landfill revenues to the extent that costs are not covered from the sale of recyclable material.

Chris Peterson, Public Works Director, stated that there would be one drop-off site in Carrboro, one in Orange County and three in Chapel Hill.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY RANDY MARSHALL THAT THE INTERIM RECYCLING PROGRAM BE APPROVED AS PROPOSED. VOTE: AFFIRMATIVE ALL

REQUEST FOR SUPPORT AND FUNDING OF IMPROVEMENTS TO N.C. 54 BYPASS

The town has received correspondence from the Town of Chapel Hill requesting the Town of Carrboro's support in the widening of 54 Bypass. In addition, the Town of Chapel Hill has requested the Town of Carrboro consider contributing financially to these improvements.

Mayor Porto requested this matter be placed on tonight's agenda for the Board's consideration.

It was the consensus of the Board to authorize the Mayor to send a letter of response to the Town of Chapel Hill offering the town's support for the project but stating that the town would be unable to offer financial assistance at this time.

There being no further business, the meeting was adjourned.

Sarah C. Williamson
Town Clerk

J. Porto
Mayor