

A regular meeting of the Carrboro Board of Aldermen was held on July 12, 1988 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

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

Absent:

Alderman	Randy Marshall
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APPROVAL OF MINUTES OF PREVIOUS MEETING: JUNE 21, 1988

Aldermen Shetley and Wegner requested that the minutes of June 21, 1988 be amended to add additional language concerning traffic concerns to Alderman Shetley's motion for denial of the Conditional Use Permit for Circle K.

CERTIFICATE OF APPRECIATION/LINDA LANG

The Mayor presented Linda Lang with a certificate of appreciation for her work while serving on the Board of Adjustment.

REQUEST FROM CITIZEN/CONNECTOR ROAD PLAN AMENDMENT/BERRYHILL

The developer of the Berryhill Subdivision requested that the proposed road through the Berryhill development that was included on the Connector Roads Plan adopted March 4, 1986 be deleted from the Plan due to changes in the density of the development.

Jim Dunlop, the Town's Transportation Planner, pointed out the section of the connector roads plan that the developer requested to be removed.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY TOM GURGANUS THAT THE PROPOSED ROAD THROUGH THE BERRYHILL DEVELOPMENT BE REMOVED FROM THE CONNECTOR ROADS PLAN. VOTE: AFFIRMATIVE ALL

PUBLIC HEARINGS/CONDITIONAL USE PERMIT REQUEST/BERRYHILL

Bradgate Associates, Inc. has applied for a Conditional Use Permit that would permit the development of a 113- single family unit subdivision with a 144-unit multi-family apartment complex to be located on the west side of Smith Level Road between BPW Club Road and NC Highway 54. The parcel is identified as Tax Map 122, Block A, Lots 2 and 2F and is zoned R-10.

Helen Waldrop, the Town's Zoning Administrator, was sworn in. Ms. Waldrop presented the site plan for the proposed project and a slide presentation on existing land use and the proposed land use.

Ann Week's, the Town's Senior Planner, was sworn in. Ms. Week's presented statistics on the grading percentage at the Highland Hills project.

Dan Leonard, Chair of the Appearance Commission, was sworn in. Mr. Leonard spoke in favor of the proposed project and stated that the appearance commission supported the project.

Ann Weeks, speaking for the Planning Board, stated that the Planning Board agreed with all of the staff's recommendations.

Jim Dunlop, the Town's Transportation Planner, was sworn in. Mr. Dunlop stated that the developer of the proposed project had a transportation analysis prepared. Mr. Dunlop stated that the proposed project would generate 2300 trips per day. Alderman Wegner requested that Mr. Dunlop initiate a request for a traffic signal to be located at the intersection of Smith Level Road and BPW Club Road.

Johnny Morris, a developer with Bradgate Associates, was sworn in. Mr. Morris stated that the density ratios for the project had been reduced by 63% from the previous plans. Mr. Morris stressed the point that the developer had provided 34% of land area to open space and/or recreational space.

Bruce Ballentine, of Ballentine Associates, was sworn in. Mr. Ballentine stated that the developer had tried to preserve the natural areas and drainage areas. He also stated that they were protecting the rhododendron bluffs and Morgan Creek. Mr. Ballentine compared the drainage at Highland Hills versus the proposed project. He said that the apartment complex would be using a French drainage system for the roof drains. He requested that the first sentence of Condition #7 of the staff recommendations be changed to read as follows: That in accordance with section 15-203 of the Land Use Ordinance, payment in lieu for deficient recreation points shall be made prior to final plat approval for Phase 4.

Mr. Ballentine also requested that staff Condition #3 be omitted from the recommendations.

Mr. Gary Klein, of the Architect Group, was sworn in. Mr. Klein, representing the Sun States corporation who will be the manager and developer of the multi-family section, discussed the differences between the design of this project versus the Highland Hills project.

Mr. Johnny Morris answered the Board's questions concerning the dates of completion of the proposed project.

Mr. Pearson Stewart, President of the Triangle Land Conservancy, was sworn in. Mr. Stewart stated that they would be pleased to accept the land and would not develop it but would inform the neighbors of what's on the land and how to preserve it.

Al Radford, the Botanist for the developer, stated that there was enough buffer to protect the rhododendron bluffs.

Dan Leonard, speaking as a Carrboro citizen, stated that he was in favor of the conservation and the height variance from 35' to 45' for the multi-family units.

Mike Brough explained Section 15-128 of the Carrboro Land Use Ordinance to the Board.

Helen Waldrop requested that condition number three of the staff's recommendations be a part of the Conditional Use Permit because accurate field surveys were needed for each individual lot. Ms. Waldrop also estimated the cost of having a surveyor do these plot plans as \$200 to \$600.

Johnny Morris stated his opposition to the condition number three.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY TOM GURGANUS THAT THE PUBLIC HEARING BE CLOSED. VOTE: AFFIRMATIVE ALL

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

MOTION WAS MADE BY TOM GURGANUS 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 TOM GURGANUS 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 5.5 acres of the 12.8 acres of required usable open space provided in accordance with Section 15-198 of the Carrboro Land Use Ordinance, located north of the Mount Laurel Apartments and south of Morgan Creek, be deeded to the Triangle Land Conservancy prior to final plat approval for Phase I of the project. The Town of Carrboro shall retain a public access easement in this area, as noted on the plans, development of which shall be prohibited.

4) That 16.3 acres of the 21.8 acres of usable open space provided in accordance with Section 15-198 of the Carrboro Land Use Ordinance, located generally south of Morgan Creek, east of the Mount Laurel Apartments, and west of Smith Level Road, shall be deeded to the Town of Carrboro. In addition, the developer shall dedicate an additional 3.2 acres of open space land that does not meet the requirements for usable open space set forth in Section 198 and consistent with Town policy. The development, on all lands dedicated to the Town, of permanent, above grade, enclosed structures or other facilities of a similar type, shall be prohibited unless the written consent of the Berryhill homeowners' association is obtained. However, improvements such as jogging paths, pedestrian paths, and/or non-motorized vehicular trails shall be permitted without the written consent of the Berryhill homeowners' association.

5) That prior to issuance of 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. vegetation clearing limit lines
- e. roof drain locations
- f. trees greater than 18 inches in diameters - plans shall distinguish between those trees to be retained and those which must be removed for construction
- g. drainage and utility easements and facilities

6) That prior to commencement of grading activities for construction of individual buildings, tree protection barriers shall be installed at the dripline of all trees greater than 18 inches in diameter to be retained in the vicinity of proposed grading.

7) That prior to final plat approval, access easements and homeowners' association documents shall be reviewed and approved by the Town Attorney.

8) That construction of the proposed water lines and associated fire hydrants shall be coordinated with the Fire Chief. The hydrant system shall provide adequate flow at 20 lbs. per square inch in accordance with the Guide Determination of Required Fire Flow by the Insurance Services Office. The system shall sustain pressure sufficient to provide proper flow for a period of at least two hours.

9) That in accordance with Section 15-203 of the Land Use Ordinance, payment in lieu for deficient recreation points shall be made prior to final plat approval for Phase 4. Payment shall be determined by multiplying the number of deficient recreation points by the dollar amount per point established by the Town's Miscellaneous Fees and Charges Schedule in effect at the time payment is made.

10) That the homeowners' association shall be responsible for the maintenance of the gravel access drive located between the cul-de-sacs at either end of Manor Ridge Drive.

11) That prior to approval of construction drawings, engineered design plans for the retaining walls to be installed around the foundations of the apartments shall be certified by a structural engineer licensed in the State of North Carolina.

12) That grading and installation of rip-rap within the floodway shall be permitted only if the Orange County Erosion Control Officer deems it necessary for the installation of erosion control measures. If possible, alternative erosion control designs, which would not require land disturbance within the floodway, shall be considered and implemented.

13) 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.

14) That all improvements to BPW Club Road, including the bus pull-off and bus shelter, and the right turn taper from Smith Level Road to BPW Club Road be completed as part of Phase I of this project.

15) That the required Type A screen consist of only Carolina Hemlock (not Canadian Hemlock) or a suitable substitute.

16) That the proposed White Pine be substituted with a more appropriate species of pine or upright juniper.

17) That the height restrictions as shown on the plans not exceed 45 feet because the applicant relied in good faith on existing zoning at the time of submission of plans and has a vested right to the height of 45 feet.

18) After completion of the project, the temporary erosion barriers shall be removed when the permanent erosion control devices are in place, to the extent that this would not be in conflict with the requirements of the Orange County Erosion Control Office.

VOTE: AFFIRMATIVE ALL

CERTIFICATE OF APPRECIATION/BRAXTON FOUSHEE

The Mayor presented a certificate of appreciation to Braxton Foushee for his work while serving as one of the town's representatives on the OWASA Board of Directors.

PUBLIC HEARING/REVOLVING LOAN FUND APPLICATION/AURORA RESTAURANT

James Harris, the town's special projects coordinator, stated that Aurora Restaurant had applied for funds in the amount of \$40,000 at 5% interest for 10 years from the Carrboro Revolving Loan Fund to finance leasehold improvements to increase the restaurant's square footage, move the bar, add a new entrance to the mall, add a new banquet area, and add a luncheon area.

David Kale, a member of the Downtown Development Commission/Carrboro Revolving Loan Fund Review Board, spoke in favor of the loan application stating that the proposed changes will bring more people into the downtown area during lunch time.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JAY BRYAN THAT THE PUBLIC HEARING BE CLOSED AND THAT THE LOAN REQUEST BE APPROVED IN THE AMOUNT OF \$40,000 AT AN INTEREST RATE OF 5% FOR 10 YEARS WITH A BALLOON PAYMENT AT THE END OF 7 YEARS. VOTE: AFFIRMATIVE ALL

REPORT FROM APPEARANCE COMMISSION

Dan Leonard, Chair of the Appearance Commission, stated that during the past six months the Appearance Commission had reviewed six conditional use permit requests, including the Seaton Dental Office, First Citizens Bank modification, Quarterpath Trace, Circle K, Baptist Heritage Church and Berryhill. In addition, Mr. Leonard stated that the Appearance Commission had reviewed the Byers Subdivision special use permit request. Mr. Leonard stated that the Commission had provided courtesy review for the Wells Management office, the Town Hall Open Space project and the new window facade at Carr Mill mall. Mr. Leonard stated that special projects included work with the Streetscape Design Committee, participation in the Triangle J Appearance Committee workshop and work on commendation certificates.

REPORT FROM BOARD OF ADJUSTMENT

The Town Clerk read a report from the Board of Adjustment which stated that during the past six months the Board of Adjustment held one meeting to consider the Byers special use permit request.

RESOLUTION ADOPTING THE PROPOSED CHANGES TO THE JOINT PLANNING AREA LAND USE PLAN AND MAP

Ann Weeks, the town's senior planner, stated that Section 2.6.A of the Joint Planning Agreement, dated November 2, 1987 between Carrboro, Chapel Hill, and Orange County states that no amendment to the Joint Planning Area Land Use Plan and/or Map can become effective until such time as it has been adopted by Orange County, Chapel Hill, and Carrboro, following a joint public hearing by all three governing bodies. Ms. Weeks presented resolution which would adopt proposed changes to the Joint Planning Area Land Use Plan and Map as presented at the joint public hearing held on June 30, 1988. Ms. Weeks also presented a list of the proposed changes to the Joint Planning Area Land Use Plan and Map considered at the June 30, 1988 public hearing.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY JAY BRYAN THAT THE FOLLOWING CHANGES TO THE JOINT PLANNING AREA LAND USE PLAN AND MAP BE ADOPTED:

1) AMEND THE JOINT PLANNING AREA LAND USE PLAN AND MAP TO DESCRIBE THE LOCATIONS OF THE CHAPEL HILL TRANSITION AREA, THE CARRBORO TRANSITION AREAS I AND II, AND THE RURAL BUFFER IN CHAPEL HILL AND CARRBORO JOINT DEVELOPMENT REVIEW AREAS, AS PROVIDED IN THE JOINT PLANNING AGREEMENT;

2) AMEND THE JOINT PLANNING AREA LAND USE PLAN AND MAP TO MOVE THE NORTHERN BOUNDARY OF TRANSITION AREA II TO A LOCATION A SET DISTANCE OF 400 FEET FROM THE DUKE FOREST PROPERTY LINE, TO REQUIRE THE RETENTION OF A 100-FOOT UNDISTURBED NATURAL BUFFER ON EACH NEW LOT ADJACENT TO THE DUKE FOREST BORDER, AND TO PERMIT PUBLIC SEWER SERVICE TO THIS AREA WHERE IT IS PROVEN THAT THE PROPERTY IS UNSUITED FOR SEPTIC TANK USE;

3) AMEND THE JOINT PLANNING AREA LAND USE PLAN AND MAP TO MOVE THE CARRBORO TRANSITION AREA I BOUNDARY FROM ITS PRESENT LOCATION TO FOLLOW THE WESTERN RIGHT-OF-WAY OF DAIRYLAND ROAD AND OLD NC 86 IN CALVANDER;

4) AMEND THE JOINT PLANNING AREA LAND USE PLAN AND MAP TO CHANGE THE LAND USE DESIGNATION OF THE HORACE WILLIAMS AIRPORT AND ADJACENT UNIVERSITY OF NORTH CAROLINA PROPERTIES FROM "PUBLIC-PRIVATE OPEN SPACE" TO "FUTURE UNC DEVELOPMENT;"

5) AMEND THE JOINT PLANNING AREA LAND USE PLAN AND MAP TO ADDRESS CHANGING LAND USE AND POPULATION PATTERNS IN BINGHAM TOWNSHIP;

6) AMEND THE ORANGE COUNTY ZONING ATLAS TO INCORPORATE A ZONING MAP PREPARED BY THE TOWN OF CHAPEL HILL FOR THE CHAPEL HILL JOINT PLANNING TRANSITION AREA; AND

7) AMEND THE ORANGE COUNTY ZONING ATLAS TO INCORPORATE A ZONING MAP PREPARED BY THE TOWN OF CARRBORO FOR CARRBORO JOINT PLANNING TRANSITION AREAS I AND II.

VOTE: AFFIRMATIVE ALL

The following resolution was introduced by Alderman Judith Wegner and duly seconded by Aldermen Jay Bryan.

A RESOLUTION SUPPORTING THE PROPOSED CHANGES TO THE
JOINT PLANNING AREA LAND USE PLAN
Resolution No. 1/88-89

WHEREAS, Carrboro, Chapel Hill, and Orange County adopted a Joint Planning Agreement on November 2, 1987; and

WHEREAS, the Carrboro Board of Aldermen generally supports the proposed changes to the Joint Planning Area Land Use Plan.

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

Section 1. The Board of Aldermen approves the proposed changes to the Joint Planning Area Land Use Plan at the June 30, 1988 Joint Public Hearing and recommends that the Orange County Board of Commissioners adopt these proposed changes.

Section 2. 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 12th day of July, 1988:

Ayes: Tom Gurganus, Hilliard Caldwell, Eleanor Kinnaird, Judith Wegner, Frances Shetley, Jay Bryan

Noes: None

Absent or Excused: Randy Marshall

STUDY OF TAX EQUITY IN ORANGE COUNTY

Mr. Morgan requested authorization to participate in a study of the tax equity in financing local government in Orange County, as outlined in a memorandum from Jake Wicker of the UNC Institute of Government.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY JAY BRYAN THAT THE ADMINISTRATION BE AUTHORIZED TO PARTICIPATE IN THE TAX EQUITY STUDY. VOTE: AFFIRMATIVE ALL

APPOINTMENT TO ORANGE COUNTY ECONOMIC DEVELOPMENT COMMISSION

The Town has received a request from the Chair of the Orange County Commissioners asking that the Board appoint a representative from the Town of Carrboro to serve on the Orange County Economic Development Commission. Mayor Kinnaird recommended that Braxton Foushee be appointed to this position.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JUDITH WEGNER THAT BRAXTON FOUSHEE BE APPOINTED AS THE TOWN OF CARRBORO'S REPRESENTATIVE ON THE ORANGE COUNTY ECONOMIC DEVELOPMENT COMMISSION. VOTE: AFFIRMATIVE ALL

RESOLUTION APPOINTING REPRESENTATIVES TO THE INTER-JURISDICTIONAL COMMITTEE ON LAND USE

The following resolution was introduced by Alderman Tom Gurganus and duly seconded by Alderman Hilliard Caldwell.

A RESOLUTION APPOINTING REPRESENTATIVES TO THE
INTER-JURISDICTIONAL COMMITTEE ON LAND USE
Resolution No. 2/88-89

WHEREAS, during discussions between the Orange Water & Sewer Authority, Town of Chapel Hill, Town of Carrboro, Orange County and Chatham County concerning an agreement to sell water to Chatham County, a request was made by both Chapel Hill and Carrboro for further discussions with Chatham County concerning land development issues; and

WHEREAS, the jurisdictions agreed to continue discussions among representatives of Chatham County, Orange County, Carrboro, Chapel Hill and OWASA in order to identify land use policies, objectives, goals and/or procedures on which the jurisdictions can agree to work cooperatively for the best interests of the citizens.

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

Section 1. The Board of Aldermen hereby appoints Aldermen Judith Wegner and Jay Bryan as its representatives to serve on the Inter-Jurisdictional Committee on Land Use, with Alderman Tom Gurganus being an alternate representative.

Section 2. 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 12th day of July, 1988:

Ayes: Tom Gurganus, Hilliard Caldwell, Eleanor Kinnaird, Frances Shetley, Judith Wegner, Jay Bryan

Noes: None

Absent or Excused: Randy Marshall

PLANNING COMMITTEE FOR ADVISORY BOARD RECOGNITION DINNER

It was the consensus of the Board to appoint Aldermen Shetley, Bryan and Caldwell as the committee to plan the 1988 advisory board recognition dinner.

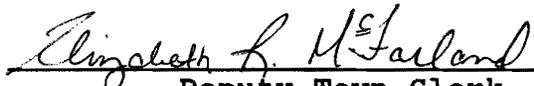
1988-89 CONTRACT FOR LEGAL SERVICES

Mike Brough presented a proposed contract for legal services for Fiscal 1988-89 based on the same terms as last year's contract.

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY HILLIARD CALDWELL THAT THE CONTRACT WITH MIKE BROUGH FOR 1988-89 LEGAL SERVICES BE APPROVED BASED ON THE SAME TERMS AS LAST YEAR'S CONTRACT. VOTE: AFFIRMATIVE FIVE, NEGATIVE ONE (SHETLEY)

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY HILLIARD CALDWELL THAT THE MEETING BE ADJOURNED. VOTE: AFFIRMATIVE ALL


Mayor


Deputy Town Clerk