

MINUTES OF A PUBLIC HEARING HELD BY THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,
WEDNESDAY, OCTOBER 22, 1986, 7:30 P.M.

Mayor James C. Wallace called the meeting to order. Council Members present were:

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

Also present were Town Manager David R. Taylor, Assistant Town Managers Sonna Loewenthal and Ron Secrist, and Town Attorney Ralph Karpinos.

Mayor Wallace commented that Manager Taylor had recently retired from the Army Reserves as a full Colonel and that Council Member Jonathan Howes had been elected as President of the North Carolina League of Municipalities and that it was an honor for the Town to be associated with these gentlemen.

Public Hearing on Proposed Mixed-Use Zoning District

Roger Waldon, Planning Director, gave a presentation on the proposal to establish a new zoning district called "mixed-use." He said the proposal was a result of the adoption of the Land Use Plan and annexation of areas designated on the Land Use Plan as mixed-use and the need to zone these areas. Mr. Waldon stated the key characteristics of the proposed "mixed-use" zoning district are: (1) there should be an underlying use-by-right for parcels in this zone; (2) an incentive to assemble land into large development tracts; (3) incentives to have a mix of land uses, with office uses being primary; and (4) threshold conditions should be established. Mr. Waldon said the staff recommended that the use-by-right be those allowed in the Office-Institutional-1 (OI-1) zone, and that the threshold conditions needed for the incentives to apply are that the development tract be a minimum of 20 acres; at least 60% but no more than 85% of the floor area be devoted to office uses and that the other uses be commercial or residential. He commented that the incentives to achieve the thresholds were increased allowable floor area (up to .429 floor area ratio); increased range of permitted uses (modified Community Commercial uses); increased secondary height limits (90 feet); and reduced off-street parking requirements. He said the buffer requirements would be at least a type C around all perimeter areas of a development tract.

Mr. Waldon said the Planning Board's recommendation differed from the Manager's recommendation in that the Board recommended a larger floor area ratio (.566); at least three types of uses must be present (offices, residential, and permitted uses in Neighborhood Commercial or Community Commercial zones); one of the three types of uses must be at least 40% but not more than 60% of the floor area, and for the other two uses, at least 10% but not more than 30% must be devoted to each of the uses.

Manager Taylor recommended the Council adopt the mixed-use concept and adoption of ordinance A.

Alan Rimer, representing the Planning Board, said the Board had voted 6-2 in favor of Ordinance B whose primary difference to Ordinance A relate to the mix of uses and floor area ratio. He said the Board felt requiring all three uses would provide a balance for the mixed-use zone and that an increased floor area ratio would give a better incentive to developers to develop the larger tracts in a more comprehensive manner. He said the Board also urged the use of a master plan concept which would encompass the entire development and would allow more detailed planning of portions of the development at later stages. This would mean issuing a Special Use Permit for portions of the development proposal, not for the entire tract.

Ron Strom, representing a partnership, Chapel Hill North, spoke in support of the mixed-use concept. He said he was comfortable with the Manager's recommendation, but felt the use of the Planning Board's recommended floor area ratios for the primary use would be better. He disagreed with the Planning Board's requirement of all three uses if a hotel would not meet the residential use requirement.

Joe Hakan, speaking as a resident, spoke in support of the Planning Board's recommendation. He said the 20 acre threshold would give developers the opportunity to plan and develop proposals that were economically feasible as well as providing better means for planning.

Bob Joesting, speaking as a resident, spoke in favor of the mixed-use concept but felt there needed to be more encouragement toward having the zone contain all three proposed uses, especially the residential concept. He said he preferred the idea of living, working, and shopping all within a small area. He commented that requiring 20 acres for this type of development would work in some areas but not in others. Mr. Joesting encouraged the expansion of the mixed-use zone to smaller tracts.

David Morgan, representing owners of property near the 15-501/I-40 intersection, spoke in favor of the mixed-use zone but expressed concern about requiring 20 acres as a minimum for the threshold conditions. He said that a smaller size would be preferable in areas which contain natural buffers like the areas he represented. Mr. Morgan also said he preferred the Manager's

reduce the amount of buildable land to a point where CC uses would not be able to be built. Mr. Rimer said the Planning Board had considered this and felt that there would still be enough land area to support CC development.

Council Members Pasquini and Werner spoke against zoning the area south of Weaver Dairy Road as CC and in favor of the Office-Institutional-1 zone.

Council Members Andresen and Preston asked if the Planning Board had considered zoning the area along White Oak Drive as R-1 instead of R-2.

Manager Taylor recommended adoption of Ordinance A.

Grainger Barrett, an attorney representing the owners of property south of Weaver Dairy Road and east of N.C. 86, spoke in support of the Planning Board's recommendation. He said zoning the area CC would follow the pre-existing condition and that zoning the area OI-1 would make some of the properties non-conforming as one of the owners lived behind his business. He said the property owners were interested in working with the Council and staff in developing the area so as to ensure the properties did not become strip development.

Bruce Guild, speaking as a resident of White Oak Drive, asked that the area be zoned R-1 instead of R-2 as all the property currently developed was single-family homes. He said Durham was proposing to zone the adjacent area as their equivalent of R-1.

Berry Credle, speaking as a resident, expressed concern about zoning the area along 15-501 as mixed-use. He said the area was populated by small homes and undeveloped tracts. He said he did not feel the mixed use zone would work in this area. Mr. Credle suggested zoning the area R-2 for the time being and see how the mixed use zoning worked on N.C. 86.

Council Member Preston suggested zoning the area mixed-use with R-2 as the underlying use-by-right.

Jonsie Wilkins, representing St. Benedict's Church on Weaver Dairy Road, asked for clarification of the proposed zoning for their property. She was concerned that the day care center occupying a building they lease would be non-conforming. She also wondered if the building could be used for other purposes, like offices.

Mr. Waldon replied that the property was proposed to be zoned R-3 and the the Church and day care center would be permitted uses, however office use outside of the Church would not be a permitted use.

Judy Duvall, speaking as an owner of property in the proposed mixed use zone along 15-501, spoke in support of the proposal. She said they wanted to see quality development of the area and not a hodgepodge of businesses.

Council Member Pasquini asked why the staff had not proposed mixed-use zoning for the area from N.C. 86 along I-40 to the St. Benedict's Church property. Mr. Waldon said the proposed zoning was in response to the Land Use Plan. He pointed out that a multifamily development was already on part of the area Mr. Pasquini suggested be designated mixed use. He also said the staff had felt the mixed use zoning would be best used in the interchange areas.

Council Member Pasquini spoke in support of having the mixed use zoning expanded with different underlying uses-by-right.

Council Member Howes spoke in support of Mr. Credle's suggestion of not zoning the 15-501 area as mixed use at this time.

Council Member Godschalk disagreed saying the Land Use Plan designates the area as mixed use and that the Town has a workable definition of mixed use. He felt zoning the area R-2 would produce developments unacceptable to the Council.

Council Member Werner also suggested zoning the area mixed-use with R-2 as the underlying use. He said this would preclude the smaller lots from being developed as offices.

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

Public Hearing on Zoning Newly Annexed Area - Owens/Kruschke Tract

Manager Taylor recommended adoption of Ordinance A, zoning the property Residential-4 to be consistent with the Land Use Plan, and consistent with the adjacent property.

Mr. Waldon said the Planning Board recommended that the property be zoned R-1.

Linda Franklin, speaking as President of the Finley Forest Homeowners Association, spoke in favor of zoning the property R-1.

Council Member Pasquini asked that the staff include a more detail account of the history of the property and adjoining property when the item was brought back for consideration.

Council Member Smith spoke against zoning the property R-4.

Council Member Andresen asked for clarification with regard to the location of UNC property which was adjacent to the proposed annexation area.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO REFER TO THE MANAGER. THE MOTION PASSED UNANIMOUSLY, (9-0).

Public Hearing on Zoning Proposed Annexed Area - Altemueller Tract

Manager Taylor said his preliminary recommendation was for the Council to adopt Ordinance A, zoning the property Residential-1.

Mike Englehard, speaking as a resident of Northwoods subdivision, spoke in support of zoning the property R-1. He did express concern over the proposed development for the property and the location of the extension of Weaver Dairy Road.

Bruce Ballentine, representing the petitioners, spoke in support of the proposed R-1 zoning and commented that the developers had revised the extension of Weaver Dairy Road in light of concerns from the existing residents of Northwoods.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO REFER TO THE MANAGER. THE MOTION PASSED UNANIMOUSLY, (9-0).

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER THORPE TO ADJOURN THE MEETING. THE MOTION PASSED UNANIMOUSLY, (9-0).

The meeting adjourned at 10:15 p.m.

