

MINUTES OF A JOINT MEETING OF THE MAYOR AND COUNCIL OF THE TOWN OF CHAPEL HILL AND THE ORANGE COUNTY BOARD OF COMMISSIONERS, HELD IN THE CHAPEL HILL MUNICIPAL BUILDING, MONDAY, OCTOBER 13, 1986, 7:30 P.M.

Mayor Pro-tem Bill Thorpe called the meeting to order. Council Members present were:

- Julie Andresen
- David Godschalk
- Jonathan Howes
- David Pasquini
- Nancy Preston
- R. D. Smith
- Arthur Werner

Mayor James C. Wallace arrived late.

County Commissioners present were:

- Don Willhoit, Chair
- Moses Carey, Jr.
- Ben Lloyd
- Shirley Marshall

Also present were Town Manager David R. Taylor, County Manager Kenneth Thompson, Town Attorney Ralph Karpinos, County Attorney Geoff Gledhill, Town Planning Director Roger Waldon and County Planning Director Marvin Collins and the Orange County Planning Board.

Land Use Plan for the Joint Planning Area

Marvin Collins, Orange County Planning Director, gave a presentation on the different recommendations of the Orange County and Chapel Hill governing bodies for the Joint Land Use Plan and the proposed resolutions to address the differences. He said the proposal included removing the southeast quadrant of I-40/NC 86 from joint planning since the Town had annexed the area effective September 30, 1986. In the area between Eubanks Road and I-40, designate the land zoned industrial as light industry and all other land Office-Institutional, up to the stream north of Clyde Road. He said the stream was a better boundary to define the rural buffer than Clyde Road; the land zoned for industrial use should be reflected in the plan; and the office-institutional designation was consistent with the concept of mixed use. For the area south of Eubanks, Mr. Collins said the proposed resolution was to designate the area as suburban residential, except for the south side of Eubanks Road, across from land zoned industrial, where the office-institutional designation should be made. The proposal also suggests removal of the office-institutional designation along N.C. 86. Mr. Collins stated that the area along Homestead Road and N.C. 86 was proposed to be

urban residential on the north side of Duke Power offices with the boundary following the existing property lines and stream. Finally, the proposal suggests the area around Star Point be designated as suburban residential in the lower Morgan Creek basin and rural residential elsewhere. Mr. Collins recommended the Orange County Board of Commissioners and Chapel Hill Town Council adopt the proposal resolving the differences between earlier recommendations.

Council Member Smith asked that Orange County take into consideration the extension of services to the Homestead Road area prior to allowing massive development in the area.

Council Member Pasquini asked why the County was recommending to keep part of the area north of Eubanks Road as Industrial. Mr. Collings responded that the area had been zoned industrial prior to the joint planning agreement and that the industrial development in the area had established a land use in the area.

Council Member Pasquini also questioned why the County was recommending urban residential for the area north of Duke Power offices. Mr. Collins said this was in an attempt to keep the types of designations consistent with uses in the area.

Council Members Preston and Andresen asked if the zoning map could be changed to a lower density for that area even if the land use plan had it designated as urban residential. Mr. Collins said the Town could propose zoning designations for the area in a manner consistent with the land use plan and that the County would in all probability adopt the zoning designation recommended by the Town.

Council Member Andresen urged coordination of the zoning map with the adopted Land Use Plan.

COUNCIL MEMBER GODSHCALK MOVED, SECONDED BY COUNCIL MEMBER HOWES TO ADOPT RESOLUTION 86-10-13/R-1.

Council Member Pasquini said he could not vote for the resolution as proposed because of the urban residential designation for the area north of Duke Power offices. He said he felt the area should be designated suburban residential.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN TO AMEND THE MOTION TO DESIGNATE THE AREA NORTH OF DUKE POWER OFFICES IN THE PROPOSED AREA 4 (HOMESTEAD ROAD/NC 86) AS SUBURBAN RESIDENTIAL INSTEAD OF URBAN RESIDENTIAL. THE MOTION CARRIED, (6-3), WITH COUNCIL MEMBERS GODSCHALK, HOWES, AND THORPE VOTING AGAINST.

THE MOTION, AS AMENDED, PASSED UNANIMOUSLY, (9-0).

COMMISSIONER MARSHALL MOVED, SECONDED BY COMMISSIONER LLOYD TO ADOPT RESOLUTION 86-10-13/R-1 AS AMENDED AND ADOPTED BY THE CHAPEL HILL TOWN COUNCIL. THE MOTION PASSED UNANIMOUSLY, (4-0).

The resolution, as adopted, reads as follows:

RESOLUTION ADOPTING LAND USE DESIGNATIONS FOR UN-DESIGNATED AREAS OF THE ORANGE COUNTY-CHAPEL HILL JOINT PLANNING AREA LAND USE PLAN (86-10-13/R-1).

WHEREAS on July 14, 1986, the Chapel Hill Town Council adopted a recommendation endorsing a Land Use Plan for the Joint Planning Area; and

WHEREAS the Orange County Board of Commissioners adopted a similar plan on August 5, 1986; and

WHEREAS there are five areas of difference between the two recommended plans; and

WHEREAS a Land Use Plan is therefore now adopted for all areas of agreement in these two resolutions; and

WHEREAS the Town Council and Board of Commissioners have agreed to resolve differences in these five areas in the manner shown on the attached maps and described below;

NOW THEREFORE BE IT RESOLVED by the (Board of Commissioners of Orange County / Council of the Town of Chapel Hill) that the Land Use Plan for the Joint Planning Area be completed by the addition of land use designations as indicated below and on the attached maps:

Area 1: (SE quadrant of I-40/NC8)

Resolution: Remove from Joint Plan, since Chapel Hill has annexed this area (effective 9/30/86).

Area 2: (Between Eubanks and I-40)

Resolution: Keep land zoned industrial, designated light industry; all other land Office-Institutional (which allows residential development), up to stream north of Clyde Road.

Area 3: (South of Eubanks)

Resolution: Suburban residential everywhere except on the south side of Eubanks Road, across from land zoned industrial; there, office-institutional (approximately 9 acres). Office designations along NC86 removed.

Area 4: (Homestead-NC86)

Resolution: Suburban residential on north side of Duke Power offices, with boundary following existing property lines and stream.

Area 5: (Star Point Area)

Resolution: Suburban residential in Lower Morgan Creek Basin; rural residential elsewhere.

This the 13th day of October, 1986.

Land Use Plan Narrative

COMMISSIONER MARSHALL MOVED, SECONDED BY COMMISSIONER LLOYD TO ADOPT RESOLUTION 86-10-13/R-2 AS AMENDED TO REFLECT CHANGES ADOPTED IN RESOLUTION 86-10-13/R-1. THE MOTION PASSED UNANIMOUSLY, (4-0).

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 86-10-13/R-2 AS AMENDED TO REFLECT CHANGES ADOPTED IN RESOLUTION 86-10-13/R-1. THE MOTION PASSED UNANIMOUSLY, (4-0).

The resolution, as adopted, reads as follows:

RESOLUTION ADOPTING LAND USE PLAN NARRATIVE (86-10-13/R-2)

WHEREAS, the Orange County Board of Commissioners and the Chapel Hill Town Council have adopted a Land Use Plan for the Joint Planning Area; and

WHEREAS, critical information was considered in discussion and adoption of this plan; and

WHEREAS, this critical background information is contained in the attached document, "Orange County-Chapel Hill-Carrboro Joint Planning Land Use Plan;"

NOW THEREFORE BE IT RESOLVED by the (Board of Commissioners of Orange County / Council of the Town of Chapel Hill) that the document "Orange County-Chapel Hill-Carrboro Joint Planning Land Use Plan - October 1986" is hereby adopted as a component of the adopted land use plan, and as such becomes a part of a comprehensive plan for Joint Planning by the Town of Chapel Hill and Orange County.

This the 13th day of October, 1986.

Public Hearing on Planned Development Rezoning Request - Eubanks Road Townhouses (PD-1-86)

Citizens wishing to speak at the hearing were sworn in by the Orange County Chair of the Board of Commissioners.

Marvin Collins, Orange County Planning Director, asked that agenda item #3, Action Agenda Item Abstract, dated October 13, 1986, PD-1-86 Eubanks Road Townhouses be entered into the record of the meeting.

Mr. Collins made a presentation on the project saying this hearing was the third public hearing on the proposed Eubanks Road Townhouse project. He said the proposal was for 137 townhouse units, grouped in clusters, on a 19.2 acre site on the north side of Eubanks Road, 1700 feet west of the intersection of Interstate-40 and N.C. 86. There is a requirement of a 100' buffer surrounding the site except for the side adjacent to the industrial development which requires a 50' buffer. Sewer service, according to Mr. Collins, would be provided by construction and installation of a pump station to serve the entire drainage basin.

Mr. Collins stated that the current recreation standards (Article 5.1.1) require a minimum recreation space ratio of .299. Therefore the applicant needed to provide a minimum recreation space of 5.85 acres for a 19.2 acre site. However, section IV-B-7-b-2 also requires that 1/35th of an acre of land be dedicated for each dwelling unit proposed. This results in an acreage requirement of 4.11 acres of public recreation area. If the figure derived by application of Article 5.1.1 is greater, the difference (1.74 acres) must be developed for private recreation purposes. The internal recreation space provided totaled 1.08 acres, therefore an additional .66 acres of private recreation area and a payment-in-lieu of recreation in the amount of \$12,823 for the 4.11 acres of public recreation was required to meet current standards.

Planning Director Collins said the project was to be developed in phases with a completed project date in December, 1991. He further stated that the project would have a measurable affect on the traffic intersection of Eubanks Road and N.C. 86. He commented that at present the County had not required off-site traffic improvements feeling the road improvements should be addressed by NCDOT, but that this was something the County needed to review in light of needed road improvements to the intersection of N.C. 86 and Eubanks Road and the lack of State funding.

Commissioners Marshall and Carey asked about the size of the pump station and who would pay for its construction. Mr. Collins replied that the size of the pump station would be agreed with OWASA and that the applicant would pay for having it built.

Council Member Pasquini questioned the basis upon which the land was valued for payment-in-lieu of recreation space. He felt the amount was too low. Mr. Collins answered that the 1987 tax appraisal was used.

Council Member Werner asked if the commercial development and this proposed residential development was consistent with the adopted land use plan. Messrs. Collins and Waldon said that these types of development were consistent and were examples of the kind of balance expected to be achieved in mixed-use designations.

Council Member Andresen asked if office-institutional development would generate more traffic than residential development. Mr. Waldon replied yes.

Council Member Preston asked about the topography of the site and the amount of impervious surface. She suggested there be a requirement that protective fences be put around the trees to remain.

Council Member Thorpe asked for the reason why the County was requesting a payment-in-lieu of recreation space. Mr. Collins responded that the County had established specific areas where they wished to develop recreational and greenway systems. The proposal's site was not adjacent to any of the designated recreational areas therefore the County had decided to ask for a payment-in-lieu of recreation space.

Council Member Smith questioned the statement of justification regarding the traffic impact of the opening of I-40 to traffic on N.C. 86.

Dana Staats, a landscape architect representing the applicant, said they had worked with the Orange County and Chapel Hill Planning Departments in an effort to make the proposal acceptable to both entities and he thanked the Planning staffs for their assistance. He gave a brief summary of the proposal and said he would answer questions from the Board and Council.

Commissioner Carey asked if the change in the expected completion date from December 1990 to December, 1991 would affect the number of units to be built. Mr. Staats said no, that it would just affect to timing of the units.

Council Member Pasquini asked if the applicant were required to provide on-site public recreation space how that would be accomplished. Mr. Staats replied that he did not know, but that it would require a major redesign of the site as that requirement would mean approximately 60% of the site used for recreation purposes.

Ms. Gerrie Nunn, a resident of Eubanks Road, spoke in support of the the proposal.

Ms. Eliza Liptzin, a resident of Eubanks Road, spoke in support of the proposal.

John Carne, a resident, spoke against the proposal due to the expected increase in traffic on Eubanks Road and Northwoods Drive. He said he would prefer to see approval of the project include conditions for improvements to the intersection of Eubanks Road and N.C. 86.

Mr. Harry Poole, a resident, spoke against the proposal because of the expected increase of traffic on Northwoods Drive. He stated that the current condition of the intersection of Eubanks Road and N.C. 86 already had people cutting through Northwoods subdivision in order to avoid the intersection. He also commented that he would prefer to see more green space in the proposal.

Council Member Andresen asked if the County did not require off-site improvements, how would the improvements get done and who would paid for them.

Chair Willhoit responded that the County did not have a policy not to require off-site improvements, they had just not required such improvements to date. He said this was something the County needed to review and examine, especially when the applicant pointed out in his application that the intersection of Eubanks and N.C. 86 was already at or over capacity.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO REFER TO THE MANAGER AND PLANNING STAFF. THE MOTION PASSED UNANIMOUSLY, (9-0).

COMMISSIONER CAREY MOVED, SECONDED BY COMMISSIONER MARSHALL TO REFER THE INFORMATION RECEIVED TO THE COUNTY MANAGER, PLANNING STAFF, AND PLANNING BOARD AND TO ADJOURN THE HEARING TO DECEMBER 1, 1986 WHEN IT WOULD RECEIVE RECOMMENDATIONS FROM THE PLANNING BOARD AND CHAPEL HILL TOWN COUNCIL. THE MOTION PASSED UNANIMOUSLY, (4-0).

#### Joint Planning Agreement

Ken Thompson, Orange County Manager, gave a presentation on the proposed amendments to the joint planning agreement between Chapel Hill and Orange County. He said, in essence the proposal would grant Chapel Hill the authority over development applications in the transition areas. Orange County would present a recommendation on the applications but the approval would come from the Town. He said the proposal would give the County the approval authority for the joint land use plan and amendments thereto, as well as approval for development applications in the rural buffer. Mr. Thompson stated the proposal called for Chapel Hill to recommend zoning classifications for the transition area and that the County would grant approval of the zoning based on Chapel Hill's recommendation. Chapel Hill would also make recommendations to Orange County for development applications in the rural buffer areas. He said the agreement would be a two party agreement between Chapel Hill and Orange County and would supercede the existing joint planning agreement upon its adoption.

Council Member Howes expressed concern that the proposal eliminated Chapel Hill from the development of a land use plan for the joint planning area, feeling this elimination in effect did away with the theory of joint planning. He said he understood the reasoning for having Chapel Hill have sole approval/denial of development applications in the transition areas as a means of eliminating duplication of efforts both for developers and the staff, however, he felt the Town should have approval authority of the joint land use plan.

Council Member Andresen expressed concern about the County having sole zoning authority of the transition area. County Manager Thompson responded that the County would probably adopt the recommendations made by the Chapel Hill Town Council for the zoning of the transition area as long as the proposed zoning designations were consistent with the adopted land use plan.

Council Member Godschalk agreed with Council Member Howes that the Town should retain its approval authority of the joint land use plan even though the bulk of this plan had already been decided.

Commissioner Marshall agreed that the bulk of the work on the joint land use plan had been accomplished and that any amendments should be jointly agreed upon, but that the job of initiating and carrying out the amendments should be handled through the County.

Council Member Pasquini commented that he felt the Town should also have say in the planning of the rural buffer. He questioned just how much streamlining would occur in the system if a development proposal still had to go to the county for a recommendation prior to the Town granting approval. Mr. Thompson replied that the county would use the Council's time table for any proposal as well as the Town's ordinances, and that this would reduce the amount of time involved.

Council Members Godschalk and Werner expressed concern that a rezoning request could come before the County for approval without the Town having any input or approval authority.

Commissioner Marshall commented that the County should not initiate any rezoning request in the transition area without the Town's knowledge and approval.

Council Member Smith said the joint agreement should include language to that affect.

Council Member Howes asked about the legality of having the Town grant approval/denial of development requests within the transition area. County Attorney Gledhill replied that in the agreement, Orange County would delegate the approval authority to the Chapel Hill Town Council. He said appeals would follow the normal channels in that the appeal would be made to the Superior Court.

Manager Taylor stated that as he understood from the discussion, the staff should prepare a proposal that would give joint approval of the joint land use plan and any amendments; joint approval of zoning designations for the transition area; and recommendatory authority for developments in the transition area to Orange County and in the rural buffer to Chapel Hill.

Chair Willhoit suggested that two representatives from the County Commissioners and Town Council meet with the Managers to work out the wording. The general consensus of both Boards was for this to be done.

A MOTION WAS DULY MADE AND SECONDED TO ADJOURN THE MEETING. THE MOTION PASSED UNANIMOUSLY, (13-0).

The meeting adjourned at 10:00 p.m.

