

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, September 20, 1994 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

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|---------------|---------------------|
| Mayor         | Eleanor Kinnaird    |
| Aldermen      | Michael Nelson      |
|               | Randy Marshall      |
|               | Hank Anderson       |
|               | 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 RANDY MARSHALL AND SECONDED BY JACQUELYN GIST THAT THE MINUTES OF SEPTEMBER 13, 1994 BE APPROVED. VOTE: AFFIRMATIVE ALL

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**PROCLAMATIONS ISSUED**

Mayor Kinnaird read proclamations proclaiming the week of September 10-17, 1994 as Constitution Week and October, 1994 as Crime Prevention Month in the Town of Carrboro.

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**DOMESTIC PARTNERS REGISTRATION**

Frank King, a resident of Carrboro, spoke in opposition to the Board's recent action regarding registration of domestic partners.

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**GUN CONTROL**

Mark Penman, a resident of The Villages Apartments, spoke against the Gun Control Study Committee's recommendations made at their September 19, 1994 meeting and suggested that the members of the committee read the N.C. Constitution and the N.C. General Statutes.

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**PUBLIC HEARING/CONDITIONAL USE PERMIT REQUEST/MIXED USE PROJECT/110 BREWER'S LANE**

Keith Lankford, Zoning Administrator, was sworn in. Mr. Lankford stated that Brian and Donald Whittier have applied for a conditional use permit request which would allow a mixed use project on 1.635 acres located at 110 Brewer's Lane. Mr. Lankford presented overhead projections of the proposed project.

Dan Jewell, the applicants' architect, was sworn in. Mr. Jewell stated that they will be moving the handicapped parking space to access the tae kwon do studio, the grading will be lower to prevent damage to the 72" oak tree, a fire hydrant will be added, they will use 15-foot lights if that is what the town requests, and will watch the white Indian Hawthorns for dying plants. Mr. Jewell questioned the need for the curb and gutter section along Brewer's Lane.

Mr. Whittier was sworn in. Mr. Whittier stated that he teaches tae kwon do marshall arts and explained why he and his brother had selected the Brewer Lane site for this project.

Rev. John Atwater was sworn in. Rev. Atwater stated that his mother-in-law, Marion Atwater, owns property on the north side of the proposed project and that the septic field for the house located on his mother-in-law's property is located on the site of this proposed project. Mr. Atwater stated that he had just returned from being out-of-town and was unaware of proposed project until two days ago and expressed concern that he will be responsible for expenses related to hooking up his mother-in-law's house to public sewer if the current septic field is disturbed during construction on the proposed project.

Roy Williford, the town's Planning and Economic Development Director, was sworn in. Mr. Williford stated that none of the plats turned into the town by the developer had indicated the existence of a septic field on the proposed site.

Dan Jewell stated that the septic field had not shown up during their work on the project but that they will work Mr. Atwater to maintain sewer sewer on Marion Atwater's property.

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

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

**MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JACQUELYN GIST THAT, IF 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 THE LIGHTING PLAN BE APPROVED BY THE POLICE CHIEF PRIOR TO CONSTRUCTION PLAN APPROVAL.**
4. **THAT NEW CURB AND GUTTER BE CONSTRUCTED ALONG THE APPLICANT'S PORTION OF BREWER'S LANE. DUE TO THE LOCATION OF THE DRIVEWAYS AT EITHER END OF THE PROJECT, THE ENDS OF THE CURB AND GUTTER SECTION WILL FLARE TO CONNECT TO THE EXISTING STREET.**
5. **THAT THE OWNER RECORD COVENANTS ON THE PROPERTY GUARANTEEING ACCESS BY THE TENANTS OF THE APARTMENTS TO THE WEIGHT ROOM WHICH IS TO BE CONSTRUCTED IN THE TAE KWON DO STUDIO. THESE COVENANTS SHALL BE REVIEWED AND APPROVED BY THE TOWN ATTORNEY. SUCH ACCESS SHALL BE A CONTINUING CONDITION OF THIS CONDITIONAL USE PERMIT.**
6. **THAT THE APPLICANT MULCH THE AREA UNDER THE 72-INCH WHITE OAK TREE, USE LIGHT POLES THAT ARE NO HIGHER THAN 15 FEET, AND USE CAUTION WHEN SELECTING THE WHITE INDIAN HAWTHORN.**
7. **THAT ALL NECESSARY MODIFICATIONS ARE MADE TO ACCOMMODATE REMOVAL OF THE PROPOSED FILL SECTION AROUND THE EXISTING 72-INCH OAK TREE TO ITS DRIP LINE, WHICH MAY MEAN CHANGING THE GRADE OF THE PARKING AREA.**
8. **THAT A HANDICAPPED PARKING SPACE BE RELOCATED TO ACCESS BUILDING NUMBER ONE.**

**VOTE: AFFIRMATIVE ALL**

**MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JAY BRYAN THAT THE DEVELOPER MAKE REASONABLE EFFORTS TO ACCOMMODATE THE SEWER SERVICE NEEDS ON THE PROPERTY OWNED BY MARION ATWATER. VOTE: AFFIRMATIVE ALL**

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

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**CONTINUATION OF PUBLIC HEARING/VOLUNTARY ANNEXATION REQUEST/400 SMITH LEVEL ROAD**

This was a continuation of a public hearing held on August 9, 1994, to consider a request from the N.C. Federation of Business and Professional Women's Club, Inc. to annex their property located at 400 Smith Level Road into the Carrboro town limits. The petitioner has requested that this public hearing be continued until their subdivision process is completed. The administration requested that the Board of Aldermen continue this public hearing until October 25, 1994.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY RANDY MARSHALL THAT THIS PUBLIC HEARING BE CONTINUED TO OCTOBER 25, 1994. VOTE: AFFIRMATIVE ALL

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**REQUEST FROM WINSOME LANE SUBDIVISION**

Jerry Levit, President of the Winsome Lane Homeowners' Association, introduced Liz Rooks.

Liz Rooks stated that the Winsome Lane Subdivision property owners are facing unanticipated problems meeting the 4% impervious surface limitation. Ms. Rooks stated that the Winsome Lane Homeowners' Association would like for the Board of Aldermen to consider adopting the following:

1. Amend the Land Use Ordinance to treat lots in new subdivisions the same as lots in subdivisions existing prior to the adoption of the ordinance such as a 5-acre lot in a new subdivision would have the same 4% impervious surface limitation as does a 5-acre lot in a pre-existing subdivision;
2. Amend the Land Use Ordinance to allow variances to be issued by the Board of Adjustment under circumstances where necessary driveway length requires that an inordinate amount of impervious surface be used for the driveway; and
3. Amend the Land Use Ordinance to permit the allocation of impervious surfaces at less than 100% for driveways where it can be demonstrated that the surface areas are porous or partially porous.

It was the consensus of the Board to refer this matter to the town staff for review and recommendation, that the town staff's report include a history of the development of the Winsome Lane Subdivision and how the allocation of impervious surface got skewed, and a history of why the 5% impervious surface requirement was approved. In addition, the Board requested the Winsome Lane Homeowners present their request to the OWASA Board of Directors.

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**REPORT ON ORIGIN DISTRIBUTION OF UNC TRAFFIC**

Kenneth Withrow, the town's Transportation Planner, presented a report on the volume of traffic destined for UNC which travels through Carrboro and what route is utilized most. Mr. Withrow requested that the Board authorize the town staff to coordinate efforts with the UNC Department of Transportation in the creation and implementation of the Transportation Demand Management Plan.

It was the consensus of the Board that the planning staff coordinate efforts with the UNC Department of Transportation in the creation and implementation of the Transportation Demand Management Plan. The following suggestions were made by Board members:

- 1) That people who live on bus routes be allocated the worst parking spaces on the UNC campus;
- 2) That people be encouraged to use the bypass rather than going through downtown Carrboro;
- 3) That preferred parking spaces be allocated to those people who car pool to provide an incentive for shared-ride.

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**STATUS REPORT ON PARK AND RIDE LOT**

Kenneth Withrow, the town's Transportation Planner, presented a report on the current status of the Carrboro Park and Ride Lot at Carrboro Plaza.

It was the consensus of the Board to request that the town staff continue negotiations with the leasing agent for Carrboro Plaza on renewing the town's lease on the current park and ride lot and that the town staff present another status report on this matter in 90 days.

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### TOPICS FOR THIRD QUARTER BOARD WORKSESSION

The Board requested that the following items be placed on the Third Quarter Board Worksession scheduled for October 11th:

- a. Status Report on Carrboro Day
- b. Discussion of Community Conflict Resolution
- c. Report from Community Building Subcommittee on Establishment of Neighborhood Advisory Board
- d. Update from Small Area Planning Work Group

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### REQUEST FOR REPORT ON LIGHT RAIL TRANSIT

Alderman Shetley requested that the town staff contact Jim Richey with the Regional Transit Authority, to ask that he present a report to the Board of Aldermen on light rail transit.

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### CHECK LIST FOR DOWNTOWN DESIGN GUIDELINES

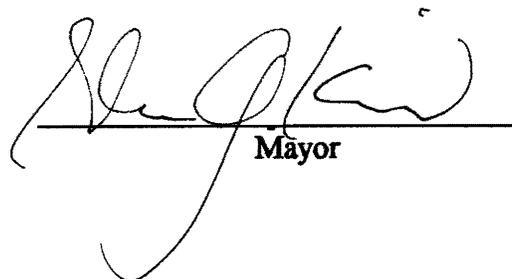
Alderman Bryan requested that the town staff work with the Appearance Commission in developing a check list to indicate whether developers are meeting the town's downtown design guidelines.

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MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JAY BRYAN THAT THE MEETING BE ADJOURNED AT 9:40 P.M. VOTE: AFFIRMATIVE ALL

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Town Clerk

  
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Mayor