

A regular meeting of the Carrboro Board of Aldermen was held on April 26, 1988 at 7:30 p.m. in the Board Room of Town Hall.

Present and presiding:

Mayor	Eleanor Kinnaird
Aldermen	Randy Marshall
	Tom Gurganus
	Hilliard Caldwell
	Judith Wegner
	Frances Shetley
	Jay Bryan
Town Manager	Robert W. Morgan
Deputy Town Clerk	Ellen Hughes
Town Attorney	Michael B. Brough

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY JAY BRYAN THAT THE MINUTES OF APRIL 12 AND 19, 1988 BE APPROVED. VOTE: AFFIRMATIVE ALL

PROCLAMATION ISSUED

Mayor Kinnaird issued a proclamation proclaiming the week of May 8, 1988 as Small Business Week in the Town of Carrboro.

PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT TO CLARIFY THAT THE PROVISIONS LIMITING PROXIMITY OF ONE INTERSECTION TO ANOTHER SHALL NOT ACT TO PROHIBIT ACCESS FROM A PROPERTY TO A PUBLIC STREET

Ann Weeks, the town's senior planner, stated that Section 15-218 of the Land Use Ordinance regulates the location of new intersections. The current ordinance limits the distance between streets that intersect at a distance between an intersection and an existing intersection along the same side of a street to 400 feet or more. The proposed amendment would add a provision to allow the permit-issuing authority the ability to allow the minimum deviation from these requirements so that the section would not prohibit access to any property from a public street.

Ms. Weeks stated that the administration, the Planning Board, and the Transportation Advisory Board recommended approval of the proposed amendment.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JUDITH WEGNER THAT THE PUBLIC HEARING BE CLOSED AS NO ONE WISHED TO SPEAK. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY RANDY MARSHALL THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO CLARIFY THAT IN NO EVENT SHALL THE ORDINANCE PROVISIONS LIMITING THE PROXIMITY OF ONE INTERSECTION TO ANOTHER PROHIBIT ALL ACCESS TO A STREET," BE ADOPTED AS AMENDED IN SECTION 3(d) TO READ AS FOLLOWS: "THE PROVISIONS OF THIS SECTION SHALL NOT OPERATE TO PROHIBIT ANY PROPERTY FROM HAVING DIRECT ACCESS ONTO ANY ADJACENT PUBLIC STREET, PROVIDED THAT SUCH ACCESS IS NOT INCONSISTENT WITH THE PUBLIC SAFETY. WHEN A LITERAL APPLICATION OF THE PROVISIONS OF THIS SECTION WOULD OTHERWISE PROHIBIT ALL SUCH ACCESS, THE PERMIT-ISSUING AUTHORITY MAY ALLOW THE MINIMUM DEVIATION FROM THE REQUIREMENTS OF THIS SECTION THAT IS NECESSARY TO PROVIDE REASONABLE ACCESS". VOTE: AFFIRMATIVE THREE, NEGATIVE FOUR (GURGANUS, CALDWELL, SHETLEY, BRYAN)

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY HILLIARD CALDWELL THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO CLARIFY THAT IN NO EVENT SHALL THE ORDINANCE PROVISIONS LIMITING THE PROXIMITY OF ONE INTERSECTION

TO ANOTHER PROHIBIT ALL ACCESS TO A STREET," BE ADOPTED, AS WRITTEN. VOTE: AFFIRMATIVE FOUR, NEGATIVE THREE (KINNAIRD, WEGNER, BRYAN)

CONDITIONAL USE PERMIT REQUEST/QUARTERPATH TRACE

Helen Waldrop, the town's zoning administrator, was sworn in. Ms. Waldrop stated that H.J. Gilleece & Associates had applied for a conditional use permit that would permit an architecturally integrated subdivision of 80 lots to be known as Quarterpath Trace. The 22.71-acre parcel is identified as Tax Map 30, Lot 2 and is zoned R-10, as of April 12, 1988. Ms. Waldrop stated that the administration recommended approval of the conditional use permit with the following conditions:

1) That in accordance with Section 15-203 of the Land Use Ordinance, payment in lieu for active recreational facilities shall be made prior to final plat approval for each phase of this subdivision. Payment shall be determined by multiplying the appropriate number of recreation points by the number of units in each phase times the dollar amount per point established by the miscellaneous fees and charges schedule in effect at the time of plat approval.

2) That if contracts for road improvements on North Greensboro Street (currently scheduled on the NC Department of Transportation Improvement Program) have not been awarded within one year of the recording of the final plat for Phase II of this subdivision, the developer will be responsible for the roadway widening on N. Greensboro St. at the proposed entrance road. Construction plans for the improvements shall be submitted to and approved by the Town Engineer prior to commencement of construction.

3) That construction plans (including final grading and drainage plans) shall be approved by the Town Engineer. Plans shall be designed such that the minimum number of detention facilities will be utilized.

4) That prior to issuing building permits for individual lots, accurately scaled plot plans with the following information shall be submitted to and approved by the Zoning Division:

- property lines
- proposed house and driveway locations
- existing and proposed grading
- clearing limit lines
- roof drain locations
- trees greater than 18" in diameter
- drainage and utility easements and facilities

Ann Weeks, the town's senior planner, was sworn in. Ms. Weeks stated that the Planning Board recommended approval of the conditional use permit with the following conditions:

1) That Robert Hunt Drive and Pathway Drive be completed to the cul-de-sac at the northern end of the property line by the time the last Certificate of Occupancy is issued in Phase I.

2) That in accordance with Section 15-293 of the Land Use Ordinance, payment in lieu for active recreational facilities shall be made prior to final plat approval for each phase of this subdivision. Payment shall be determined by multiplying the appropriate number of recreation points by the number of units in each phase times the dollar amount per point established by the miscellaneous fees and charges schedule in effect at the time of plat approval.

3) That construction plans shall be approved by the Town Engineer. Plans shall be designed such that the minimum number of detention facilities will be utilized.

Frances Shetley, speaking for the Transportation Advisory Board, stated that the Transportation Advisory Board recommended approval of the conditional use permit with the following conditions:

1) That in accordance with Section 15-203 of the Land Use Ordinance, payment in lieu for active recreational facilities shall be made prior to final plat approval for each phase of this subdivision. Payment shall be determined by multiplying the appropriate number of recreation points by the number of units in each phase times the dollar amount per point established by the miscellaneous fees and charges schedule in effect at the time of plat approval.

2) That if contracts for road improvements on North Greensboro Street (currently scheduled on the NC Department of Transportation Improvement Program) have not been awarded within one year of the recording of the final plat for Phase II of this subdivision, the developer will be responsible for the roadway widening on N. Greensboro St. at the proposed entrance road. Construction plans for the improvements shall be submitted to and approved by the Town Engineer prior to commencement of construction.

3) That construction plans (including final grading and drainage plans) shall be approved by the Town Engineer. Plans shall be designed such that the minimum number of detention facilities will be utilized.

Jim Dunlop, the town's transportation planner, was sworn in. Mr. Dunlop stated that the TAB had chosen to schedule the improvements to N. Greensboro Street one-year following the recording of the final plat for Phase II of the subdivision rather than occupancy of the last house in Phase II because the developer could possibly not complete the last house.

Paul Thomas, the town's engineer, was sworn in. Mr. Thomas explained the stormwater detention facilities.

Bruce Pizzimenti, a landscape architect representing the developer, was sworn in. Mr. Pizzimenti stated that the developer had no problems with any conditions proposed except for the Appearance Commission's recommendation concerning the existing road relocation.

Bob Anderson, owner of property to the east of the proposed development, was sworn in. Mr. Anderson stated concern that some of the houses would be built in the open field backing up to Bolin Forest. Mr. Anderson requested that proper screening be required to protect the privacy of Bolin Forest residents.

Ed Campion, a resident of 307 Bolin Forest Drive, was sworn in. Mr. Campion stated concern on the location of the sewer easements through Bolin Forest, screening in the area of the stormwater detention facility and stormwater run-off.

Steven Small, a resident of 104 Aberdeen Court, was sworn in. Mr. Small, representing the president of the Webbwood Homeowners' Assoc., stated concern that the developer had not contacted the Webbwood Homeowners' Assoc. and expressed concern over the lack of screening.

Joe Robbins, a resident of 104 Spring Valley Road, was sworn in. Mr. Robbins expressed concern over the proposed density of the project.

Madelyn Hollowell, a resident of 1503 N. Greensboro St., was sworn in. Ms. Hollowell stated the developer had not contacted her reference the proposed project and expressed concern over the density of the development.

Robert Fyffe, a resident of Spring Valley Road, was sworn in. Mr. Fyffe requested sufficient screening to protect neighboring

properties, and expressed concern over the safety of the stormwater pond and additional traffic onto N. Greensboro Street.

Carol Drinkard, a resident of Spring Valley Road, was sworn in. Ms. Drinkard expressed concern over construction traffic using Spring Valley Road.

Al Schmidt was sworn in. Mr. Schmidt expressed concern over the density of the project.

Mark Underwood, a resident of Spring Valley Road, was sworn in. Mr. Underwood expressed concern over density of property and entrance onto N. Greensboro St.

Jake Gardner was sworn in. Mr. Gardner requested screening of his property from the proposed development.

MOTION WAS MADE BY JUDITH WEGNER 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 JUDITH WEGNER AND SECONDED BY HILLIARD CALDWELL THAT, YES, THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (BRYAN)

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY HILLIARD CALDWELL THAT, YES, THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (BRYAN)

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY HILLIARD CALDWELL THAT THE APPLICATION BE GRANTED, SUBJECT TO THE FOLLOWING CONDITIONS:

1) That 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 Hall. 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 in accordance with Section 15-203 of the Land Use Ordinance, payment in lieu for active recreational facilities shall be made prior to final plat approval for each phase of this subdivision. Payment shall be determined by multiplying the appropriate number of recreation points by the number of units in each phase times the dollar amount per point established by the Miscellaneous Fees and Charges Schedule in effect at the time of plat approval.

4) That if contracts for road improvements on North Greensboro Street (currently scheduled on the N.C. Department of Transportation Improvement Program) have not been awarded within one year of the recording of the final plat for Phase I of this subdivision, the developer will be responsible for the roadway widening on North Greensboro Street at the proposed entrance road. Construction plans for the improvements shall be submitted to and approved by the Town Engineer prior to commencement of construction.

5) That construction plans (including final grading and drainage plans) shall be approved by the Town Engineer. Plans shall be designed such that the minimum number of detention facilities will be utilized.

6) That prior to issuing building permits for individual lots, accurately scaled plot plans with the following information shall be submitted to and approved by the Zoning Division:

- a. Property lines;
- b. Proposed house and driveway locations;
- c. Existing and proposed grading;
- d. Clearing limit lines;
- e. Roof drain locations;
- f. Trees greater than 18 inches in diameter; and
- g. Drainage and utility easements and facilities.

7) That Robert Hunt Drive and Pathway Drive be completed to the cul-de-sac at the northern end of the property line by the time the last certificate of occupancy is issued in Phase I.

8) That plantings in the entry island contain species tolerant of urban conditions.

9) That clearing limit lines on the landscape plan be indicated accurately in conjunction with the grading/drainage plans.

10) That tree protection barriers be installed around the dripline of all trees greater than 18 inches in diameter indicated to be retained on the plans prior to grading activities.

11) That tree clearing limit lines for individual lots be approved by the Carrboro Zoning Office prior to commencement of grading activities on the lots, exclusive of grading needed for proposed streets and associated drainage facilities. Final clearing limit lines shall not be more extensive than those shown on the conditional use permit plans during house construction.

12) That the developer petition for voluntary annexation to the Town of Carrboro no later than 30 days from the date of approval of this permit.

13) That construction traffic gain access to North Greensboro Street only over the right-of-way associated with Robert Hunt Drive.

14) That the developer provide Class A screening of a type to be approved by the Zoning Administrator along property lines facing the Bolin Forest Subdivision at Lots 46, 47, 48, 49, 50, 51, 57, 58, 63, 72, 73, 74, 75, 76, 77, 78, 79 and 80 and that supplemental screening be provided along the lots facing the Spring Valley and Webbwood Subdivisions at lots where necessary to provide a Class A screen when existing vegetation is taken into account.

15) That for a period of one year running from the date of final plat approval of Phase I and Phase II, respectively, the developer shall post and maintain a performance bond or other acceptable form of security in an amount to be determined by the Zoning Administrator and Town Engineer that is sufficient to ensure that all retention ponds or other drainage facilities are operating to ensure that there be adequate drainage within the subdivision and that there be no increase in drainage rates onto adjoining properties.

16) That a temporary fence be constructed along the western property line to protect the 40-inch tree along the entrance way.

VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (BRYAN)

VOLUNTARY ANNEXATION/WEATHERHILL POINTE, PHASES I AND II

This was a public hearing to receive citizen comments on a request from Wells Management Group, Inc. to annex Weatherhill Pointe, Phases I and II. This subdivision is contiguous to the Town of Carrboro and is located east of Westbrook Drive at the intersection of Westbrook and Berryhill Drives and contains 7.722 acres and 31 dwelling units.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JAY BRYAN THAT THE PUBLIC HEARING BE CLOSED AS NO ONE WISHED TO SPEAK. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JAY BRYAN THAT THE ORDINANCE ENTITLED, "AN ORDINANCE ORDINANCE ANNEXING WEATHERHILL POINTE, PHASES I AND II," BE ADOPTED, EFFECTIVE APRIL 30, 1988. VOTE: AFFIRMATIVE ALL

REPORT FROM OWASA REPRESENTATIVES

The town's representatives on the Orange Water and Sewer Authority Board of Directors were scheduled to present a report on the activities of OWASA along with providing responses to questions submitted by Board members. The Board deferred this report until May 3, 1988.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY JAY BRYAN THAT OWASA BE REQUESTED TO DEFER ACTION ON THE CHATHAM COUNTY WATER AGREEMENT FOR AT LEAST 30 DAYS TO ALLOW FOR FURTHER NEGOTIATIONS AND DISCUSSIONS AMONG THE AFFECTED LOCAL GOVERNMENTS. VOTE: AFFIRMATIVE ALL

PROPOSAL TO SELL UNUSED PORTION OF WESTWOOD CEMETERY TO U.S. POSTAL SERVICE

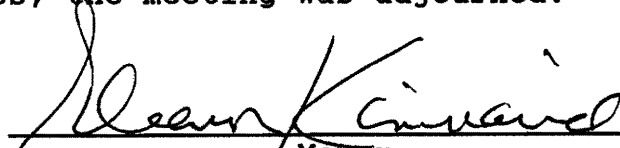
Mr. Morgan requested authorization to discuss with the U.S. Postal Service an option for a portion of the unused and undeveloped area of Westwood Cemetery for a post office site.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY RANDY MARSHALL THAT THE TOWN MANAGER BE AUTHORIZED TO DISCUSS THE POSSIBLE SALE OF A PORTION OF WESTWOOD CEMETERY WITH THE POSTAL SERVICE. IN ADDITION, THAT THE MANAGER DISCUSS THIS MATTER WITH THE CEMETERY COMMISSION. VOTE: AFFIRMATIVE ALL

JOINT PLANNING PUBLIC HEARING

It was the consensus of the Board that May 31, 1988 would not be a suitable date for the joint planning public hearing with Orange County and the Town of Chapel Hill. The Board requested that the staff contact the County to obtain possible other dates and bring that information back before the Board.

There being no further business, the meeting was adjourned.



Mayor



Deputy Town Clerk