

A public hearing of the Carrboro Board of Aldermen was held on Tuesday, March 22, 2011 in the Board Room of the Carrboro Town Hall.

Present and presiding:

Mayor	Mark Chilton
Aldermen	Randee Haven-O'Donnell
	Joal Hall Broun
	Dan Coleman
	Jacquelyn Gist
	Lydia Lavelle
	Sammy Slade
Town Manager	Steven E. Stewart
Town Clerk	Catherine Wilson
Town Attorney	Michael B. Brough

Absent or Excused: None

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**PUBLIC HEARING ON A LAND USE ORDINANCE MAP AMENDMENT RELATED TO THE PROPERTY LOCATED AT 210 HILLSBOROUGH ROAD**

Staff prepared a draft ordinance related to the placement of a B-2-CZ zoning district on property located at 210 Hillsborough Road. The Board of Aldermen has referred the draft ordinance to advisory boards and is holding a hearing to provide an opportunity for the public to comment on the map amendment before any action is taken.

Mayor Chilton opened the meeting by describing the rules for addressing the Board and noted that a vote on the rezoning would not take place the same night as the public hearing, as is customary for controversial items.

Trish McGuire, the Town's Planning Administrator, made a presentation to the Board. She explained that a petition signed by five percent of owners of a 100-ft wide buffer along the boundary of property to be rezoned was submitted to the Town Clerk and found to be valid. The validity of the petition requires a vote of three-fourths of the Board membership for approval of the map amendment.

Michael Harvey, a planner with Orange County, made a presentation on behalf of the applicant. He reiterated that the rezoning request would allow for library use only. He briefed the Board on the recommendations from the County Library Task Force. The proposed library would not be over 20,000 square feet. He summarized the approval process between a Conditional Use Rezoning versus a Conditional Rezoning. The approval of the rezoning does not guarantee that a library will be built on the site. Issues such as traffic analysis, landscape requirements, parking requirements and stormwater analysis would have to go through the Town's Conditional Use Permitting process and the applicant would be bound by the Town's Land Use Ordinance. The County chose the Carrboro site based on various recommendations from several taskforces and because of its proximity to the elementary school. He summarized traffic and patron counts that were collected during a survey of the Hillsborough and McDougle Libraries on March 16, 2011.

A survey of traffic at the Hillsborough Library was taken on March 16, 2011.

Andrea Tullis, Assistant Library Director of Orange County, discussed traffic and parking issues and stated that the State Library of North Carolina recommends that the minimum full service library size is 16,000 square feet. The new Hillsborough library is 23,500 square feet distributed over 2 stories.

Alderman Coleman asked that the County staff review the letter from the Carrboro Elementary School Principal where concerns are expressed about the library location.

Mayor Chilton explained that the main issue before the Board is the question of the rezoning of the particular property. He noted that Orange County is the applicant; not the Town of Carrboro.

Alderman Coleman stated that in North Carolina there are only eight libraries that are municipal operated libraries. The Orange County library is part of the Hyconeechee Library System that includes several counties. Chapel Hill has its own Town run library.

Madelyn Mitchell, a resident of 404 Hillsborough Road, spoke against the proposed rezoning. She expressed concern over possible access points, traffic, and parking. She asked the Board to consider the growth issues that the Chapel Hill library is facing when considering the site. She asked the Assistant Library Director for a response rate for her survey.

Gordon Mitchell, a resident of 404 Hillsborough Road, spoke against the proposed rezoning. He stated that the proposed site is not suitable for the traffic that the library would generate. He asked if part of the land would revert back to the neighboring property owners if they petitioned for the abandonment of the unopened portion of Shelton Street. He also pointed out deed restrictions that limit the property's use to residential. He recommended that the County consider other possible locations for the library.

Heidi Perry, a resident of 407 Robert Hunt Drive, stated that she is a member of Transportation Advisory Board but spoke as a citizen. She spoke in favor of the proposed rezoning and stated that the library location is appropriate and meets the requirements of the Library Taskforce. The library is a public building, not a commercial building, and it is not inappropriate to have it located next to the school. Location near the school would also allow for the shared use of parking spaces. Traffic flow, security lighting, screening, and landscaping are things that are yet to be decided and are things that the Town will be able to guide and regulate when and if the library gets built.

Melanie Cecil, representing the Administrative Council of the Carrboro United Methodist Church, spoke against the proposed rezoning. Traffic patterns and volumes were expressed as concerns.

Nerys Levi, a resident of 161 Swansea Lane, representing the Friends of the Carrboro Branch Library, spoke in favor of the proposed rezoning. She presented a petition signed by 336 people that support the proposed rezoning. She stated that 210 Hillsborough Road is a safe site and the only considered site that the County is considering. She is a member of three Orange County Library taskforces.

Jerry Christmas, a resident of 208 James Street, spoke in favor of the rezoning of the property and asked that all pull together to see that the library is put through.

Alexandra Brown, a resident of Bingham Township who owns property on Hillsborough, spoke in favor of the proposed rezoning of the property. The location is ideal and the only viable option. She stated that it is not a commercial space and that traffic would be gradual. She asked that the Town accept the gift that the County is offering.

Jackie Allen, a resident of 123 Pine Street, spoke in favor of the proposed rezoning of the property. She suggested lowering the speed limits on Hillsborough Road and Pine Street and the possible prohibition of parking along the driveways and the street. She stated that the location is ideal and accessible by many people.

Allen Spalt, a resident of 300 James Street, spoke in favor of the proposed rezoning of the property and the need for a free-standing library. He stated that the library would not be a commercial operation and that rezoning it to "commercial" may be a misnomer. He stated that the location is not perfect but, in this case, perfect should not be the enemy of the good. The principal problem with the location is access. He suggested traffic mitigation, consideration of alternative access routes, and possible one-way entrance and exit routes.

Jeff Rubish, a resident of 214 Hillsborough Road, spoke against the proposed rezoning of the property. His grandfather was Miles Andrews, the original builder of the home on the parcel for consideration. He asked the Board to go to the location and try to imagine a 20,000 square foot building on 2.6 acres. The rezoning would destroy a historic neighborhood. If the library is approved, there is a chance that Hillsborough Road would be widened and a turn lane installed. The proposed library location conflicts with the Town's Vision2020. He does not agree with the County's threat that this is the only location.

Barbara Rubish, a resident of 214 Hillsborough Road, spoke against the proposed rezoning of the property. She stated that the 20,000 square foot building will be there forever but the library may not. She is not opposed to a library but opposed to this location. She does not agree with the County's threat that this is the only location and encouraged the search for other locations.

Bobbie Stanford, a resident of 1800 N. Greensboro Street, spoke against the proposed rezoning of the property. She stated that she is not against a library but against the location. She stated that the neighborly feeling of Carrboro has diminished and this project demonstrates that. The homes around the property will be surrounded by library traffic. She expressed that traffic will be an issue and that there are already problems with traffic on Hillsborough Road and Shelton Street. She asked the Board to be open-minded in their consideration of the issue.

Deloris Driantrafillo, a resident of 114 Chestwood Court, stated that she has been a Board Member of the Friends of Carrboro Branch Library since 1987. She spoke in favor of the proposed rezoning of the property.

Lorie Hoytt, a resident of Fidelity Street, spoke in favor of the proposed rezoning of the property and the library. She stated that as a child, she loved libraries because they provided her with access to things that she otherwise would not have been able to afford. She stated that after twenty four years, it is time for Carrboro to have a free-standing library.

Kathy Gunn, a resident of 212 Hillsborough Road, spoke against the proposed rezoning. She stated that if the rezoning is granted, it will establish a dangerous precedent for residential zones. Carrboro Elementary and the Methodist Church have expressed concerns over the proposed library location. Carrboro Elementary does not want to share parking. Some homes in the neighborhood are over 100 years old and an asset to the Town. The Planning Board has concerns over inconsistencies in the petition for rezoning. She requested that the County find other possible locations for the library.

Chaz Gardener, a resident of 101 Fidelity Street, spoke in favor of the proposed rezoning of the property. Future generations will benefit from the library. The library will increase property values while increasing cultural values.

Philippe Harrison spoke in favor of the proposed rezoning. She has been a substitute teacher for the past 16 years at the middle and high school level. She sees students come unprepared because they do not have access to the resources that a library could provide them.

Bethany Cheney, resident of 118 Fidelity, who owns property at 217 Hillsborough Road, spoke against the proposed rezoning of the property. She asked that "walkability" be removed from the table during decision making. She asked that a social justice framework be used to determine the best location for the library. The proposed library site would help already wealthy homeowners and renters and exacerbate the disparities between the high and low income areas. She stated that there are locations in the southern part of the county that would benefit the surrounding low-income, minority neighborhoods.

Ashley Stanford, a resident of 1800 North Greensboro Street, spoke against the proposed rezoning of the property. He expressed concern over the location and is against commercial property in an existing residentially zoned neighborhood. He stated that the location is an inappropriate location for a library.

Dorothy Taylor Senter, a resident of 208 Hillsborough Road, spoke against the proposed rezoning of the property. She expressed concern over the location and resulting traffic. She spoke of the deed restrictions on the property. She also requested that additional sites be examined for purchase.

Marty Mandelle, a resident of 116 Pine Street, spoke against the proposed rezoning of the property. She stated that additional locations should be considered.

Blair Pollock, a resident of 6420 Heartwood Drive, Chapel Hill, spoke against the proposed rezoning of the property. He suggested the use of the top floor of the possible CVS property on North Greensboro Street. He spoke about the use of electronic readers and how libraries of the future will look different than the libraries of today and will require less square footage.

Richard Ellington, a resident of 109 Rutton Drive, spoke against the rezoning of the property. He expressed concerns over the location and stated that the library is not Carrboro's library but southwest Orange County's library. He stated that he is in favor of a library if it is in another location.

Rich Bell, a resident of 102 Pine Street, spoke against the rezoning of the property. He expressed concern over the location and costs to the County. He expressed traffic and location as concerns.

Robert Dow, a resident of 105 Pine Street, spoke against the rezoning of the property. He expressed concern over the location within a residential neighborhood, safety, traffic levels, and accessibility.

David Jessee, owner of 500 North Greensboro, stated that he tried to sell and donate portions of his property, located at 500 North Greensboro, to the County for a proposed library. He asked that the County consider other locations and stated that there are other options available for the library.

Mayor Chilton asked that the item be returned to the Board on April 19<sup>th</sup>, 2011. The Board will attempt to make a decision on the item at that time. This date works with the County's existing agreement with the seller of the property.

Mike Brough, Town Attorney, explained that if the Town approves the rezoning application, the County will have to go through a quasi-judicial Conditional Use Permitting process. Conditional Use Permits may be denied if they do not meet all of the qualifications of the ordinance. They can also be denied on the basis of public health and safety, inconsistency with the Land Use Plan, a negative effect on neighboring property values, and continuity and harmony with the area. He stated that it would be difficult to deny the application on the basis that it is not in harmony with the area if it is rezoned for a library use. A rezoning of the property does not guarantee that a library will be permitted on the site. He also explained that the deed restrictions on the property are private in nature and not relevant for the Board's consideration in the discussion of rezoning. The Board is charged with deciding whether the rezoning is appropriate for the public health, safety and welfare.

Alderman Slade requested a response to the following questions:

- 1) Would it be possible to reduce the speed limit on Hillsborough Road to 20mph?
- 2) Will the playground require additional screening?
- 3) What is the feasibility of using Shelton Street to minimize the width of the Hillsborough Road entrance?
- 4) Could there be a one lane entrance/exit?
- 5) Will Hillsborough Road need to be widened?
- 6) What is Hillsborough Road's current capacity and what traffic is it expected to handle with the library?

- 7) Can staff prepare a map that shows alternative Carrboro locations for the Library? The map should depict properties that would hold a 20,000 square foot building and appropriate parking.

Alderman Lavelle requested a response to the following questions:

- 1) Has the minimum square footage required for libraries gone up or down over the past years?
- 2) What types of regular deliveries are made to libraries? What types of vehicles make the deliveries?
- 3) What is the genesis of the speaker's statement that Carrboro Elementary School will not share parking? The school's cooperation is a key component on the decision that the Board has been asked to make.

Alderman Lavelle stated that a lot of people have talked about other sites and better locations. She reiterated that the Board is reviewing this particular site because that is the one that the County has under contract. The Assistant County Manager was at the last few Planning Board meetings and discussed how the County went about selecting the site. The County did not make their site selection in a vacuum and they considered a lot of factors.

Alderman Gist requested a response to the following questions:

- 1) If the access road is off of Hillsborough Road, how wide will it be and how much right-of-way will be required? How much clearing will be involved in the right-of-way? What will the width be if a one-way option is chosen over a two-way?
- 2) How much traffic would a library of this size generate? How would it impact the roads?
- 3) Where are some of the points that people will be coming from?

Alderman Haven-O'Donnell stated that she would like to review a traffic analysis. She is also interested in looking at Shelton Street as a one-way entrance and/or exit, reducing the speed limit on Hillsborough Street. She asked that DOT be consulted about the future requirements of Hillsborough Road. She suggested further discussions between the Chapel Hill-Carrboro City School District. She thanked the people that spoke before the Board.

Alderman Coleman stated that traffic and transportation issues are of the highest importance. If the rezoning is granted, the burden is on the applicant to come up with a plan that addresses the concerns of the Board. He also noted that the County has notified the Board that if the rezoning is not granted, they will let their option to purchase the property expire. The County also let the Board know that they do not feel any other suitable site exists in Carrboro and asked if the Town had any suggestions on other locations near the downtown area.

Steven Stewart, Town Manager, stated that Town staff cannot provide a lot of specificity on traffic impacts because the project is not a Conditional Use application. Currently, the County does not have money set aside for a detailed traffic analysis. Their plan was to seek a rezoning prior to funding site and traffic analysis. Trish McGuire stated that there is not time to conduct a full traffic impact analysis between now and the 19<sup>th</sup> of April. Mayor Chilton and Mr. Stewart agreed that it would be the applicant's responsibility to provide information to the Board the best that they can.

Mike Brough stated that the Board can consider information, or lack of information, about the traffic during their rezoning decision. The burden is on the applicant to come forward with enough information to rezone the property. He also noted that the applicant is not asking for a rezoning for the B-2 District, they are asking for a rezoning that would be a B-2-C and allow a library only.

Mayor Chilton explained that a protest petition has been submitted and found to be valid. The validity of the petition triggers the requirement of  $\frac{3}{4}$ 's vote of the Board (6 votes).

Mayor Chilton pointed out that Shelton Street is a public right-of-way and that while it is used for parking for the school, it is not owned by the school. The Town wants to collaborate with Orange County to make the library happen and he hopes that the school system would bring the same approach. In the spirit of cooperation,

he believes the consideration of the rezoning should move forward but he has reservations on how the library would affect the existing properties. He thinks it is possible to find a site that would be uncontroversial.

Mayor Chilton requested a response to the following questions:

- 1) Specific information on the site being accessed exclusively through Shelton Street and not through Hillsborough Road.
- 2) What is the 20,000 square foot recommendation based upon and who recommended it? County staff to address that at some point.
- 3) How did the County's consultant come to the conclusion that a 20,000 square foot, traditional library is the right facility? Is it possible to have a two-story design with less square footage? What is the significance of having a library defined as "full-service?"

Alderman Broun requested the following additional information:

- 1) A brief report from County staff regarding the effect of books on cognitive development, possible licensure and use restrictions for digital readers, and the cost to the library related to digital readers.

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN BROUN THAT THE DISCUSSION REGARDING THE PROPOSED REZONING FOR 210 HILLSBOROUGH ROAD BE CONTINUED ON APRIL 19, 2011. VOTE: AFFIRMATIVE ALL.

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MOTION WAS MADE BY ALDERMAN HAVEN-O'DONNELL AND SECONDED BY ALDERMAN COLEMAN TO ADJOURN THE MEETING AT 10:32 P.M. VOTE: AFFIRMATIVE ALL

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Mayor

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Town Clerk