

A regular meeting of the Carrboro Board of Aldermen was held on April 14, 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 HILLIARD CALDWELL THAT THE MINUTES OF APRIL 7, 1987 BE APPROVED.
VOTE: AFFIRMATIVE ALL

PROCLAMATION - HUNGER-FIGHTING DAY

Mayor Porto proclaimed April 25, 1987 as Hunger-Fighting Day in the Town of Carrboro.

PUBLIC HEARINGS

(1) VOLUNTARY ANNEXATION/AMBERLY LANDS

Roy Williford, Planning Director, was sworn in. Mr. Williford stated that the Town of Carrboro has received six petitions for annexation from property owners associated with the proposed Amberly Subdivision. Those property owners are:

Myron & Christine Lloyd, Tax Map 108, Lot 39E (7.09 acres)

Mary Cheek, Tax Map 108, Lots 39D and 39F (8.5 acres)

Elizabeth Cheek and Lacy Neville, Tax Map 108, Lot 39C (7.66 acres)

The M.C. Strowd Heirs, Tax Map 108, Lot 40 (131 acres)

John & Rebecca Bland, Tax Map 108, Lot 39B (7.66 acres)

Edgar Kenneth & Hazel Lloyd, Tax Map 114, Lot 1B (35.53 acres)

Mr. Williford stated that the petitioners had requested that the annexation become effective upon the approval of a conditional use permit for the proposed Amberly project.

(2) LAND USE ORDINANCE MAP AMENDMENT/AMBERLY LANDS

Mr. Williford stated that the administration had been reviewing a proposal involving approximately 198 acres lying partly in Carrboro's planning jurisdiction and partly in Orange County. If this property is annexed, it will need to be zoned before a development proposal can be processed. The portion of the land lying in the Carrboro planning jurisdiction is zoned R-40. At the time the request was initially submitted on May 6, 1986, the County's zoning allowed one unit per acre. The current County zoning allows a density of one unit per two acres.

Mr. Williford stated that the administration recommended that the Board of Aldermen zone the area proposed for annexation as R-40.

Mike Brough stated that the town had received a petition protesting the proposed zoning but that the petition would not apply to this proceeding due to the fact that G.S. 160A-385(a) states that the provisions concerning protests shall not apply to any amendment which initially zones property added to the territorial coverage of the ordinance as a result of annexation or otherwise.

(3) CONDITIONAL USE PERMIT REQUEST/AMBERLY

Mr. Williford stated that Philip Szostak Associates had applied for a conditional use permit which would allow the construction of Amberly--a single-family, cluster-style development of 157 units. The 198 acres comprise several contiguous lots located in both the Orange County planning jurisdiction and the Town of Carrboro planning jurisdiction. The land is identified as Tax Map 108, Lots 39B, 39C, 39D, 39E, 39F, 40 and part of Tax Map 114, Lot 1B and is zoned R-40 in the Carrboro planning district.

Mr. Williford presented the proposed site plan and stated that the administration recommended approval of the conditional use permit with the following conditions:

1) That the applicant secure documentation from the Orange Water and Sewer Authority stating that water and sewer service shall be provided to the development prior to issuance of the conditional use permit.

2) That construction of the proposed water lines and associated fire hydrants shall be coordinated with the Fire Chief.

3) That written approval from N.C. D.O.T. for improvements on N.C. 54 and Old Fayetteville Rd. be secured prior to construction plan approval. These improvements shall include a deceleration and acceleration lane on N.C. 54 for westbound traffic, and a left turn lane for eastbound traffic turning into the site. On Old Fayetteville Road, a left turn lane be provided for northbound traffic turning into the site.

4) That final design and construction plans for the proposed stormwater drainage systems shall be approved by the town engineer. Drainage easements shall be required where necessary on individual lots.

Dr. Barrett Kays was sworn in. Dr. Kays presented a report on the soil types present on the Amberly site. (See Town Clerk's file of this meeting for a copy of the report.) Dr. Kays stated that it was his opinion that based upon infiltration studies of similar soils that some of the soils present at the site will allow for infiltration of the first one-half inch of runoff from roadways, driveways and individual home sites without any special management practices. Dr. Kays stated that it was his opinion that the first one-half inch of runoff from individual home sites can also be achieved without any special management practices from the sandy loam soil (6 to 10 percent slopes). Dr. Kays stated that it was his opinion that six of the soil types will require a stormwater detention devices to provide adequate control of the first one-half inch of runoff from imperious surfaces that might be located in these areas. Dr. Kays stated several of the areas on the site have imperious surfaces in unacceptable locations and recommended alternatives sites. Dr. Kays stated that he recommended that special attention be provided to the runoff that will occur from the barn and parking lot area located on the site. Dr. Kays stated that if the recommendations proposed by him were adhered to, it was his expert opinion that the Amberly residential development would meet the intent and requirements of the town's code and provide reasonable and adequate protection of

University Lake.

Steve Oglesbee, Chair of the Transportation Advisory Board, was sworn in. Mr. Oglesbee stated that the Transportation Advisory Board recommended approval of the project as presented with the following transportation conditions included on the conditional use permit: "That written approval from N.C.D.O.T. for improvements on N.C. 54 and Old Fayetteville Road be secured prior to construction plan approval. These improvements shall include on N.C. 54 a deceleration and acceleration lane for westbound traffic, and a left turn lane for eastbound traffic turning into the site. On Old Fayetteville Road, a left turn lane be provided for northbound traffic turning into the site.

Robin Lackey, Chair of the Planning Board, was sworn in. Ms. Lackey stated that the Planning Board recommended approval of the proposed zoning of this property to R-40 and approval of the conditional use permit with the following conditions:

1) That construction of the proposed water lines and associated fire hydrants shall be coordinated with the fire chief.

2) That written approval from N.C. D.O.T. for improvements on N.C. 54 and Old Fayetteville Road be secured prior to construction plan approval. These improvements shall include on N.C. 54 a deceleration and acceleration lane for westbound traffic, and a left turn lane for eastbound traffic turning into the site. Old Fayetteville Road, a left turn lane be provided for northbound traffic turning into the site.

3) That final design and construction plans for the proposed stormwater drainage system shall be approved by the town engineer. Drainage easements shall be required where necessary on individual lots.

Olivia Ludington, a member of the Planning Board, was sworn in. Ms. Ludington stated that the dissenting view of the Planning Board was that approval of Amberly would be setting a precedent for development in the watershed. Ms. Ludington urged the Board not to approve any development in the watershed until the OWASA study is complete.

Phillip Szostak, representing the developer, was sworn in. Mr. Szostak made a slide presentation showing the site of the proposed Amberly development and stated that it was his desire to maintain the maximum amount of open space in the development. Mr. Szostak stated that the recommendations made by Dr. Kays can be met.

Barry Jacobs, Chair of the Orange County Planning Board, was sworn in. Mr. Jacobs stated that the Orange County planning staff and the Orange County Planning Board recommended denial of the Amberly conditional use permit. Mr. Jacobs stated that Orange County was primarily concerned with water and sewer extension in the watershed until the OWASA study is complete. Mr. Jacobs stated that the Orange County Planning Board probably would have viewed Amberly favorably if the developer had proposed wells and septic tanks.

David Oken, a resident of Orange County and Carrboro property owner, was sworn in. Mr. Oken expressed concern that the development will be handed over to a homeowners' association or sold to another developer upon completion of construction and all promises may be forgotten. Mr. Oken also expressed concern for appropriate monitoring of run-off during construction. Mr. Oken urged that an independent study of the watershed to determine the level of development which can be tolerated and present authorities with scenarios of how they want to develop it. Mr. Oken suggested that a moratorium until an independent study is done.

Virginia Cunningham, President of the League of Women Voters, was sworn in. Ms. Cunningham stated that the League of Women

Voters requested that the Board of Aldermen not grant the conditional use permit for Amberly until the OWASA study is complete or declare a moratorium on development until the study is complete.

Frances Shetley, residing at 1102 Hillsborough Road, was sworn in. Ms. Shetley spoke against rezoning this property and granting of the conditional use permit for Amberly expressing particular concern for the additional traffic which would be generated by this development onto N.C. 54. Ms. Shetley stated that she had taken traffic counts on two days (a Monday and a Thursday) during the hours of 4:30 p.m. and 5:30 p.m. on N.C. 54 in the vicinity of the proposed development. Ms. Shetley stated that she had counted some 1,774 cars during those time periods.

Allen Spault, a resident of 300 James Street, was sworn in. Mr. Spault urged the Board to deny the all three requests. Mr. Spault stated that there would be a serious problem with coming up with a policy on pesticide use and enforcing such policies. Mr. Spault stated that the proposed area should not be rezoned greater than currently existing zones.

Ron Strom, a resident of 102 Mosswood, was sworn in. Mr. Strom spoke in favor of the proposals.

Randy Danziger, a resident of Orange County, was sworn in. Mr. Danziger spoke against the proposed project.

Jim Dunlop, the town's transportation planner, was sworn in. Mr. Dunlop stated that the proposed development would generate approximately 1,570 trips per day with approximately 50% of the trips coming from both entrances.

John Newburn, a resident of 200 Spring Hill and director of Rainbow Soccer in Chapel Hill, was sworn in. Mr. Newburn stated that Philip Szostak was proposing to donate the property across N.C. 54 from the proposed Amberly development for a Rainbow Soccer stadium. Mr. Newburn stated that Rainbow Soccer was very concerned with water quality. Mr. Newburn also stated that there would be some clearing for the soccer fields.

Jay Bryan, a resident of 301 Oak Avenue, was sworn in. Mr. Bryan submitted Exhibits 1-22 as a matter of record. Mr. Bryan stated that he felt the rezoning petition was applicable and that at least two of the annexation petitions were not valid. Mr. Bryan urged the Board not to approve the rezoning or conditional use permit until the OWASA study is complete. Mr. Bryan expressed concern that the applicant had not provided documentation assuring adequate water and sewer utilities. Mr. Bryan also expressed concern that the proposed development will affect the health and safety of the citizens of the community if constructed.

Kam Hill, owner of Cleora Sterling, was sworn in. Mr. Hill spoke in favor of the proposals.

Lois Herring, a resident of Orange County, was sworn in. Ms. Herring urged the Board to consider the citizens' welfare in this matter and not approve the conditional use permit.

Eleanor Kinnaird, a resident of 207 W. Poplar Avenue, was sworn in. Ms. Kinnaird questioned whether pesticide controls would be enforceable and urged the Board to vote against the proposals.

Blair Pollack, a resident of Hillsborough Road, was sworn in. Mr. Pollack stated that he would like to see a reduction in road widths within the proposed development, suggested that water saving devices be required, that a bikepath be required along Old Fayetteville Road and that pesticides and run-off be monitored for the full life of the development. Mr. Pollack urged the Board to vote against the project.

Tree Moore, a resident of Chapel Hill, was sworn in. Mr.

Moore stated that if the proposed site remains agricultural, there will be a very great impact on the watershed.

Dr. Robert Greenberg, a resident of Orange County, was sworn in. Dr. Greenberg stated that the risk factor in endangering the water quality in University Lake has to be considered and urged the Board to deny the conditional use permit request and wait until the OWASA study is complete before issuing any permits for development in the watershed.

MOTION WAS MADE BY HILLIARD CALDWELL 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 TOM GURGANUS AND SECONDED BY JUDITH WEGNER THAT THE REZONING REQUEST BE DENIED. VOTE: AFFIRMATIVE FOUR, NEGATIVE THREE (PORTO, BOONE, CALDWELL)

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JUDITH WEGNER THAT THE ANNEXATION AND CONDITIONAL USE PERMIT REQUESTS BE TABLED. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (BOONE)

There being no further business, the meeting was adjourned.



 Mayor



 Town Clerk