

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, May 25, 1993 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Eleanor Kinnaird
Aldermen	Randy Marshall
	Tom Gurganus
	Hilliard Caldwell
	Frances Shetley
	Jacquelyn Gist
	Jay Bryan
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 HILLIARD CALDWELL AND SECONDED BY TOM GURGANUS THAT THE MINUTES OF MAY 18, 1993 BE APPROVED. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING/CONDITIONAL USE PERMIT REQUEST/ARCADIA SUBDIVISION

The Chapel Hill/Carrboro Co-Housing Association has requested a conditional use permit which would allow an architecturally integrated subdivision containing 33 units on 16.51 acres. The property is zoned R-20 and is located north of Barington Hills. The parcel is identified as Tax Map 108 a portion of Lot 2 and Lot 2A.

Helen Waldrop, the town's Zoning Administrator, was sworn in. Ms. Waldrop presented slides of the existing site and the proposed site plan.

Robin Lackey, Chair of the Planning Board, was sworn in. Ms. Lackey briefly commented on the Planning Board's recommendations.

Giles Blunden was sworn in. Mr. Blunden requested that have the flexibility to have the parking area remain gravel to keep costs down and to avoid the environmental impact. Mr. Blunden stated that he would be the project manager and would make sure the Garfinkel's driveway is not blocked by construction equipment. Mr. Blunden stated that the families who will be living in this development are requesting that the road be private because of environmental issues not the save money. Money will be put into escrow for road maintenance. Mr. Blunden stated that the road would be 18 feet in width.

Richard Ellington, a resident of 109 Bruton Drive, was sworn in. Mr. Ellington spoke in favor of the proposed development, but expressed concern that the private drive would negatively impact on Barington Hills Drive and would like to see an access from the north side of the property. Mr. Ellington advised the town to require the road be public. Mr. Ellington also expressed concern that the development will drive wildlife away.

Mr. Blunden explained that he had tried to obtain access through the Wexford Subdivision and through the Hutchins' property but had been unsuccessful.

Steve Garfinkel, a resident of 108 Barington Hills Road, was sworn in. Mr. Garfinkel requested that drainage be controlled, that the sweep of headlights be diverted from his home, and that the construction equipment be prohibited from damaging the road shoulders and blocking his driveway.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY RANDY MARSHALL THAT THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY TOM GURGANUS THAT THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY TOM GURGANUS THAT IF THE APPLICATION IS GRANTED, THE PERMIT SHALL BE ISSUED 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 submitted to the Zoning 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 prior to final plat approval, the town staff and the Town Attorney approve the homeowners documents and notations on the plat; and that the developer establish building setbacks on the final plat.
4. That the developer indicate with a note on the plans that individual units not be allowed to share lateral water/sewer lines.
5. That the applicant request annexation prior to final plat approval.
6. That the dam be separate from the road bed and that the Town Engineer approve drainage calculations for the entire site prior to construction plan approval.

VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT THE FINAL PLAT INDICATE THAT CIRCADIAN WAY IS A PRIVATE ROAD, THAT IT IS NOT BUILT TO PUBLIC STANDARDS AND THAT THE ROAD IS NOT INTENDED FOR PUBLIC DEDICATION OR ACCEPTANCE AT ANY TIME BY THE TOWN OF CARRBORO. THAT SIGNAGE BE POSTED AT THE ENTRANCE TO THE DEVELOPMENT INDICATING THAT THE ROAD IS "PRIVATE". THAT THE TOWN STAFF AND TOWN ATTORNEY SATISFY THEMSELVES THAT THE HOMEOWNERS' DECLARATIONS AND OTHER FILED DOCUMENTS INCLUDE SUFFICIENT LANGUAGE DESCRIBING THE DUTIES OF PRESENT AND FUTURE RESIDENTS OF ARCADIA CONCERNING THEIR RESPONSIBILITIES FOR THE COSTS OF MAINTENANCE OF CIRCADIAN WAY AND THE COMMON AREAS, AS WELL AS PRECLUDING ANY ROAD IMPROVEMENTS BY AS WELL AS ROAD DEDICATION TO THE TOWN OF CARRBORO. AND, THAT THE DEVELOPER CONSTRUCT THE ENTRANCE ROAD TO PRECLUDE ANY STORMWATER RUN-OFF THAT HAS THE POSSIBILITY OF ENTRY ONTO THE PROPERTY REFERENCED AS TAX MAP 108B, BLOCK D, LOT 4 (OWNED BY STEVEN GARFINKEL AND KATHERINE COLE). VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (GURGANUS)

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT THE PROJECT MANAGER MAKE EVERY REASONABLE EFFORT TO ADDRESS THE CONCERNS OF THE STEVEN GARFINKEL AND KATHERINE COLE (TAX MAP 108B, BLOCK D, LOT 4); I.E., TO PROVIDE SCREENING TO AVOID THE SWEEP OF HEADLIGHTS ON THE NORTH SIDE OF THEIR HOME, AND TO AVOID PARKING CONSTRUCTION EQUIPMENT TO BLOCK THEIR DRIVEWAY AND AVOID DAMAGE TO THE ROAD SHOULDERS. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT THE APPLICANT BE ALLOWED TO HAVE THIS PARKING LOT GRAVEL. (MOTION WITHDRAWN)

MOTION WAS MADE BY FRANCES SHETLEY THAT THE DEVELOPER PROVIDE TWO ROAD STUBOUTS--ONE TO THE WEST AND ONE TO THE NORTH WHICH COULD BE EXTENDED IF THE OPPORTUNITY ARISES AND AT THAT TIME THAT ARCADIAN DRIVE BE CLOSED TO TRAFFIC. (MOTION DIED FOR THE LACK OF A SECOND.)

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT THE APPLICATION BE GRANTED, SUBJECT TO THE FOREGOING CONDITIONS. VOTE: AFFIRMATIVE ALL

DELIBERATION AND VOTE ON POLLITZER REZONING REQUEST

The Board of Aldermen discussed the request submitted by Virginia Pollitzer to rezone her property located in the Town of Carrboro's Transition Area from Carrboro R-20 to Carrboro R-15. A joint public hearing with the Orange County Board of Commissioners was held on April 15, 1993 to receive public comment on this rezoning request.

The following resolution was introduced by Alderman Jacquelyn Gist and duly seconded by Alderman Hilliard Caldwell.

A RESOLUTION RECOMMENDING APPROVAL TO THE ORANGE COUNTY BOARD OF COMMISSIONERS OF AN AMENDMENT TO THE CARRBORO OFFICIAL ZONING MAP AND THE ORANGE COUNTY ZONING ATLAS REZONING ALL OF LOTS 7A AND 7B ON TAX MAP 108 LOCATED WITHIN TRANSITION AREA I OF THE CARRBORO JOINT DEVELOPMENT REVIEW AREA.

Resolution No. 31/92-93

WHEREAS, Carrboro is party, along with Orange County and the Town of Chapel Hill, to a Joint Planning Agreement effective November 1987;

WHEREAS, a Joint Planning Area Land Use Plan and Map were prepared and adopted by all parties pursuant to the Joint Planning Agreement;

WHEREAS, according to the Agreement, requests to rezone lands located within Carrboro's Joint Development Review Area may only be acted upon following a Joint Public Hearing involving the governing boards from Carrboro and Orange County;

WHEREAS, a request to rezone from Carrboro R-20 (Residential, 20,000 sf minimum lot size/2.1 units per acre) to Carrboro R-15 (Residential, 15,000 sf minimum lot size/2.9 units per acre) all of Lots 7A and 7B on Tax Map 108 located within Transition Area I of Carrboro's Joint Review Area and totalling 16.16 acres has been received from the property owner;

WHEREAS, the properties proposed for rezoning are categorized as Suburban Residential Areas and defined as follows:

Suburban Residential Areas are designated for housing densities ranging from one (1) to five (5) dwelling units per acre. Such areas are located where land is changing from rural to urban, suitable for urban densities, and to be provided with public utilities and services. Housing types range from single-family homes to duplexes to multi-family dwellings.

WHEREAS, both the current zoning of Carrboro R-20 and the proposed zoning of Carrboro R-15 are consistent with the Suburban Residential Area designation in the Joint Planning Area Land Use Plan; and

WHEREAS, a Joint Public Hearing was held on April 15, 1993 to consider this rezoning.

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

Section 1. All of Lots 7A and 7B on Tax Map 108 located within Transition Area I of Carrboro's Joint Review Area and totalling 16.16 acres be rezoned from Carrboro R-20 (Residential, 20,000 sf minimum lot size) to Carrboro R-15 (Residential, 15,000 sf minimum lot size).

Section 2. The Town Clerk shall send a copy of this resolution to the Orange County Manager.

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 25th day of May, 1993:

Ayes: Randy Marshall, Tom Gurganus, Hilliard Caldwell, Jacquelyn Gist

Noes: Jay Bryan, Eleanor Kinnaird

Absent/Excused: None

DELIBERATION AND VOTE ON HOGAN FARM REZONING REQUEST

The Board of Aldermen considered the request submitted by Lake Hogan Farm, Inc. which would incorporate a proposed change to the Town of Carrboro's zoning map. The proposed change would rezone all or part of 7 parcels located in the Carrboro Joint Development Area as identified on the Joint Planning Area Land Use Plan to Carrboro R-20. A joint public hearing with the Orange County Board of Commissioners was held on April 15, 1993 to receive public comment on this rezoning request.

Bob Hogan addressed the Board of Aldermen concerning this rezoning request. Mr. Hogan stating that he and his brother were asking for this rezoning in order to take advantage of the open land and preserve the wooded areas. Mr. Hogan stated that the Hogans would be the developers of this land and they would like to place homes in the current open space. Mr. Hogan stated that they had obtained the signatures of 45 old-time property owners surrounding this property who were in favor of the rezoning request. Mr. Hogan stated that they could built 600 homes on this property with the current zoning, but would like to have the property rezoned in order to allow the densest development in the open areas. Mr. Hogan stated the Hogans would continue the farm the acreage not included in this rezoning request and would welcome the Small Area Planning Work Group's planning of this remaining land.

Georganna Eubanks spoke in opposition to this rezoning request. Ms. Eubanks stated that the issue before the Board was the advancement of the public health, safety and welfare. Ms. Eubanks stated that the applicants are not entitled to the rezoning unless they convince the Board through solid, relevant facts, and she feels that they have not done this. Ms. Eubanks stated that the opponents have shown that rezoning would impair, not advance, the public health, safety and welfare by adding additional traffic to Old 86 and Homestead Road, doubling the impervious surface of the land, it would create extra public expenses for roads, school, fire, police and sanitation. Ms. Eubanks stated that the opponents are not against development, but would support a full and open discussion of the Hogans' concept after a resubmission of this proposal under PUD zoning.

Alderman Bryan proposed that action on this rezoning be delayed and that the matter be referred back to those parties disagreeing to see if a creative solutions could be worked out with the help of the Dispute Settlement Center.

The Hogans indicated that this would not be acceptable to them.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT THE BOARD NOT VOTE ON THIS MATTER TONIGHT, BUT THAT IT BE REFERRED BACK TO THOSE WHO HAVE BEEN DISAGREEING ABOUT THE PROPOSED REZONING TO SEE IF SOME FURTHER CREATIVE SOLUTIONS CAN BE DISCUSSED AND AGREED UPON TO MEET THE CONCERNS OF THESE PARTIES (THOSE OPPOSED TO THE REZONING AND THE HOGANS). TO ASSIST IN THIS DISCUSSION AND DEVELOPMENT OF A NEW PLAN FOR THIS PROPERTY, THAT THE DISPUTE SETTLEMENT CENTER BE CONTACTED ABOUT FACILITATING ANY MEETINGS AND THAT THE TOWN BEAR THE REASONABLE COST OF PROVIDING THAT FACILITATION AFTER REVIEW OF A PROPOSAL FOR HOW IT WOULD BE HANDLED. AND THAT THE TOWN STAFF SPEED UP THE WORK OF THE SMALL AREA PLANNING WORK GROUP, THAT A REPORT ON OPEN SPACE ZONING BE DEVELOPED IN THE NEAR FUTURE, AND THAT THE BOARD AGREE TO SUPPORT A POLICY THAT WILL PREVENT APPLICATIONS FOR REZONING FOR THE ENTIRE SMALL PLANNING AREA, AND THAT PERMITS FOR FURTHER DEVELOPMENT IN THIS AREA BE DISCOURAGED DURING THIS PLANNING PERIOD. AND THAT THIS PARTICULAR TRACT GET SPECIAL CONSIDERATION AND WOULD BE AN EXCEPTION TO OUR NORMAL PROCESS FOR REVIEWING SUCH PROPOSALS. VOTE: AFFIRMATIVE THREE, NEGATIVE FOUR (MARSHALL, GURGANUS, CALDWELL, SHETLEY)

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

**A RESOLUTION RECOMMENDING APPROVAL TO THE ORANGE COUNTY BOARD OF COMMISSIONERS OF AN AMENDMENT TO THE CARRBORO OFFICIAL ZONING MAP AND THE ORANGE COUNTY ZONING ATLAS REZONING APPROXIMATELY 255 ACRES COMPRISED OF ALL OF LOT 3 AND PORTIONS OF LOTS 1, 2, 24, AND 4 ON TAX MAP 109; AND PORTIONS OF LOTS 31 and 31F ON TAX MAP 23 LOCATED WITHIN TRANSITION AREA I OF THE CARRBORO JOINT DEVELOPMENT REVIEW AREA.
Resolution No. 32/92-93**

WHEREAS, Carrboro is party, along with Orange County and the Town of Chapel Hill, to a Joint Planning Agreement effective November 1987;

WHEREAS, a Joint Planning Area Land Use Plan and Map were prepared and adopted by all parties pursuant to the Joint Planning Agreement;

WHEREAS, according to the Agreement, requests to rezone lands located within Carrboro's Joint Development Review Area may only be acted upon following a Joint Public Hearing involving the governing boards from Carrboro and Orange County;

WHEREAS, a request to rezone from Carrboro R-R (Rural Residential, 43,560 sf minimum lot size/1 unit per acre) to Carrboro R-20 (Residential, 20,000 sf minimum lot size/2.1 units per acre) all of Lot 3 and portions of Lots 1, 2, 24, and 4 on Tax Map 109 and portions of Lots 31 and 31F on Tax Map 23 located within Transition Area I of Carrboro's Joint Review Area and totalling approximately 255 acres has been received from the property owners, Lake Hogan Farm Inc.;

WHEREAS, the properties proposed for rezoning are categorized as Suburban Residential Areas and defined as follows:

Suburban Residential Areas are designated for housing densities ranging from one (1) to five (5) dwelling units per acre. Such areas are located where land is changing from rural to urban, suitable for urban densities, and to be provided with public

utilities and services. Housing types range from single-family homes to duplexes to multi-family dwellings.

WHEREAS, both the current zoning of Carrboro R-R and the proposed zoning of Carrboro R-20 are consistent with the Suburban Residential Area designation in the Joint Planning Area Land Use Plan; and

WHEREAS, a Joint Public Hearing was held on April 15, 1993 to consider this rezoning.

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

Section 1. As shown on the accompanying map, all of Lots 1, 2, and 24 except for that land lying within 100 feet of the southern property line on each lot; all of Lot 3; and the portion of Lot 4 west of Lake Hogan Farm Road on Tax Map 109 and the portion of lots 31 and 31F south of the Buckhorn Branch of Bolin Creek on Tax Map 23 be rezoned from Carrboro R-R (Rural Residential, 43,560 sf minimum lot size/1 unit per acre) to Carrboro R-20 (Residential, 20,000 sf minimum lot size/2.1 units per acre). All properties or portions of properties specified are located within Transition Area I of the Carrboro Joint Development Review Area.

Section 2. The Town Clerk shall send a copy of this resolution to the Orange County Manager.

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 25th day of May, 1993:

Ayes: Randy Marshall, Tom Gurganus, Hilliard Caldwell, Eleanor Kinnaird, Frances Shetley

Noes: Jacquelyn Gist, Jay Bryan

Absent/Excused: None

HEALTH INSURANCE FOR TOWN EMPLOYEES

Larry Gibson, Assistant Town Manager, stated that the administration had received proposals for health insurance coverage for town employees for Fiscal 1993-94 and was recommending that the town offer health insurance options as follows: Blue Cross/Blue Shield Preferred Care; Blue Cross/Blue Shield Personal Care Plan (PCP); and Kaiser Permanente, and that the town's contribution be \$146.92 per employee per month.

The Board continued discussion of this matter to its budget worksession scheduled for Thursday, May 27, 1993. Alderman Marshall suggested that the Town Manager consider a proposal to offer only Blue Cross/Blue Shield Preferred Care and Blue Cross/Blue Shield Personal Care Plan for Fiscal 1993-94, with the savings derived from dropping Kaiser Permanente used to subsidize family coverage.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT THIS MEETING BE CONTINUED TO THURSDAY, MAY 27, 1993. VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk