

104
MINUTES OF A PUBLIC HEARING HELD BY THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, APRIL 17, 1989, 7:30 P.M.

Mayor Howes called the meeting to order.

Council Members in attendance were:

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

Council Member Wallace was absent.

Southbridge V Subdivision Public Hearing

Town Manager Taylor requested that the applicant's justification memorandum and related supporting materials be entered into the record of the public hearing. Mayor Howes concurred.

Planning Director Roger Waldon showed a vicinity map to the Council, depicting the location of the proposed Southbridge V subdivision. Mr. Waldon said that 58 lots were proposed on 23.5 acres. He noted that development regulations normally require the provision of two means of access to any subdivision with more than twenty-five lots. Mr. Waldon said that in the short term, one access to the subdivision could be considered acceptable.

Mr. Waldon stated that there was no recreation area on the site, but that over two acres were available off-site, near Morgan Creek. Mr. Waldon noted the Parks and Recreation Commission support of the off-site land if the parcel were assessed at comparable value to on-site land.

Mr. Waldon stated that there were two major issues involved in consideration of Southbridge V. First, Mr. Waldon noted the importance of access to adjoining properties. He noted that the applicant was amenable to stub-outs to two other adjoining properties, in order to provide adequate internal circulation. Mr. Waldon said that the applicant objected to providing a third required stub-out.

Mr. Waldon stated that sidewalks were the subject of some disagreement between the developer and the staff. He noted the staff requirement of internal sidewalks.

Council Member Werner inquired about the location of the recreation site. Mr. Waldon described the location of the on and off-site recreation areas.

said that the proposed off-site recreation area would tie in well with the proposed Woodlake recreation area to the south.

Council Member Pasquini asked Mr. Post whether he was agreeable to providing the two other stub-outs. Mr. Post said he was agreeable, noting that these were logical stub-outs. Mr. Post said that the proposed third stub-out could possibly connect dissimilar land uses. Council Member Wilkerson asked Mr. Post whether he was speculative. Mr. Post said perhaps he was.

Council Member Werner noted that the two other stub-outs were based on the assumption that property to the east would eventually be developed. Council Member Werner asked what authority the Council had to assure the linkage of roads. Mr. Waldon said that language for street networks took into account street patterns in individual areas. Council Member Werner asked whether staff had authority to require the disputed stub-out. Mr. Waldon said that staff had authority to require the stub-out.

Council Member Pasquini expressed his desire to have payment-in-lieu of the land, so that monies could be directed to where land acquisition was needed. Mr. Waldon said that the off-site recreation area under consideration was a likely candidate for purchase. Council Member Pasquini asked whether there was any requirement that the recreation area be located adjacent to the site. Mr. Waldon said no.

Council Member Werner noted that the status of the off-site recreation area would be uncertain until it was appraised. Mr. Waldon said this was correct. Council Member Werner inquired about what would occur if the land were appraised and were found to be of lesser value. Mr. Waldon said that subdivisions are not approved until the final plat is approved and recorded. He said that the comparable value provision would have to be met prior to plat recordation.

Council Member Herzenberg asked whether sidewalks were required in the previous sections of Southbridge subdivision. Mr. Waldon said that sidewalks were being requested in Southbridge V due to its proximity (on the same side of the road) as Culbreth Junior High School.

Mayor Howes asked how street widths compared with Kingston Drive. Mr. Waldon said Southbridge's streets were 27 feet wide, compared to 20 feet for Kingston Drive.

Carol Ann Zinn expressed concern that requiring a third stub-out would result in greater costs, which would ultimately be passed

Council Member Andresen asked what the recommended street widths were within Southbridge V. Mr. Waldon said he would get this information in a few moments. Council Member Andresen inquired about the rationale for internal sidewalks. Mr. Waldon said that this fifty-eight lot proposed subdivision would require a good and safe pedestrian system. He added that the proximity of the subdivision to the Culbreth Junior High School made an internal sidewalk system highly desirable.

Philip Post, representing Cazwell Development, said that he concurred with the staff on all but three matters: street stub-outs, sidewalks, and cable installation. Noting that stub-outs were often a source of discussion, Mr. Post said that one of the three street stub-outs was speculative in nature. He suggested that another street be constructed through the Tate and Atwater parcels to provide access.

Council Member Preston inquired about the width of sewer easements. Mr. Post said thirty feet. Council Member Preston asked about street right-of-way width. Mr. Post responded fifty feet.

Addressing the installation of sidewalks, Mr. Post said that completely residential streets were involved. He stated that sidewalks have a connotation of an urban look. Mr. Post said that there were no sidewalks in other sections of Southbridge subdivision. Mr. Post said there was no objection to providing sidewalks along Culbreth Road. Mr. Post stated that sidewalks were not required by the Subdivision Ordinance on internal streets. Mr. Post expressed his preference for Resolution C.

Council Member Godschalk noted that sidewalk installation was basically a matter of addressing safety concerns. Council Member Godschalk asked Mr. Post whether he was agreeable to sidewalk alternatives. Mr. Post said he was agreeable to alternate sidewalk materials.

Council Member Wilkerson inquired further about the provision of a third street stub-out. Mr. Post said that the developer had no commitment to provide access to other developers. He added that no one in the area had expressed interest in access. Council Member Wilkerson said he had been contacted by several parties desiring access.

Mr. Waldon said that the total recreation area requirement was 2.9 acres. He noted that 2.3 acres of this was proposed for an area off the subdivision site. Mr. Waldon said that this would be an acceptable circumstance if the off-site parcel were of comparable appraised worth.

Council Member Preston asked whether two separate recreation areas were proposed. Mr. Waldon said this was correct. Mr. Post

Mr. Post said that he could support Resolution C and would be willing to further discuss the use of alternate materials for the construction of sidewalks.

Council Member Pasquini noted that cable installation was also an installation which required further work. Mr. Post said he would need some help with this element. Town Manager Taylor said that the Town had some leverage over the cable company if the developer was cooperative. He stated that the cable company is required to extend service if the developer pays up front installation costs. Mr. Taylor added that the developer is reimbursed as residents hook on to the system.

Town Manager Taylor restated the developer's position, noting their objection to stipulations 3 (sidewalks), 4 (stub-outs) and 9 (cable installation). Mayor Howes asked Mr. Post whether this was a correct assessment of his position. Mr. Post said this was correct.

Council Member Pasquini asked whether in-lieu payment could be discussed by the Council later in the development process. Mr. Karpinos said yes.

Town Manager Taylor noted that the new process was intended to protect the integrity of the Council, Town and developer throughout the review and approval process.

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

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO RECESS THE HEARING UNTIL JUNE 26TH. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

304 West Franklin S.U.P.

Town Manager Taylor requested that the agenda item and related materials be entered into the record of the public hearing. Mayor Howes concurred.

Mr. Waldon said that the site was proposed for use as a specialty retail shop. He said there were two key issues concerning this application:

- (1) Parking requirements--Development regulations would require provision of a minimum of twenty spaces for a Town Center parking lot. The site has eighteen spaces. Mr. Waldon noted that the Special Use Permit would give the Council flexibility to modify the parking requirements. Mr. Waldon said

on to future homeowners. Ms. Zinn added that she was committed to installing a sidewalk on Culbreth Road, so that children could go back and forth to the school. She added that alternate materials could be considered for internal sidewalks.

Ms. Zinn said that historically ten dwelling units must be in place and occupied before cable service is provided to a subdivision.

Council Member Werner said that most neighborhoods desired sidewalks. He noted the difficulties associated with putting a new neighborhood at the top of a sidewalk priority listing. Ms. Zinn said she respected the Council's concern for safety. She noted her preference for a natural, softer material than concrete for sidewalks.

Mayor Howes requested further information concerning the installation of cable television service. Mr. Waldon said that postponing cable installation would necessitate later disruption of utilities and yards. Mayor Howes asked whether the staff's rationale in requiring up-front cable installation was to cut down on the number of street and utility cuts. Mr. Taylor said this was correct. Mr. Post asked for assistance in working with the cable company. Mr. Waldon said the issue would be addressed in the post-hearing memorandum to the Council.

Bruce Guild, Planning Board Vice-Chair, said the Planning Board, by a vote of 6 to 4, recommended Resolution B to the Council. Mr. Guild said if alternate sidewalk materials were used, gravel should not be the material of choice. Mr. Guild said the Planning Board found that a stub-out was necessary for a logical street system. He noted that due to layout and ownership considerations, it was unfair to ask the developer to provide the third stub-out.

Council Member Pasquini inquired why four of the Planning Board members had dissented on the Southbridge V vote. Mr. Guild said concern centered around access issues. He added that there was complete agreement on the need for sidewalks.

Town Manager Taylor said his preliminary recommendation to the Council was the adoption of Resolution A.

Town Attorney Karpinos stated that the applicant appeared to contest two of the conditions of approval (sidewalks and stub-outs). Mayor Howes said that the Council was particularly interested in receiving staff comments concerning stub-outs, sidewalks and the recreation area.

flexibility to modify the number of spaces. He noted that the since the facility would be approximately four thousand square feet, parking requirements would be eleven parking spaces.

Council Member Godschalk said he thought the plan before the Council was a commendable one.

Council Member Herzenberg inquired whether other uses had been explored for the area currently used for parking behind the building. Ms. McLaurin said no, acknowledging that parking behind the building posed some dangerous situations.

Bruce Guild, Vice Chairperson of the Planning Board, indicated that the Planning Board had reviewed the proposal and found it to be a good one.

Mayor Howes requested the applicant's statement of concurrence. Town Manager Taylor said the applicant agreed with proposed conditions of approval. He stated that the number of required parking spaces for the project could possibly be reduced by the Council. Ms. McLaurin expressed her concurrence with the conditions of approval.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER WERNER, TO REFER COMMENTS TO THE MANAGER. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO RECESS THE HEARING UNTIL MAY 8TH, THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Car Wash DOTA

Mr. Waldon said that the Town does not currently permit car washes as an individual use, but permits them as an accessory use to service stations. Mr. Waldon noted that interest was developing to permit car washes in NC and CC zoning districts.

Mr. Waldon reviewed Ordinances A, B and C, noting that a summary table in the Council's materials provided the best overview of the three ordinances. Mr. Waldon said that the Community Appearance Commission must approve lighting plans for car washes. He also noted that Orange Water and Sewer Authority (OWASA) officials were not comfortable with providing certification of water availability to car washes. Mr. Waldon said the question before the Council was whether they wanted to permit car washes as a free-standing use.

Council Member Herzenberg requested clarification of how "service station" was defined in Town regulations. Mr. Waldon said that a

landscaping could be put in areas that would normally accommodate parking spaces.

- (2) Stormwater management--Mr. Waldon said there was a deficient stormwater management pipe running through the property. He stated that a stormwater management plan should be approved for the site prior to development approval.

Council Member Herzenberg expressed his concern about the parking entrance and pedestrian safety near the site. Council Member Herzenberg noted that there is a lot of night time pedestrian activity in the area. Mr. Waldon said the staff would pay special attention to how vehicles will move in and out of the parking lot.

Council Member Andresen inquired where the Fowler's Food Store lay in relation to the site. Mr. Waldon said Fowler's is located immediately adjacent to 304 West Franklin Street, to the east of the site.

Council Member Preston asked whether the proposed addition would go back to a wall on the site. Mr. Waldon said the applicant could address this question. Ms. McLaurin said the addition would be approximately 25 feet from the back wall on the property.

Ms. McLaurin said the proposal involved 1,600 square feet of specialty retail. She showed the elevations of the proposed addition to the Council. Ms. McLaurin stated that the owner was agreeable to making recommended stormwater management improvements on the site. Ms. McLaurin noted that gasoline tanks previously located on the property had been removed.

Council Member Andresen stated her concurrence with Council Member Herzenberg's concerns about potential car/pedestrian conflicts. She inquired about the possibility of treating the driveway with a special material such as cobblestones. Town Manager Taylor noted that the applicant was willing to work with the Town on alternate materials.

Council Member Preston said that the parking lot appeared to be tight for turning movements. Michael Cindric said this was true, but that there was sixteen feet of clearance between Fowler's and the existing building. Mr. Waldon said he was confident that clear labeling of vehicular entrance would minimize traffic flow problems on the site. Mr. Cindric concurred that the majority of cars currently use the correct entrances in the area.

Mayor Howes inquired whether the number of parking places was discretionary in this case. Mr. Waldon said the Council had

112
Mr. Glover said he did not have a problem with the minimum lot size requirement of 20,000 square feet, frontage requirements or dealing with on-site drainage improvements.

Council Member Pasquini noted that the number of available CC zoned properties was limited. Council Member Pasquini requested the staff to provide a listing of permitted use in NC and CC districts to the Council.

Mr. Waldon showed an exhibit to the Council designating parcels currently having NC or CC zoning.

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

The meeting stood adjourned at 10:04 P.M.

service station is an establishment which dispenses gasoline, diesel and other automobile related devices.

James Glover, Attorney, representing B.O.C. Corporation, said his client was specifically interested in developing a property at 1207 Airport Road as a car wash facility. He stated that the parcel is currently zoned NC. Mr. Glover noted that currently only establishments dispensing gasoline may have car wash facilities. Mr. Glover read a list of currently permitted neighborhood commercial uses, including: grocery stores, restaurants, convenience stores, and gas stations. Mr. Glover said some of these uses were more intensive than a car wash operation.

Mr. Glover showed a display chart depicting currently undeveloped NC and CC zoning tracts in the area. He gave explanations of why each of the lots were currently undeveloped. Mr. Glover noted that the Planning Board recommended to the Council that car washes be permitted in NC and CC zoning districts.

Mr. Glover stated that staffing requirements proposed by Town staff would pose an undue hardship to stand alone car wash facilities. He stated that staff was not needed at all times in order to keep a facility neat and clean.

Planning Board Vice-Chairperson said the recommendation of the Planning Board was a compromise between the Manager's recommendation and the applicant's request.

Town Manager Taylor stated his preliminary recommendation to Council was Ordinance B.

Mayor Howes asked whether there were any comments from citizens concerning the Car Wash DOTA.

Ray Moody thanked the Council for their consideration of the text amendment. Mr. Moody stated that he had operated a car wash in Carrboro for twenty years. Mr. Moody said that some Town residents were currently driving to Durham to wash their cars. Mr. Moody stated that he could build an attractive facility in Town for washing cars.

Council Member Preston asked Mr. Moody whether he operated the facility near Carrboro Town Hall. Mr. Moody said yes. Council Member Preston inquired about staffing of Mr. Moody's current car wash. He stated that full-time staff was not required nor feasible for this type of facility.

Council Member Andresen said she would like the staff to address possible security issues when the item was brought back before the Council.