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MINUTES OF A PUBLIC HEARING HELD BY THE MAYOR AND COUNCIL,  
TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,  
THURSDAY, JANUARY 12, 1989, 7:30 P.M.

Mayor Howes called the meeting to order.

Council Members present were:

Julie Andresen	Nancy Preston
David Godschalk	Arthur Werner
Joseph Herzenberg	Roosevelt Wilkerson, Jr.
David Pasquini	

Mayor Howes announced that Council Member Wallace was absent excused from this evening's meeting.

Special Use Permit--Glenwood Service Station/Convenience Store

Mayor Howes requested that those requesting to testify in this matter come forward to be sworn.

Town Manager Taylor requested that Agenda Item #1, Public Hearing on request for Special Use Permit for Glenwood Service Station/Convenience Store, be entered into the record along with applicable attachments.

Roger Waldon, Planning Director, said that the the applicant is seeking changes to the Talbot's Convenience Store and Service Station, with new parking facilities and access points being proposed on the site. The applicant proposes to demolish the existing service station and build a new one on the site. Mr. Waldon displayed an exhibit of the site at Highway 54 and Hamilton Road. Mr. Waldon stated that the applicant is proposing to extend several brick walls on the site. Additionally, the applicant proposes to add an ingress/egress point from Highway 54 to permit delivery trucks to enter the facility from Interstate 40. Mr. Waldon stated that alternate buffers on the site have been approved by the Appearance Commission. Mr. Waldon displayed the applicant's rendering, denoting the profile of elevations on the proposed site. Mr. Waldon noted that setback requirements for the current site are in compliance, but the applicant's desired construction at the site does not meet setback requirements. Mr. Waldon added that driveway distance requirements have not been and can not be met by the applicant. Mr. Waldon stipulated that the Council may modify these requirements for reconstruction of existing facilities. Mr. Waldon noted the applicant's willingness to locate the driveway as far from the intersection as possible.

Council Member Godschalk sought a clarification of the location of brick walls. Mr. Waldon showed existing and

planned wall locations. Council Member Godschalk added that a brick wall was also located adjacent to Hamilton Road. Council Member Godschalk asked how far the proposed new driveway would be located from the intersection of Hamilton Road and NC 54. Mr. Waldon responded that he was not certain of the specific distance. Council Member Andresen asked how tall the service bays would be at the proposed facility. Mr. Waldon responded that he was uncertain, adding that they would not be as tall as those at the service station facility at Franklin Street and Estes Drive.

Cline McGee, the applicant's architect, passed a rendering among the Council Members for their viewing. Mr. McGee said that the designers have attempted to make the project as aesthetically pleasing as possible, employing the same brick used to construct the adjoining Glenwood Village Shopping Center. Mr. McGee noted that the roof of the service station/convenience store will be in a pyramid shape. Mr. McGee said that buffer will be increased around the site. He added that the lights in the proposed canopy will be flush-mounted. Mr. McGee added that the Kenan Oil Company would like to have a canopy overhang on the site. Mr. McGee concluded his remarks by noting the increased radius on the northwest corner of the site.

Council Member Preston asked for additional information concerning lighting on the site. Edward Holmes Jr. noted that metal halide lights will be used, providing direct light downward, not out onto the highway. Mr. McGee added that the existing asphalt was being removed from the site to put in new pavement.

Council Member Andresen asked for information concerning the type and size of trees proposed for the site. Mr. McGee stated that the trees will grow to a height of fourteen to sixteen feet within a period of ten years.

Council Member Godschalk asked whether the project would be viable without the entrance from Highway 54. Mr. Owen Kenan of Kenan Oil said that the project would not be worth the investment without this ingress. Council Member Godschalk asked whether vehicles will exit from the same driveway on Highway 54. Bob Holsinger, the project traffic engineer, said that this was the applicant's proposal, noting that the driveway had been designed for good access in terms of turning radius.

Council Member Werner asked whether existing underground gasoline tanks will be replaced at the site. Mr. Holmes responded that the tanks will be replaced at the site and the new tanks will exceed federal standards. Council Member Andresen noted her satisfaction with the project's circulation plan.

Alan Rimer, Chairman of the Planning Board, said that the Planning Board voted unanimously (9-0) to approve the project as proposed. Mr. Rimer noted that the Planning Board had also discussed traffic patterns, concerns relating to the Glenwood School, and modification of setbacks. Mayor Howes asked whether the standard of driveways being located at least 300 feet from intersections was intended to address one or two way traffic situations. Mr. Rimer noted that the provisions are principally intended to address two-way cutting movements across traffic.

Council Member Wilkerson asked whether the entranceway off Highway 54 was intended for ingress only. Mr. Rimer noted that two way (in and out) traffic was possible, since the width is adequate. He added that practically speaking, the driveway will probably not be used to exit the facility. Council Member Pasquini asked about the feasibility of using cement contours to prevent exiting from this driveway. Mr. Rimer noted that such an approach could only constrain the entrance so far, since refueling trucks rely on this driveway for access.

Town Manager Taylor noted that he was making a preliminary recommendation for project approval to the Council.

Judith Nichols, a teacher at the Glenwood School, noted that left turns onto Hamilton Road from Highway 54 are difficult without a left turn arrow. Ms. Nichols added her concern that drivers often neglect to observe movements out of the service station when turning left onto Hamilton Road. Ms. Nichols requested that a left turn arrow be added to the signal at Hamilton Road and Highway 54. Mayor Howes noted that Town Manager will explore the left turn arrow situation within the context of the special use permit request of Kenan Oil.

Council Member Werner proposed that the driveway on Highway 54 be marked "Entrance Only".

Council Member Pasquini noted that he saw no reason to extend the overhang at the facility. He asked whether the applicant or staff had recommended the overhang extension. Mr. Waldon said that he was not sure who had made this recommendation.

Mr. Holmes noted that he had spoken extensively to Town staff about the proposed driveway on Highway 54. He stated that delivery trucks entering from the west on Highway 54 will be assisted by this driveway. Mr. Holmes said that some individuals presently use creative short-cuts to exit the service station. He pointed out that the turning radius of the driveway is designed to slow down traffic after entering.

Council Member Herzenberg noted that the proposed facility was a handsome one. He added concern that the inclusion of the overhang could make the facility less attractive. Council Member Andresen said that the applicants should submit a sketch rather than rendering of the revised service station/convenience store facility.

Council Member Werner noted that he favored the canopy in order to keep customers dry in times of inclement weather.

Mayor Howes noted that the applicant's proposal contained many attractive features, most notably, the applicant's willingness to replace gasoline storage tanks and the applicant's sensitivity in design to the site's location along a principal entranceway to the Town. Council Member Andresen added that she would like to see the concerns of Ms. Nichols, relating to traffic, addressed by the applicant. Mr. Holmes said that the applicants had met with and received the concurrence of the School Board for their site plan.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO REFER THIS ITEM TO THE TOWN MANAGER. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Public Hearing on request for Special Use Permit  
Modification for the Church of the Reconciliation

Mayor Howes requested that individuals wishing to speak in this matter come forward to be sworn.

Town Manager Taylor requested that Item #2, Public Hearing on request for Special Use Permit Modification for the Church of the Reconciliation, be entered into the public record of the hearing along with appropriate attachments.

Roger Waldon, Planning Director, noted that the Church of the Reconciliation received initial approval from the Town in 1978. Mr. Waldon said that the church is requesting a modification to its special use permit. Mr. Waldon showed the proposed site plan to the Council, noting the site's proximity to the First Union Bank and Elliott Woods Housing units. Mr. Waldon stated that sidewalk location and acquisition of additional right-of-way are key issues currently under discussion. Mr. Waldon said that the Church of the Reconciliation is responsible for grading of the sidewalk, while Town personnel will construct the sidewalk.

Mr. Waldon added that the proposed modifications will result in 1,000-1,500 of square footage greater floor area than is currently permitted by floor area ratio guidelines of the R-1 Zone. Mr. Waldon said that the additional building space will be used for administrative and storage purposes. He said that no additions were being made to the church

school. Mr. Waldon said that there will be no increase in vehicular traffic. Mr. Waldon noted that an alternate buffer is suggested for the portion of the site along Elliott Road. He noted that there is room for buffering on most of the site.

Council Member Andresen sought clarification of the movement of parking spaces and zoning of the site. Mr. Waldon said that the site is currently zoned R-1. Council Member Andresen inquired about the points of ingress and egress to the site. Mr. Waldon said that there are at least two ingress and egress points on the site.

Richard Grogan, architect for the Church of the Reconciliation, noted that the church is community-oriented. He noted that the proposed expansion includes construction of a new parish house. Mr. Grogan added that a new entranceway is proposed for the sanctuary. Mr. Grogan said that minimal disturbance of trees on the site is anticipated. Mr. Grogan said that the church is requesting approval of one-way traffic patterns on the proposed site plan. Mr. Grogan noted that if the proposed additional parking facilities are approved, the church will exceed the requirements of the Zoning Ordinance. Mr. Grogan concluded his remarks by stating that services at the church are currently staggered to minimize potential parking problems.

Council Member Godschalk sought additional information concerning the proposed landscape buffering plan for the site. Mr. Grogan responded that the landscape plan had not been finalized as yet, but added the willingness of the church to maintain existing magnolia trees and related plant materials on the site. Council Member Andresen asked whether the landscape plan had not been finalized due to unresolved sidewalk questions. Mr. Grogan responded that this was correct.

Council Member Godschalk asked Mr. Grogan for his professional affiliation. Mr. Grogan responded that he is employed by RG Associates. This is a different firm than was originally associated with this project.

Tim Kimrey noted that people coming out of late night church meetings are concerned about bushes located adjacent to the parking lot. He noted that police patrol the area at night, but such patrols can only be so effective. Council Member Godschalk asked whether there are lights in the parking lot. Mr. Kimrey responded that there are lights in the parking lot.

Alan Rimer, Chairman of the Planning Board, said that the Planning Board voted unanimously in favor of the proposed special use permit (9-0). Mr. Rimer noted that parking and related issues had been well discussed by Mr. Waldon.

Town Manager Taylor said that he was making a recommendation of preliminary approval to the Council.

Council Member Andresen said that she was pleased that the gravel driveway would remain in place.

Council Member Pasquini expressed concern about exceeding FAR guidelines for this project, noting that two recent projects had not received exception waivers. Mr. Waldon said that the relatively low FAR was due to the R-1 zoning designation attached to the property. He added that R-2 zoning permitted a greater FAR. Council Member Pasquini asked whether issuance of a conditional special use permit would help in addressing this situation. Mr. Waldon said that it may. Council Member Pasquini said he would have a difficult time granting an exception since other similar projects would expect similar treatment in the future.

Council Member Werner said that he felt comfortable making an exception for this case. Council Member Wilkerson said that he was pleased with the applicant's proposal, noting that the additional fifteen hundred square feet of floor space will be used for much needed day care services.

Council Member Preston said that the obvious cooperation between the Town staff and the applicant for this case was appreciated by the Council. She added that the possibility of a slight road shift (Elliott Road) will have a positive impact.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO REFER THIS ITEM TO THE TOWN MANAGER. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

#### Mat and Seal--Preliminary Assessments

George Small, Engineering Director, provided an overview of the Town's Mat and Seal Program. He stated that this program was relatively new to the Town, adding that administrative changes will be made in the future. Mr. Small said that initial costs were projected to be about \$1.50-\$2.00 per front foot. Actual costs were between \$3.00 and \$4.00 per front foot. Mr. Small said that the Town learned of the need to establish a minimum number of square yards for mat and sealing to make the process financially practical. He noted that Town staff had met with individual residents to address their problems and errors in the process. Mr. Small said that adjustments to assessment rolls were needed on several streets. Mr. Small added that differences in assessment costs were due to varying widths of individual streets. Mr. Small noted that staff intends to change the assessment basis to per lot in the future.

#### Ledge Lane

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER WERNER, TO MAKE PRELIMINARY APPROVAL OF THE MAT AND SEAL ASSESSMENT ROLLS FOR LEDGE LANE. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Buttons Road

Mr. Small noted that the staff had increased the assessment of Mr. Fred Wright upon consultation with Mr. Wright. Dr. Charles Bream, a resident of Buttons Road, told the Council that the completion of the mat and seal process has helped in addressing past concerns relating to dust in his neighborhood. Dr. Bream added the mat and seal process was also helpful in tying driveways into Buttons Road. He said that Buttons Road is essentially a one-lane, dead end road. Dr. Bream expressed concern that large gravel is coming loose from the roadway surface, striking automobiles. Dr. Bream said that the road surface was deteriorating more rapidly than he had anticipated. Mr. Small said that rocks can be expected to be displaced for some time. He added that the road surface will consolidate itself in the near future. Mr. Small said that a thin coat of asphalt might be added to the road surface at a later date. Mayor Howes asked whether this would necessitate additional assessment. Mr. Small said that he did not think that this was likely. Dr. Bream asked how he should handle future problems with the roadway surface. Mr. Small responded that Town staff should be contacted. Mr. Small said that streets which have received mat and seal treatment will last for approximately two to three years.

Council Member Godschalk asked if he was correct to presume that streets receiving mat and seal treatment became Town maintained streets. Mr. Small responded that the streets involved in the mat and seal program are already Town maintained. He noted that the mat and seal process increased the possibility that the road will be surfaced in the future. Mr. Small said that the paving of gravel roads occupies the lowest rung on the Town's road maintenance hierarchy.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER WILKERSON TO MAKE PRELIMINARY APPROVAL OF ASSESSMENT ROLLS FOR BUTTONS ROAD. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Fern Lane

COUNCIL MEMBER WILKERSON MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN, TO MAKE PRELIMINARY APPROVAL OF ASSESSMENT ROLLS FOR FERN LANE. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Iris Lane

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER WERNER, TO MAKE PRELIMINARY APPROVAL OF ASSESSMENT ROLLS FOR IRIS LANE. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Bartram Lane

Mr. Small noted that minor modifications had been made to the assessment rolls for Bartram Lane.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN, TO MAKE PRELIMINARY APPROVAL OF ASSESSMENT ROLLS FOR BARTRAM LANE, AS AMENDED. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Spring Dell Lane

Mr. Small noted some minor modifications to the assessments for Spring Dell Lane.

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO MAKE PRELIMINARY APPROVAL OF ASSESSMENT ROLLS FOR SPRING DELL LANE, AS AMENDED. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Cameron Court

Mr. Small noted that some adjustments had been made for right-of-way considerations on Cameron Court.

Helen Urquhart, a resident of Cameron Court, said that a petitioner had been excluded from the assessment rolls, due to the opening of a dead end in 1979. Ms. Urquhart expressed concern that property owners were not made aware of actual costs for mat and seal coating up front. Mr. Small stated that the difference in assessments by street was due to differences in street widths. Ms. Urquhart concluded her remarks by noting that the mat and seal process had lessened the amount of dust in the neighborhood, noting the benefit to residents health.

Council Member Pasquini expressed concern about Mr. Small's earlier remarks about streets receiving mat and seal treatment being moved up on the Town's street paving priority list. Council Member Pasquini said he did not want the mat and seal process to be used as a short cut for moving up on the Town's street paving priority list. Mr. Small clarified his remarks by noting that streets receiving mat and seal treatment may last longer than the two to three year time frame he noted earlier. He added that certain roads may require formal treatment if problems arise with mat and seal treatment.

Council Member Pasquini said that he realized that the Town had no previous history to base outcomes upon. He stressed

the need to tell citizens in the future how past mat and seal programs have worked out. Mayor Howes added that mat and seal is a proven technology which has been used in various areas around the state.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER WILKERSON, TO MAKE PRELIMINARY APPROVAL OF ASSESSMENT ROLLS FOR CAMERON COURT. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Shadylawn Extension

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO MAKE PRELIMINARY APPROVAL OF ASSESSMENT ROLLS FOR SHADYLAWN EXTENSION. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Council Member Preston asked whether the total square yardage for making mat and seal projects had been established by Town staff. Mr. Small responded that he will obtain this information.

The meeting stood adjourned at 9:20 P.M..