



# TOWN OF CHAPEL HILL

Town Hall  
405 Martin Luther King Jr.  
Boulevard  
Chapel Hill, NC 27514

## Town Council

### Meeting Minutes - Final

Mayor Pam Hemminger  
Mayor pro tem Jessica Anderson  
Council Member Donna Bell  
Council Member Allen Buansi  
Council Member Hongbin Gu

Council Member Nancy Oates  
Council Member Michael Parker  
Council Member Karen Stegman  
Council Member Rachel Schaevitz

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**Wednesday, March 20, 2019**

**7:00 PM**

**RM 110 | Council Chamber**

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### Roll Call

- Present:** 7 - Mayor Pam Hemminger, Council Member Donna Bell, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Nancy Oates, Council Member Michael Parker, and Council Member Karen Stegman
- Absent:** 2 - Mayor pro tem Jessica Anderson, and Council Member Rachel Schaevitz

### Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Police Officer Rick Fahrer, Communications Manager Catherine Lazorko, Planning Director Ben Hitchings, Planning Operations Manager Judy Johnson, Executive Director of Housing and Community Loryn Clark, Community Development Program Manager Renee Moye, Economic Development Officer Dwight Bassett, Planner II Michael Sudol, Fire Chief Matt Sullivan, Traffic Engineering Services Manager Kumar Neppalli, Communications and Public Affairs Director and Town Clerk Sabrina Oliver, and Deputy Town Clerk Amy Harvey.

### OPENING

0.01 Successes Video: Art and Transit Projects.

[\[19-0271\]](#)

Mayor Hemminger opened the meeting at 7:00 p.m. and explained that Mayor pro tem Anderson and Council Member Schaevitz would be absent due to illness. She then introduced a "Celebrating Successes" video that showed Town buses and bus shelters being transformed and activated with public art. Mayor Hemminger described the project as a wonderfully collaborative effort and noted that the Town had many great artists who work in a variety of styles.

### **PUBLIC COMMENT FOR ITEMS NOT ON PRINTED AGENDA AND PETITIONS FROM THE PUBLIC AND COUNCIL MEMBERS**

Petitions and other similar requests submitted by the public, whether written or oral, are heard at the beginning of each regular meeting. Except in the case of urgency and unanimous vote of the Council members present, petitions will not be acted upon at the time presented. After receiving a petition, the Council shall, by simple motion, dispose of it as follows: consideration at a future regular Council meeting; referral to another board or committee for study and report; referral to the Town Manager for investigation and report; receive for information. See the Status of Petitions to Council webpage to track the petition. Receiving or referring of a petition does not constitute approval, agreement, or consent.

#### 0.02 Residents Regarding Affordable Housing for Adults with Disabilities.

[\[19-0272\]](#)

Orah Raia, co-founder of Housing Options for People with Exceptionalities (HOPE), advocated for affordable housing (AH) for adults with such disabilities. HOPE's vision was to create an inclusive community where her 34-year-old autistic son and others could lead meaningful and purposeful lives, she said. Ms. Raia quoted the Town's vision for AH and hoped to collaborate in providing AH options for Chapel Hill's most vulnerable populations.

Dorothy Foley, co-founder of HOPE, described how her 28-year-old lived with "the illusion of inclusion" and asked for a partnership between HOPE and the Town for AH at 2200 Homestead Road.

Matthew Floding, a former participant in a Duke Divinity School housing option called Friendship House, advocated for a similar project in Chapel Hill. He discussed the value of having community and social connections for those with intellectual and developmental disabilities and noted that the Town has publicly affirmed the potential for such mutuality at the Homestead Road property.

Laurel Siebrasse, a Chapel Hill resident with a disability, described how friendships had gradually disappeared as she aged. At 27, she was having difficulty finding paid employment, was still living with her parents, and was feeling isolated, she said. Ms. Siebrasse told Council members that she wanted to be independent and live on her own, with support, but could not afford most apartments. She asked them to help create an environment in Town similar to Friendship House.

Jennifer Barnes, a Friendship House resident for almost five years, said that the program had helped her find volunteer opportunities, a church, and friends. She recommended that Chapel Hill build a similar facility so that people in Town could have a community such as hers.

Tish Barbaro, a Chapel Hill resident, asked that her 34-year-old son and other adults with special needs be given an opportunity to live in the community and contribute to it. She explained that many intellectually

disabled adults received less than \$12,000 per year in benefits. Ms. Barbaro strongly advocated for constructing a Friendship House at 2200 Homestead Road.

Keegan Cheleden, a Duke Divinity School student, described her experience of living with Jennifer Barnes at Friendship House as one of the best homes she had ever had. She expressed support for constructing a similar home in Chapel Hill and pointed out the potentially dire circumstances that await adults with disabilities after their parents pass away.

Mayor Hemminger said that there had been a recent bidder's conference on the Homestead Road property and that staff hoped to have answers to questions asked there by Friday. She pointed out that the process was just beginning and that there would be many more opportunities for public engagement and collaboration.

Dana Hanson-Baldauf, a Chapel Hill resident, said that her disabled sister's health had declined significantly since moving to a group home in Roxboro where there was no unpaid natural support and very little connection with the community. She urged the Council to support the idea of building a Friendship House in Chapel Hill.

Sarah Peterson, a Chapel Hill resident with an intellectually disabled son, asked that a portion of the Homestead Road property be allocated for an affordable, inclusive community for people of all ages and backgrounds, including adults with intellectual and developmental disabilities. She said that more than 130,000 developmentally disabled people were living in North Carolina and that nearly 20,000 of them were living with caregivers who were 60 and older.

Diane Winans, a Chapel Hill resident and HOPE member, spoke in support of a Friendship House at 2200 Homestead Road. Her 22-year-old son had been on the waiting list for a group home for seven years, she said.

This item was received as presented.

0.03 Julie McClintock Regarding Text Amendment for Changes to Blue Hill Form Based Code.

[\[19-0273\]](#)

Julie McClintock, representing the Storm Water Advisory Board (SWAB), spoke about a petition that she had sent to the Council, asking that water quality standards be put back into the Blue Hill District following recent state changes to the rules. She urged Council members to use the expertise of the SWAB and the Environmental Affairs board. McClintock reminded them that the Town could raise and lower land since the Resource Conservation District had been removed from the Blue Hill District code.

A motion was made by Council Member Parker, seconded by Council Member Oates, that this Petition be received and referred to the Town Manager and Mayor. The motion carried by a unanimous vote.

0.04 Cheri Hardman Request to Explore Local Control over Transit Planning and Funding.

[\[19-0274\]](#)

Cheri Hardman presented a citizens' petition to explore local control over Transit planning and funding. She said that regional transit plans, including the Durham-Orange Light Rail, had mostly been in the hands of GoTriangle and the City of Durham. Those plans would be reworked in coming months providing an opportunity for the Town to explore options for local control over planning and the funding, she said.

Ms. Hardman pointed out that all sales tax revenue, about \$8 million last year, went directly to GoTriangle. She said that Wake County had developed agreements that transferred control over Transit to it and made it the sole authority over how the Transit funds were used. Her petition asked the Town to reach out to Wake County and determine if such an approach would benefit Chapel Hill, she said.

A motion was made by Council Member Oates, seconded by Council Member Parker, that this Petition be received and referred to the Town Manager and Mayor. The motion carried by a unanimous vote.

### **ANNOUNCEMENTS BY COUNCIL MEMBERS**

0.05 Council Member Parker Regarding Mayor's Birthday.

[\[19-0275\]](#)

Council Member Parker mentioned that it was Mayor Hemminger's birthday.

0.06 Mayor Hemminger Regarding Council Member Gu's Birthday.

[\[19-0276\]](#)

Mayor Hemminger pointed out that Council Member Gu's birthday would be the following day.

0.07 Council Member Stegman Regarding Meals on Wheels Experience.

[\[19-0277\]](#)

Council Member Stegman spoke enthusiastically about her Meals on Wheels ride-along experience. She said that she had met many community members and volunteers.

0.08 Mayor Hemminger Regarding Ribbon Cutting at Homestead Artificial Turf Fields.

[\[19-0278\]](#)

Mayor Hemminger announced a ribbon-cutting ceremony on Saturday at Homestead Park at 11:00 a.m. It would be for new artificial turf fields that had been the result of a joint Town of Chapel Hill/Triangle

United/Rainbow Soccer project, she said.

0.09 Mayor Hemminger Regarding World Water Day.

[\[19-0279\]](#)

Mayor Hemminger said that Friday would be Water Day in Chapel Hill. She explained that the United Nations had set that day aside to create awareness of the importance of clean water and that she and the mayor of Carrboro would announce a "Water Conservation Challenge" competition between the two towns throughout the month of April. The two mayors would be asking citizens to do at least one thing to save or protect water during April, Mayor Hemminger said.

0.10 Mayor Hemminger Regarding Food Truck Rodeo.

[\[19-0280\]](#)

Mayor Hemminger mentioned the Food Truck Rodeo would take place on Sunday, March 31st between 1 p.m. and 4 p.m. and would benefit TABLE.

0.11 Mayor Hemminger Regarding Visitors Bureau Advertising Campaign.

[\[19-0281\]](#)

Mayor Hemminger said that she had recently attended a talk at the Visitors Bureau regarding advertising themes. She said that suggested slogans to celebrate the area's individualism and progressiveness included Just Do, Find Your Space, and Be Yourself.

## CONSENT

Items of a routine nature will be placed on the Consent Agenda to be voted on in a block. Any item may be removed from the Consent Agenda by request of the Mayor or any Council Member.

### *Approval of the Consent Agenda*

A motion was made by Council Member Bell, seconded by Council Member Parker, that R-1 be adopted, which approved the Consent Agenda. The motion carried by a unanimous vote.

1. Approve all Consent Agenda Items.

[\[19-0252\]](#)

This resolution(s) and/or ordinance(s) was adopted and/or enacted.

2. Approve Rooftop Wireless Antenna Installation as a Use of and Exterior Modification to the 140 West Franklin Building.

[\[19-0253\]](#)

This resolution(s) and/or ordinance(s) was adopted and/or enacted.

## INFORMATION

3. Receive Upcoming Public Hearing Items and Petition Status List.

[\[19-0254\]](#)

This item was received as presented.

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## DISCUSSION

### 4. Orange County Partnership to End Homelessness Update.

[\[19-0255\]](#)

Corey Root, Orange County Partnership to End Homelessness coordinator, gave a PowerPoint update on the Partnership's background, activities, and efforts since its formation in 2008. She mentioned that Council Member Oates and Affordable Housing Manager Nate Broman-Fulks had standing appointments on the Partnership's leadership team.

Ms. Root said that the Partnership had housed 47 people in 2018, more than double of any previous year, and that chronic homelessness in Orange County had decreased by 50 percent since 2010. She said that the Partnership had coordinated distribution of \$8.5 million in federal funding since 2005, but had lost funding in 2018 due to a change in the Emergency Shelter Grants formula. The Partnership would continue to advocate for a larger portion of that funding, she said.

Ms. Root said that Orange County's system included 91 year-round beds for emergency shelter, 111 during below 40 degree weather. She discussed the Partnership's racial equity goals and provided statistics on systemic racism in housing policies. From 2010 to 2018, nationwide and state numbers had decreased by 15 percent and almost 24 percent, respectively, but were currently up 13 percent in Orange County since 2010. A "point in time" count of those in shelters and un-sheltered on one night in 2018 was the highest on record, she said.

Ms. Root said that a gaps analysis had determined that the Orange County Partnership to End Homelessness needed the following: a best practice, a fully-funded rapid rehousing program, income-based rental housing, a drop-in day center, a street outreach program, 24-hour bathrooms, an accessible and housing-focused shelter, and diversion funding. She provided additional information on each of those needs, and noted an increase in the current budget request to cover the cost of temporary staff and grant writer.

Council Member Stegman ascertained from Ms. Root that the Partnership had been able to house more than double the number of people last year because more service providers had been involved. Ms. Root clarified that the increase in people appeared to have been the result of a new process to connect them with services rather than more people experiencing homelessness. In addition, Greenfield Place had opened in 2018 and Orange County Housing Section 8 vouchers had put in a preference for people experiencing homelessness, she said.

Council Member Stegman confirmed with Ms. Root that the Chapel Hill Police Department had tried to fill the gap with a crisis worker unit. Ms.

Root said that those crisis workers were her first choice to fill the gap but that having a dedicated program would allow homeless individuals to build more relationships.

Council Member Buansi asked how many people had been served in a year by the Rapid Rehousing Program, and Ms. Root offered to find and provide the exact number. Council Member Buansi asked why a three-year \$1 million grant for 2009-2011 had been cut, and she said that a funding formula had been reconfigured and the state had begun denying more applications.

Council Member Parker asked how much fixing the seven systemic deficiencies that she had listed would cost, and Ms. Root replied that the total figure would be available in a month. Overall numbers were up, and the Rapid Rehousing Program alone would cost more than \$1 million, she said.

Council Member Gu asked about causes for the increase in homelessness, and Ms. Root replied that the main reason was a decrease in the Rapid Rehousing capability.

Council Member Gu recommended clearly defining the goal and having a tracking system that would show the work that was being done and why the numbers were increasing. Were more people coming from outside Chapel Hill, she wondered.

Ms. Root pointed out that there were data review events every June which include performance measures and all of the numbers.

Council Member Gu said that she wanted to know the status of interventions. For example, did independent living make things better or worse for people?

Mayor Hemminger thanked Ms. Root for her good work and said she was eager to hear about future plans.

Council Member Oates clarified that some of the numbers that might look bad really were not. There were additional components, such as a higher count, and the Partnership had made a concerted effort to count everyone, including those who had not been counted in the past, she said. Council Member Oates acknowledged that some people did come from outside Chapel Hill because the Town provided services. She stressed the importance of including supportive services and the need for a street outreach person.

Council Member Stegman verified with Ms. Root that establishing a Rapid Rehousing Program was the leadership team's highest priority.

This item was received as presented.

**5. Public Forum: 2019-2020 Community Development Block Grant Program Plan.**

[\[19-0256\]](#)

Community Development Program Manager Renee Moye gave a brief PowerPoint presentation regarding the 2019-2020 Community Development Block Grant (CDBG) allocations. She presented a preliminary plan, based on the current year's allocation of \$418,300 which the Town's Application Review Committee had recommended.

Ms. Moye provided background on the CDBG Program and rules for participation and reviewed the Town's history of involvement. She said the Application Review Committee had recommended funding the following categories and programs for 2019-2020: Public Services, The InterFaith Council's Homestart Program, Summer Youth Employment Program, Exchange Club's family center; Affordable Housing, Community Home Trust's Homebuyer Assistance Program, Habitat for Humanity's Home Preservation Program, code enforcement, neighborhood revitalization, and grant administration.

Ms. Moye included recommended amounts for the above programs and said that funding levels would be adjusted if overall funding differed from what was being estimated. She said that next steps would include returning to the Council in April for action and that the plan was expected to be submitted to the U.S. Department of Housing and Urban Development (HUD) by May 15, 2019.

Mayor Hemminger pointed out that CDBG funding was not in President Trump's budget. She hoped that that would change as the item worked its way through Congress, she said.

This item was received as presented.

**6. Consider a Glen Lennox Performance Incentive.**

[\[19-0187\]](#)

Economic Development Officer Dwight Bassett outlined a recommendation to authorize the Town Manager and Town Attorney to negotiate an agreement with Glen Lennox developer Grubb Properties for a performance incentive of up to \$2.2 million. He explained that Grubb Properties desired to move forward with office development at Glen Lennox in the coming year but might not be able to afford to do so without Town help.

Mr. Bassett pointed out that the Town's incentive guidelines had specifically targeted such an option for future Council consideration. He described fluctuations in the office market since 1969 and pointed out that no office space had been developed in Town between 2010 and 2017.

Mr. Bassett explained that Grubb Properties would need to perform before



it could receive the award. Grubb was projecting that it would develop 488,000 square feet of office space, but it would need to obtain a certificate of occupancy for each product and show that it was paying taxes to be eligible to receive the grant, he said.

Mr. Bassett discussed estimated tax revenue and other details of the proposal, and noted that it was for only a five-year period, 2021-2026. He recommended that the Council approve Resolution 3 which would allow staff to negotiate a draft agreement with Grubb Properties, schedule a public hearing, and bring the draft agreement back for Council consideration.

Council Member Gu clarified with Mr. Bassett that the grant would be based on Grubb Properties completing office buildings and showing that it was paying taxes on the property. If it failed to meet those requirements, it would not be eligible for the grant, Mr. Bassett said.

Mayor Hemminger further explained that Grubb Properties would not receive more back than it paid to the Town in taxes. If it did not pay up to the maximum \$2.2 million in five years, it would not receive that much back in the form of a grant, she said.

Aaron Nelson, president of the Chapel Hill Carrboro Chamber of Commerce, recommended that the Council adopt Resolution 3 and thanked staff for the thoughtful process. Office space was needed in Town but would not be built without incentives because developers could not otherwise take the risk, he said. Mr. Nelson expressed gratitude to Grubb Properties for being willing to invest in the community.

Council Member Gu said she had several concerns about the proposal. She would like the Orange County Economic Development Initiative to be involved, she said. She agreed that the Town needed to diversify its tax base but wondered about the effect of the proposed incentive on the Blue Hill District which had a different economic development strategy. She said that she would like to see a more coherent Town strategy.

Council Member Gu argued that a tax should generate benefits for the larger community, such as bike and pedestrian routes and pathways. She also wondered about the implications of setting such a precedent, she said. Council Member Gu pointed out that she had expressed these concerns in the past and they had not been addressed.

Mayor Hemminger discussed the difficulties involved with getting commercial lending and noted the Town's desire to balance its tax base with more commercial development. She pointed out that there had been only two new commercial buildings in Town in the past 10 years, even though such buildings were being developed in other communities.

Offering the proposed incentive would send a huge signal and be of great benefit to the community, she said.

Council Member Oates stated that she was pleased about getting new office space in Town but shared some of Council Member Gu's concerns. She wanted Orange County Commissioners to understand that the Town viewed "this" as partnerships among the towns and the county and that she would like to see more reciprocity, she said.

Council Member Buansi commented that he did not necessarily see the proposed incentives as setting a precedent since the Town judged proposals on a case by case basis. He agreed with others regarding the importance of adding more commercial to the tax base and said that having more jobs was important for keeping young people in Town.

Council Member Stegman agreed with other Council members' comments about jobs, affordability, and increasing the commercial tax base. She praised the Glen Lennox location and noted that the incentive would help test the theory that businesses would stay in Town if there was available space. Council Member Stegman said that Grubb Properties had been a great partner to the Town and the Glen Lennox community.

A motion was made by Council Member Parker, seconded by Council Member Bell, that this R-3 be adopted. The motion carried by the following vote:

**Aye:** 6 - Mayor Hemminger, Council Member Bell, Council Member Buansi, Council Member Oates, Council Member Parker, and Council Member Stegman

**Nay:** 1 - Council Member Gu

### *ZONING ATLAS AMENDMENT and SPECIAL USE PERMIT*

The development proposal below involves two separate steps: a rezoning application and an application for a special use permit. These two hearings will be conducted separately. You may sign up to speak on each item.

### *ZONING ATLAS AMENDMENT*

Zoning Atlas Amendment: The Zoning Atlas Amendment, to change the zoning designation on this property, is Legislative. The Council receives and considers public comment on the merits of the proposed rezoning, including opinions, when making Legislative decisions.

7. Consider an Application for Zoning Atlas Amendment - Independent Senior Housing, 2217 Homestead Road (Project #17-107).

[\[19-0182\]](#)

Principal Planner Judy Johnson gave a brief update on a proposed

independent senior housing project at 2217 Homestead Road that would include 198 units, 10 percent of them affordable at 60 percent of AMI, in an approximately 240,000 square-foot, four-story building. The applicant was requesting that the property be rezoned from Residential 2 to Residential 5 Conditional, she said.

Ms. Johnson noted that the applicant had brought forward an alternative three-story proposal that it had arrived at with neighbors in February. Staff had agreed to work with the applicant over a three-month period to consider that alternative, but the applicant had ultimately chosen to pursue its original four-story project, she said. Ms. Johnson recommended that the Council consider adopting Resolution 4, enacting Ordinance 1, and moving forward to consider the SUP in Item 8.

Mayor Hemminger pointed out that the rezoning would require six Council votes. If it did not receive six, it would return at a subsequent meeting where five votes would be required, she explained. She disclosed that she and the Town Manager had met with the applicant to discuss that process.

Architect Richard Gurlitz, representing Bainbridge, said that the Town's Planning Department had not definitely committed to the three-month schedule and uncertainty regarding the three-story alternative had become an issue for Bainbridge. He argued that the four-story proposal fulfilled all rezoning requirements. Mr. Gurlitz showed renderings of the project from various angles and said that the original proposal was appropriate for the area.

Council Member Buansi confirmed that the three-story building would increase the footprint by about 7 percent.

Council Member Oates asked what would happen if Bainbridge were not able to fill the apartments with people 55 and older.

Town Attorney Ralph Karpinos pointed out that the question related to the SUP application, but said that the applicant would have to come back and have the currently-proposed SUP modified.

Mr. Gurlitz said that Bainbridge would own and operate the facility, but a different firm that specialized in management would handle those aspects.

Diane Martin, representing Courtyards at Homestead residents, expressed concern that the zoning change would negatively impact their quality of life. She mentioned scale, height, traffic and safety issues and said that Courtyards residents were feeling very disappointed that Town staff could not reconcile the schedule with the developers.

Ms. Martin said that the project, if approved, would represent the first time R-5 zoning was allowed next to R- 2 in Town and that permitting it would violate the spirit of the Chapel Hill 2020 Comprehensive Plan. It would have a dramatic, negative impact on the character, quality of life, and safety of the Courtyards neighborhood, she said, and she asked the Council to reject the application.

Courtyards residents Diane Henson and Martin Molloy also expressed concern about the effect of the proposed zoning change on the quality of their lives. Mr. Molloy suggested that the applicant had manipulated the process and raised questions about whether the Town should trust them.

Christy Beacham, whose parents live in Courtyards, discussed the potential loss of wildlife and the high amount of construction throughout Town.

Robert Dowling, speaking on behalf of Orange County Housing Coalition, said that the applicant's unique AH proposal would provide 20 AH units for seniors and would be good for the community. He recommended that the AH plan stipulate that units be rented to those at 60 percent of AMI, not 100 percent, and that rents include utilities that do not exceed 30 percent of a resident's income.

Mayor Hemminger confirmed with Mr. Karpinos that the components for rezoning included a condition for 20 AH units at 60 percent of AMI for 30 years.

Council Member Bell said that the proposed development would be a good use of the property and pointed out that the three-story building would have more impervious surface. She understood the neighbors' concerns, but thought that the project would be done well and would include many benefits, she said.

Council Member Gu pointed out that there was a mixed-use community with three and four-story buildings right next to single family housing at Meadowmont. She had walked through that area and believed that she would feel okay living there, she said. She pointed out that traffic from senior housing would be significantly lower than regular single-family housing traffic. Council Member Gu said that the proposed AH would be a significant benefit for Town.

Council Member Stegman said that the project would fit well with the direction the Town needed to go. In response to climate change, new developments needed to reduce impervious surface and be denser along transit corridors, she said.

Council Member Parker said that the project would help address climate

change and the Town's need for both senior and affordable housing. The four-story plan proposed less impervious surface and left more land where trees could be replanted, he pointed out. He said that the project would meet a critical need and would set a high bar for AH.

Council Member Buansi said that he was struggling with how Courtyards' neighbors and the applicant had signed an agreement that had set expectations which would not be met. Affordable senior housing was important, but he could not get past that issue and did not feel comfortable voting for the rezoning, he said.

Council Member Oates agreed with Council Member Buansi adding that she was left feeling that the Council, staff, and Courtyards residents had been played with. She pointed out that the land had been designated in the Chapel Hill 2020 Plan as medium density and said that the proposed project did not belong there. In addition, she agreed with Mr. Dowling that any affordability needed to include utilities and homeowners association fees, she said.

Council Member Oates said that she was not in favor of capping permitting fees for a profit-making endeavor. She said that a part of the resolution pertaining to protecting neighborhoods from light, noise and traffic was disingenuous because the development would obviously be disruptive. Council Member Oates said that the Council did not have to approve every project, and did not have to make the Town's imbalance toward rental worse.

Council Member Bell said that the Council, developer and neighbors had agreed to reconsider the project but there had not been a guarantee that the compressed timeline would work for staff or the developer. The Town's own process issues had nothing to do with the developer or neighbors, she said.

Mayor Hemminger pointed out that Durham and Raleigh had been growing by 10 percent a year while Chapel Hill had been growing by only 1.5 percent. She said that seniors were the fastest growing population in Town and that there were not many housing opportunities for that bracket, especially with regard to rentals.

Mayor Hemminger commented on how the four-story option would have much less impervious surface than three stories and noted that both options would include the same number of units. Seniors would create less noise and traffic than family or student housing, she pointed out. Mayor Hemminger said that developers would be building more densely because doing so was more cost-effective and a smarter use of land.

Mayor Hemminger called the question.

A motion was made by Council Member Parker, seconded by Council Member Bell, that R-4 be adopted. The motion carried by the following vote:

**Aye:** 5 - Mayor Hemminger, Council Member Bell, Council Member Gu, Council Member Parker, and Council Member Stegman

**Nay:** 2 - Council Member Buansi, and Council Member Oates

A motion was made by Council Member Parker, seconded by Council Member Stegman, that this Zoning Atlas Amendment O-1 be enacted. The motion carried for a first reading by the following vote:

**Aye:** 5 - Mayor Hemminger, Council Member Bell, Council Member Gu, Council Member Parker, and Council Member Stegman

**Nay:** 2 - Council Member Buansi, and Council Member Oates

Mayor Hemminger and Town Attorney Karpinos noted that O-1 failed to receive enough votes to pass on first reading. She explained that it would return for a second reading on April 10th where it would need five votes to pass. Mr. Karpinos noted that the Council would consider the Special Use Permit at that time.

*SPECIAL USE PERMIT*

Special Use Permit: The Application for a Special Use Permit is Quasi-Judicial. Persons wishing to speak are required to take an oath before providing factual evidence relevant to the proposed application.

Witnesses wishing to provide an opinion about technical or other specialized subjects should first establish that at the beginning of their testimony.

- 8. Consider an Application for Special Use Permit - Independent Senior Housing, 2217 Homestead Road (Project #17-096).

[\[19-0183\]](#)

This item was deferred to April 10, 2019.

*CONCEPT PLAN REVIEW*

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Concept Plans: Presentations for Concept Plans will be limited to 15 minutes.

Concept Plan review affords Council members the opportunity to provide individual reactions to the overall concept of the development which is being contemplated for future application. Nothing stated by individual Council members this evening can be construed as an official position or commitment on the part of a Council member with respect to the position they may take when and if a formal application for development is subsequently submitted and comes before the Council for formal consideration.

As a courtesy to others, a citizen speaking on an agenda item is normally limited to three minutes. Persons who are organizing a group presentation and who wish to speak beyond the three minute limit are requested to make prior arrangements through the Mayor's Office by calling 968-2714.

**9. Concept Plan Review: Christ Community Church, 141 Erwin Road.**

[\[19-0257\]](#)

Planner II Michael Sudol gave a PowerPoint overview of the Christ Community Church concept plan for a 12,948 square-foot worship, fellowship and office building with approximately 120 parking spaces. He said that a second phase of the project would be a 6,900 square-foot classroom building. The applicant was asking to rezone the 2.5-acre site from Residential 2 to Residential 3 Conditional, he said.

Mr. Sudol displayed a site plan and indicated where the buildings, points of access and underground stormwater treatment facility would be. He showed proposed elevations, a floor plan, renderings, and discussed Community Design Commission (CDC) recommendations. Mr. Sudol recommended that the Council adopt Resolution A, transmitting comments to the applicant, and discuss whether the applicant should consider an SUP, a Development Agreement (DA), or a Conditional Zoning (CZ) process.

Developer Phil Post provided background information on Christ Community Church and provided additional details on the phased project. He said that the applicant intended to not build right at the corner in order to save an existing buffer there. He also said that he had listened to comments and had come to agree that the proposed entrances could be better aligned. Mr. Post noted that the applicant had agreed to provide an opaque fence along one property line.

Council Member Parker verified with Mr. Post that Phase 2 would probably be constructed 12-15 years in the future. It would expand capacity in the worship area and then the Phase 1 building would be re-purposed as

additional classrooms, youth areas, a larger fellowship hall, and possibly a larger kitchen, he said. Mr. Post emphasized that parking would be phased in but that a sufficient number of spaces would be needed at the start.

Council Member Oates confirmed with Mr. Post that the first building's footprint would be about 6,500 square feet and that it would seat approximately 200 people. The second building would be about 9,800 square feet and seat up to 390, Mr. Post said. He explained that the stormwater facility would be built to accommodate the entire eventual build-out. Council Member Oates also discussed buffer content and width and control over light spillage with Mr. Post.

Mayor Hemminger asked why Christ Community Church was interested in the site, and Mr. Post replied that availability and price were considerations. Additionally, it was well suited with frontage on two collector roads and met the Town's zoning requirements, he said. Mr. Post mentioned that the land owner seemed interested in having the project be a religious facility.

Mayor Hemminger asked about stormwater, and Mr. Post described "a very robust, state-of-the-art system" such as one that he had built at Orange United Methodist Church.

Council Member Stegman verified that the applicant had met with the adjoining Marriott property and had committed to issues regarding inter-connecting driveways, emergency access, and coordinating the stormwater systems.

Council Member Gu confirmed with Mr. Post that the applicant was prepared to state on its application that the project would provide a significant community benefit. She was not convinced of that by what had been submitted so far, she said.

Becky Smith, Windhover Homeowners Association president, expressed concern about the request to change zoning with so little information about the second building. She believed the first building could be done within current zoning, she said.

Michael H. Hoppe, a Windhover resident, stressed the need for a holistic view of traffic ramifications in this area. He said that rush-hour traffic was already bad and pointed out that several other potential developments were being planned in the area as well.

Harvey Krasny, a Chapel Hill resident, said that several citizens had expressed concern at a recent CDC meeting about building scale, height, traffic flow and impact. He predicted that traffic to and from that and



several other churches on Sundays would lead to total gridlock and lower home values. Dr. Krasny said that the site should remain R-2, as originally zoned, and envisioned in the Chapel Hill 2020 Plan.

David McFarling, the landowner, shared memories of when the area was just a dirt road where he used to hunt and fish and swim in the creek. He said that he had been trying to sell the property for 12 years and had turned down several high density offers. He had always hoped for a church, Mr. McFarling said, and he characterized the concept as the best opportunity and one that would be good for all.

Scott Radway, speaking for Summit Hospitality, said that Summit supported the idea of a church on the site but had concerns about the concept plan. Mr. Radway reported that the CDC had raised questions about sufficient parking for a second building on the site. As the only nearby property that might be able to handle overflow parking, Summit was not thrilled with the idea, Mr. Radway said.

Pamela Tekumalla, Booker Creek Townhouse manager, expressed concern about allowing more development and density at a time when storms were predicted to be more severe and longer. She requested that the Town's stormwater staff review the proposal and said she hoped the Council would keep the current R-2 zoning in place.

Y. J. Mu, an Old Oxford Road resident, said that his concerns were the same as he had expressed when Summit Hospitality wanted to build on the site. They included flooding, up-zoning for a future building, loss of impervious surface, and privacy, he said. The church would be a welcome addition to the neighborhood if its scale fit the area, said Mr. Mu. He asked the Council to maintain R-2 zoning and allow only one building on the site.

Margo Ginsberg, an Erwin Village resident, raised concerns similar to others regarding scale, stormwater, and traffic.

Council Member Parker said that 120 spaces did not seem like enough parking for the possible 300 people on Sundays and a large parking lot would create much impervious surface. It would be difficult to approve a phased project without more details, he said. He expressed concern about having a primary entrance on Old Oxford Road and just a right-in/right-out at Erwin Road. With regard to process, the Council was moving toward CZ (Conditional Zoning) for eligible projects, he pointed out.

Council Member Stegman agreed with Council Member Parker regarding parking and impervious surface but pointed out that there probably was not enough parking. She agreed that Old Oxford Road should not be used

as an entrance or exit because it had not been designed for such traffic volume. She expressed interest in a larger buffer to the nearby neighborhood and public access to the playground and asked for more clarity regarding uses over time.

Mr. Post affirmed that the proposal was for a church only. There would be no daycare, education, or weekday uses other than a skeleton staff, and the SUP would be very specific about that, he said.

Council Member Gu said that she had not seen enough information to justify changing the zoning but was open to hearing additional details. The parking would likely be a significant issue, she said.

Council Member Buansi said he liked the simple building design. He wanted more information about the second building and an estimate of current average attendance, he said. He added that he, too, would prefer a CZ process, if possible.

Council Member Oates said that she would like to hear what neighboring residents wanted to see on that site. She pointed out that traffic jams associated with church services lasted for only about 15 minutes. She said that capturing stormwater on site might make life better for people living nearby. She asked to see a contingency plan for overflow parking but noted that churches are never full. She said that she liked the first building's design and that constructing it with the current zoning would be the most prudent course.

Mayor Hemminger pointed out that the site would be developed at some point and said that a church would be a good neighborhood partner. She understood the concerns about traffic and impervious surface and not knowing what the second building would be, she said. She commented on the road dynamic and pointed out that the Council usually required two entrances.

Mayor Hemminger confirmed with Mr. Post that the first building would be about 15 percent smaller under its current zoning. She asked if he would be open to not proposing the second building in the first go-around, and he replied that a SUP process was so expensive and time-consuming that coming back again would cost hundreds of thousands of dollars.

Mayor Hemminger mentioned the possibility of having something such as a community garden in the space on the site. She recommended that the applicant talk with the Town's stormwater staff about options and continue conversations with neighbors to see if they can reach consensus. She pointed out that the Town would be getting a traffic study for that corridor soon.

A motion was made by Council Member Parker, seconded by Council Member Buansi, that R-8 be adopted. The motion carried by a unanimous vote.

### **ADJOURNMENT**

The meeting was adjourned at 11:09 p.m.