



TOWN OF CHAPEL HILL

Town Council

Meeting Minutes - Final

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

Mayor Pam Hemminger
Mayor pro tem Karen Stegman
Council Member Jessica Anderson
Council Member Camille Berry
Council Member Tai Huynh

Council Member Paris Miller-Foushee
Council Member Michael Parker
Council Member Amy Ryan
Council Member Adam Searing

Wednesday, November 15, 2023

7:00 PM

RM 110 | Council Chamber

Language Access Statement

For interpretation or translation services, call 919-969-5105.

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Para servicios de interpretación o traducción, llame al 919-969-5105.

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919-969-5105.

In-Person Meeting Notification

Changes in Meeting Material content

- We are trying something new this fall to make our Agenda packets clearer and easier to navigate. You'll notice streamlined reports and more hyperlinks to supporting documents.
- Staff presentations will be posted after the meeting, not as drafts in the packet, to allow more time to prepare high-quality presentations.
- We will also produce an "information items" packet periodically, to share items that don't require Council action, but are important to the Council and community. Those packets will be published on our website.

View the Meeting

- View and participate in the Council Chamber.
- Live stream the meeting - <https://chapelhill.legistar.com/Calendar.aspx>
- Spectrum is replacing 1998 encoder that transmits programming to cable channel 18. It remains offline until complete.
- The Town of Chapel Hill wants to know more about who participates in its programs and processes, including Town Council meetings.
- Participate in a voluntary demographic survey before viewing online or in person -

<https://www.townofchapelhill.org/demosurvey>

Parking

- Parking is available but limited at Town Hall lots and the lot at Stephens Street and Martin Luther King Jr. Blvd.
- See <http://www.parkonthehill.com> for other public lots on Rosemary Street
- Town Hall is served by NS route and T route, and GoTriangle Routes of Chapel Hill Transit.

Entry and Speakers

- Entrance on the ground floor.
- Sign up at the meeting starting at 6:30 PM with the Town Clerk to speak.
- If more than 14 people sign up for an item, Council will reduce speaking time from 3 minutes to 2 min./person.
- Please do not bring signs.

ROLL CALL

Present: 9 - Mayor Pam Hemminger, Council Member Karen Stegman, Council Member Jessica Anderson, Council Member Camille Berry, Council Member Paris Miller-Foushee, Council Member Tai Huynh, Council Member Michael Parker, Council Member Amy Ryan, and Council Member Adam Searing

OTHER ATTENDEES

Town Manager Chris Blue, Deputy Town Manager Mary Jane Nirdlinger, Deputy Town Manager Loryn Clark, Town Attorney Ann Anderson, Assistant Planning Director Judy Johnson, Planning Manager Corey Liles, Senior Planner Tas Lagoo, Principal Planner of Historic Preservation Anya Grahn-Federmack, Planning Director Britany Waddell, Affordable Housing & Community Connections Director Sarah Vinas, Community Development Program Manager Megan Culp, Senior Planner Katherine Shor, Planner II Charnika Harrell, Executive Director of Strategic Communications Susan Brown, Fire Marshal Justin Matthews, Police Officer Dave Shick, Deputy Town Clerk Amy Harvey, and Assistant Town Clerk Brenton Hodge.

OPENING

Mayor Hemminger called the meeting to order at 7:00 p.m. and reviewed the agenda. All Council Members were present.

0.01 Proclamation: Small Business Saturday

[\[23-0805\]](#)

Mayor-elect Anderson read a proclamation that noted the positive social, economic and environmental impacts that small businesses have on communities. It stated that small businesses represent 99 percent of all firms with paid employees in the United States. To show its support for Chapel Hill's small businesses, the Council would be joining the Chamber

for a Greater Chapel Hill-Carrboro and the Chapel Hill Downtown Partnership in celebrating Small Business Saturday on November 25th, she said. She urged everyone to support local businesses and merchants on that day and throughout the year.

Elie Abou-Rjeileh, owner of Olmaz Jewelers and the current chair of Local Retail Professionals Group for the Chamber, accepted the proclamation on behalf of the Town's local businesses. He thanked the Council for declaring Small Business Saturday and discussed the importance of buying locally, which helped to support local jobs and to preserve community character.

0.02 Proclamation: Care To Share Day

[\[23-0806\]](#)

Council Member Ryan read a proclamation to raise awareness regarding Care to Share, a partnership between Orange County Water and Sewer Authority (OWASA) and The InterFaith Council to help low wage earners with utility bills through contributions from community members. In 2022, Care to Share had helped 146 households with more than \$28,000 in utility bill support, she read. The proclamation explained that residents contribute when paying monthly utility bills or through one-time gifts to the Care to Share Program. To raise awareness of the program, the Council was proclaiming November 16, 2023, to be Care to Share Day in Chapel Hill and encouraging all who could to contribute, she said.

ANNOUNCEMENTS BY COUNCIL MEMBERS

0.03 Mayor Hemminger Regarding Arbor Day.

[\[23-0807\]](#)

Mayor Hemminger said that November 17, 2023, would be Arbor Day in Chapel Hill and that she would be helping students from Morris Grove Elementary School plant a tree at the Community Center on that day. She thanked Town staff for adding trees along the Elliott Road Extension and encouraged everyone to plant more trees.

0.04 Mayor Hemminger Regarding Holiday Parade.

[\[23-0808\]](#)

Mayor Hemminger announced that the Town's annual Holiday Parade would begin on December 9th at 10:00 am. She said that more information could be found on the Community Arts webpage.

Mayor Hemminger reminded the Council that its next business meeting would be held on November 29th. An organizational meeting to swear in the new Mayor and Council would be held on December 18th, she said.

0.05 Council Member Huynh Regarding NC IDEA Microgrants.

[\[23-0809\]](#)

Council Member Huynh congratulated local companies for winning NC IDEA microgrants in a statewide competition. He said that four of the 15 awards had gone to Chapel Hill companies.

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.

0.06 Courtney Graves Requests Ceasefire Resolution on Gaza.

[\[23-0810\]](#)

Courtney Graves, a Chapel Hill teacher, asked the Council to stand for peace by passing a resolution calling for a cease fire in Gaza, as the Town of Carrboro had done the previous evening.

This item was received as presented.

0.07 Bill Brashear Regarding Trees and Over Development.

[\[23-0811\]](#)

Bill Brashear, a Chapel Hill resident, spoke about the perils of losing trees though overdevelopment. He said that Town would not reduce the cost of housing by building a lot more of it and asked the Council pause and re-examine that premise.

This item was received as presented.

0.08 Emma Weiss Holyst Requests Town Support Ceasefire in Gaza.

[\[23-0812\]](#)

Emma Weiss Holyst, a Chapel Hill resident, expressed support for the resolution for a ceasefire in Gaza that Ms. Graves had requested in Item 0.06.

This item was received as presented.

0.09 Maple Osterbrink Regarding the War in Gaza.

[\[23-0813\]](#)

Maple Osterbrink, a Chapel Hills resident, expressed support for a Council resolution regarding Gaza (Item 0.06) and said that it should request an immediate ceasefire.

This item was received as presented.

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 Anderson, seconded by Council Member Berry, that R-1 be adopted as amended without item #4, which approved the Consent Agenda. The motion carried by a unanimous vote.

1. Approve all Consent Agenda Items. [\[23-0788\]](#)

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

2. Amend Chapter 21 of the Code of Ordinances that Regulates Traffic Control Devices. [\[23-0789\]](#)

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

3. Amend Chapter 21 of the Code of Ordinances on Turn Regulations to Prohibit Right Turn on a Red Signal on Westbound Mt. Carmel Church Rd. at South Columbia Street (US 15-501)/Culbreth. [\[23-0790\]](#)

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

4. Approve and Authorize a Real Property Exchange Between the Town of Chapel Hill and Beechwood Obey Creek, LLC at 4511 S. Columbia Street. [\[23-0791\]](#)

Mayor Hemminger said that this item had been pulled and would return for discussion on November 29, 2023.

This matter was deferred.

5. Approve and Authorize a Real Property Exchange and Easements Between the Town of Chapel Hill and Chapel Hill Ventures, LLC. on W. Rosemary Street and Pritchard Avenue. [\[23-0792\]](#)

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

6. Adopt a Calendar of Council Meetings through June 2024. [\[23-0793\]](#)

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

DISCUSSION

7. Public Forum: Housing and Community Development Needs Assessment for the Community Development Block Grant Program. [\[23-0794\]](#)

Community Development Program Manager Megan Culp opened the first of two public forums on Community Development Block Grant (CDBG) funding. She pointed out that the CDBG Program, conducted by the US Housing and Urban Development (HUD), provided approximately \$420,000 to the Town annually to be used for the benefit of households making 80 percent or below of the area median income (AMI).

Ms. Culp said that CDBG-funded projects worked toward the Town's goal of expanding and preserving affordable homeownership and rental opportunities. She said that the Town's annual CDBG plan must tell HUD how it would meet a list of five-year goals that Chapel Hill, Carrboro, Hillsborough and Orange County had set. A needs analysis would be part of the process, she said, and she displayed the types of programs and services that could be included in the 2023-2024 CDBG Program.

Ms. Culp explained that the current public forum was the first step in collecting information about what the community needed. Requests for funding applications would be released soon and would be due back on January 12, 2024, she said. She explained that a CDBG application review committee would look at the applications in February and March and that she would return to Council in April for a second public forum. The final plan would come for Council approval in May 2024 and be submitted to HUD in mid-May, she said. She asked the Council to open the public forum and receive comments on use of 2024-2025 CDBG funds.

This item was received as presented.

8. Consider the Water and Sewer Proposal for Southern Chapel Hill.

[\[23-0795\]](#)

Assistant Planning Director Judy Johnson presented a proposed change to the Town's water and sewer management planning boundary agreement (WASMPBA), which had been reached by Chapel Hill, Carrboro, Hillsborough, Orange County and the Orange Water and Sewer Authority (OWASA) regarding the southernmost part of Town near the intersection of Smith Level Road and NC 15-501. She said that the proposed change was in response to a spring 2023 petition that proposed bringing that boundary farther south to the Chatham County line in an area that was within the Town's jurisdiction. She emphasized that the proposal did not include encroaching upon the Rural Buffer, which was in Orange County's jurisdiction.

Ms. Johnson said that the area being considered included 139 parcels on approximately 360 acres of land. The Town owned 10-12 acres there, which had been designated as a potential affordable housing site, she pointed out. She said that extending the boundary and allowing water and sewer there would allow the area to be developed at a higher density than was currently allowed.

Ms. Johnson provided background information on the area and said that several recent Town plans -- such as the Climate Action Plan, Complete Community Framework, Future Land Use Map, Bus Rapid Transit Plan -- were leading staff to see the potential for more density and diversity of housing at that location. Extending the boundary to the Chatham County line would provide access to water and sewer there, she pointed out. She emphasized that staff was not proposing to immediately install or extend any lines or to annex any properties.

Ms. Johnson recommended that the Council adopt Resolution 5. She said that staff had done some technical and cost analyses and would begin long-range planning efforts if all five parties approved of the idea. Staff could also consider crafting appropriate zoning districts when rewriting the Town's Land Use Management Ordinance, she said.

Council Member Ryan and Ms. Johnson discussed how a prior analysis by OWASA and Town staff regarding density had been a conservative "desktop analysis" of only gross land.

Council Member Ryan said that the Council had received letters of concern from area residents about potential flooding, sink holes, and watershed issues. Ms. Johnson replied that staff had been trying to clarify whether a small portion of the land might flow into the University Lake Watershed. She pointed out that post-development run-off could not exceed pre-development runoff, according to Town regulations.

Mayor-elect Anderson asked if any development would be able to happen before long-range planning was in place. If so, that could result in large homes on large lots rather than the smaller, middle-income housing units that the Town desired, she pointed out.

Ms. Johnson replied that staff could explore limiting housing size. She noted, however, that extending water and sewer would be a substantial cost to any property owner. If the Town merely changed that boundary line without doing any of the next steps, existing homeowners could connect to water and sewer and anyone with water quality issues could apply to be connected, she said.

Mayor pro tem Stegman emphasized that Council approval would not immediately change anything. She confirmed with Ms. Johnson that there would be no change to existing stormwater regulations, but that staff was looking at those as part of the LUMO rewrite.

The Council verified that staff had held virtual and in-person public information sessions for those within that boundary area and had sent notices to all within 1,000 feet. They confirmed with Ms. Johnson that a couple of people had told staff that they were experiencing water quality issues and that others had expressed interest in connecting to water. The Council confirmed with staff that residents could apply immediately if all

five parties agreed to the change but that property owners would have to pay the cost of laying OWASA pipes.

Council Member Berry confirmed with Ms. Johnson that residents could apply for help if there was a health or safety issue with their water and could request an estimate from OWASA for extending service to their neighborhood. She also confirmed that doing an environmental impact analysis would be critical. Ms. Johnson said that the last small area plan had been done in the early 1990s and that the Town had moved since then toward more holistic Complete Community planning.

Mayor Hemminger verified with staff that Chapel Hill Transit did not run to the area but could be extended to do so. She noted that the Town had applied for a grant to build a greenway that would run through that area. She asked about fire service, and Ms. Johnson said there was a water line to the area along Highway 15-501. Mayor Hemminger pointed out that existing homes might be able to tap into that line if the agreement were changed as proposed.

Mayor Hemminger asked how the Council would signal its interest in having middle and affordable housing types, and Ms. Johnson replied that the Planning staff had heard that message and was creating appropriate zoning districts during the Land Use Management Ordinance (LUMO) rewriting process.

Dianne Martin, representing Holy Trinity Anglican Church, expressed support for the opportunity to have more missing middle and affordable housing by extending the service boundary. She said that Trinity Church owned about 20 acres that could be developed into more than 100 missing middle townhomes, condos and duplexes if services were extended.

Coleman Day, a Dogwood Acres resident, strongly suggested shelving the proposal until the LUMO had been rewritten in order to avoid speculation by developers.

Julie McClintock, a former Council member, said that the proposal would undo a 1986 joint planning agreement to contain sprawl and protect watersheds by encouraging development in the right places. Changing the utility map before having a plan in place would put the cart before the horse and the Council should first build community consensus around changing land use before modifying the WASMPBA, she said.

Terri Buckner, a Chapel Hill resident, said that the area in question was protected land that filtered pollutants draining into drinking water intakes, such as University Lake and Jordan Lake. She said that bus rapid transit would not exist in the area for at least 10 years and asked the Council to postpone any decision until it was sure that development there would be done correctly.

B. J. Warshaw, a Smith level Road resident, said that the Council was moving too fast toward a vote despite lacking an environmental study, without giving sufficient notice, and despite receiving inadequate and incomplete materials from staff. The current WASMPBA permitted residents to connect to OWASA lines on Highway 15-501 with County Health Department review, he said. He argued that amending the WASMPBA without having a full understanding of the tradeoffs and without sufficient guardrails would risk undoing decades of thoughtful land use planning and would fall short of Complete Community goals.

Claudia Fernandez, a Chapel Hill resident, said that pitting housing issues against environmental ones was a losing battle for all. She could not see how expanding and creating more urban sprawl would help the Town be the climate-concerned community that it claims to be, she said, and she predicted increased traffic, loss of permeable land, and downstream flooding if WASMPBA were expanded.

Livy Ludington, who lives near University Lake, asked the Council to slow down and consider the change carefully when it had all the information regarding traffic impact, stormwater, wildlife, and drinking water.

Eric Chup, a Chapel Hill resident and developer, said that not putting water and sewer along NC 15-501 had resulted in a proliferation of million-dollar homes on one- and two-acre lots along that corridor. That had led to property values being so high that the entire corridor was essentially "set in stone" by development that has occurred as a result of not extending sewer, he said.

Aaron Nelson, president of Chamber for a Greater Chapel Hill and Carrboro, agreed with Mr. Chupp's comments and said that not extending water and sewer had led to strip malls as well because those are low water users. He said that the Chamber had petitioned the Town in 2018 to do land use planning for the area but that some of those who had asked for more planning tonight had been against that. He listed several reasons why the area would be a good location for affordable housing if the Council voted to change the zoning.

Bill Brasheer, Chapel Hill resident, said that Council approval would lead to a decrease in affordable housing. He also recommended that the Council ask OWASA to do a stress test on what would happen during a drought if Durham did not supply Chapel Hill with water.

Several Council Members spoke in favor of the change and emphasized their intent to provide missing middle and affordable housing in the area. They pointed out that nothing would change and that no one could buy a piece of land and building an apartment building on it without Council action. A Future Land Use Map amendment would state the Council's intent and then new LUMO zoning categories could refine that further, said

Council Member Ryan.

Council Member Ryan spoke about building zoning overlays or special protections in sensitive watershed areas into Town plans. She stressed the importance of including gateway design in LUMO standards and said that having a green buffer at that southern entryway to Town had always been the Council's intent.

Council Members commented on how the Town was not running out of water and said that its reserve had improved because the University of North Carolina had been reclaiming much of its water. Town processes ensured against adverse environmental impacts, they pointed out. They talked about determining whether commercial development would be needed in the area, in addition to housing.

Council Member Miller-Foushee said that many of the public comments had not acknowledged that the Town had processes in place that were very thoughtful and reflected community values. Mayor-elect Anderson commented that building 1/4-mile on each side of Highway 15-501 would not be sprawl and Mayor pro tem Stegman said that expanding the boundary would merely allow density close to Town.

The Council stressed the importance of having a plan for the area that was clear about the types of housing that the Town wanted. They emphasized the need for good communication with residents. Council Member Berry talked about her desire to explore helping some with failing sewer and/or septic systems connect to sewer and water. Mayor Hemminger pointed out that Carrboro, Hillsborough, Orange County and OWASA would all need to pass similar resolutions before any steps could be taken.

Town Attorney Ann Anderson proposed adding a whereas clause to the resolution that would ask staff to bring back additional steps or strategies that the Town Council would need to take in order to guide growth in the area and to ensure that the proposed service expansion aligned with the Town's Climate Action Plan and goal of increasing middle housing.

A motion was made by Council Member Berry, seconded by Council Member Huynh, that the Council adopted R-5 as amended. The motion carried by the following vote:

Aye: 8 - Mayor Hemminger, Council Member Stegman, Council Member Anderson, Council Member Berry, Council Member Miller-Foushee, Council Member Huynh, Council Member Parker, and Council Member Ryan

Nay: 1 - Council Member Searing

ZONING ATLAS AMENDMENT(S)

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.

9. Close the Legislative Hearing and Consider a Conditional Zoning Application for Gateway at 19 E. Lakeview Drive.

[\[23-0796\]](#)

Developer D. R. Bryan gave a PowerPoint presentation on Meridian Lakeview, a proposed apartment building that would include 316 market rate units, as well as up to 72 affordable apartments for seniors, on 16 acres of land. He provided responses to the Council's prior questions regarding recreation, greenway connectivity, parking, impervious surface and affordable housing (AH). He showed where a playground had recently been added to the plan, described a paved pathway that would connect to an adjacent development, and indicated where an internal bike and pedestrian network would be located.

Mr. Bryan requested a modification to the Town's parking requirement that would allow 515 parking spaces, 99 of which would be on the street. He said that impervious surface would be no more than 60 percent, which was less than the 70 percent that the LUMO allowed. He discussed the strong likelihood of obtaining Low Income Housing Tax Credit (LIHTC) funding but outlined an alternative plan to give \$460,000 to an AH developer if LIHTC funding were not approved within five years.

Mr. Bryan discussed improvements in pathway lighting. He said that Town staff had asked for a left turn lane from Old Chapel Hill Road onto the property and that Bryan Properties would do that if it was possible with the weird sidewalk configuration at that location.

Planner II Charnika Harrell said that project updates included an increase in maximum floor area, the addition of daycare, additional greenway conditions, and a playground. The project met the goals of the Town's Complete Communities Strategy, and the Town Manager was recommending approval, she said. She recommends that the Council close the legislative hearing, adopt Resolution 6, and enact Ordinance A.

Mayor Hemminger and Council Member Ryan pointed out that the Planning Commission had voted (7-1) against approval. They said that it would have been useful for Council Members to see such matrices.

Mayor-elect Anderson confirmed with Ms. Harrell that a path would be aligned with the greenway network at a later time. Mayor-elect Anderson emphasized the need to discuss commercial space with applicants who present future Parkline parcels since the Meridian Lakeview plan did not include any.

The Council confirmed with Ms. Harrell that the White Oak Road sidewalk would meet Town standards. She also pointed out that a road south of the project boundary would be paved to at least 20 feet wide but would not include a sidewalk due to limited right-of-way.

Council Member Parker asked if the applicant would commit to paying any shortfall for AH if the Town did not have the resources to do so. Mr. Bryan replied that Bryan Properties was offering 16 acres of land, putting in stormwater, water, sewer, streets and sidewalks, rough grading the land, and offering \$460,000. No other applicant had ever made a commitment like that, and that was all they could do, he said.

Council Member Parker pointed out that the applicant's fallback position of having Habitat build 24 townhomes (if LIHTC funding did not succeed) would amount to only about 8 percent of the total market rate units. That would be less AH than the Town normally wanted to see, he said, but Mr. Bryan pointed out that Habitat housing was for those at 30-80 percent of AMI and that "for sale" units would remain affordable for more than 30 years.

The Council asked if the applicant had made any changes to the plan since the Planning Commission reviewed it, and Mr. Bryan replied that changing to accommodate fire access might lead to fewer parking spaces. The Council asked why building size had been increased, and the applicant described a compromise regarding aerial versus street trees.

The Council confirmed with the applicant and staff that the multi-use greenway path would be on the public right-of-way. They ascertained from Mr. Bryan that the playground was being located on the corner because that area was close to the three-bedroom units. They confirmed with him that a pedestrian path on the west side of the property would be constructed all the way to Old Chapel Hill Road.

Mayor Hemminger verified that a buffer along the Interstate 40 on-ramp would be about 100 feet to the property line and an additional 100 feet to a building. She confirmed that medians for street trees would be seven feet wide.

In response to a question from the Council about going higher than four stories in order to leave more trees and open space, Mr. Bryan said that the Council had not liked the way an original six-story plan had looked. Council Member Miller-Foushee said that building taller would preserve more tree canopy and open space and provide better community areas. She said that she was not hearing the kind of responsiveness that she needed in order to support the project.

Mr. Bryan explained that he had been trying to be concise. He then described his team's process for reaching the decision regarding height.

He pointed out that the site did not include Resource Conservation District (RCD) land as other sites in the area did. Going higher would mean having structured parking, which would be expensive considering the number of units per acre, he said.

Linda Convissor, a Chapel Hill resident, said that the proposed project was not right for Parkline East, which the Council has identified as a Complete Community pilot project. She requested that the Town and applicant provide more details about the 20-foot road.

Charles Berlin, a Chapel Hill resident, objected to the applicant's request for permission to renegotiate an agreement regarding a left-turn lane on Old Chapel Hill Road if there was not sufficient space to construct that. He said that the applicant's alternate plan would have people walk in the street and was not acceptable. He also expressed concern about a request from the applicant to be able to increase floor area with staff approval.

Council Members commented on the project not being activated enough, including too much surface parking, and not having enough public space. Council Member Parker pointed out, however, that those issues highlighted the challenge of trying to build on a land-locked site.

Mayor Hemminger asked if more could be done to make the project less suburban in nature, and Mr. Bryan replied that the Council would not get better than what he was proposing if it wanted a four-story urban village.

Mayor-elect Anderson characterized the project as reasonable for the area and pointed out that the larger context was what was missing. She and Planning Manager Corey Liles discussed the current low level of guidance regarding uses in the Gateway area.

Council Member Berry said that the Council could ask for what it wanted from future projects when they came before it. She was confused about why they would hold Meridian Lakeview up in the meantime, she said.

Mayor Hemminger confirmed with Mr. Bryan that he preferred an immediate Council decision to deferring that vote to Jan 10, 2024.

A motion was made by Council Member Anderson, seconded by Council Member Berry, that the Council closed the public hearing. The motion carried by a unanimous vote.

A motion was made by Council Member Anderson, seconded by Council Member Parker, that the Council adopted R-6. The motion carried by a unanimous vote.

A motion was made by Council Member Anderson, seconded by Council Member Parker, that the Council enacted O-3 as amended. The motion carried by the following vote:

Aye: 6 - Mayor Hemminger, Council Member Anderson, Council Member Berry, Council Member Miller-Foushee, Council Member Parker, and Council Member Ryan

Nay: 3 - Council Member Stegman, Council Member Huynh, and Council Member Searing

10. Close the Legislative Hearing and Consider a Conditional Zoning Application for Hillmont at 138 Stancell Drive.

[\[23-0797\]](#)

Applicant Adam Golden, a partner with Northwood Ravin, presented project updates and responses to Council comments and requests from a previous hearing on the proposed Hillmont development. He said that Northwood Ravin would commit to managing stormwater for the 100-year storm and to providing public access to a trail system within the project. Northwood Ravin also agreed to increasing EV-ready parking spaces to 30 percent and to adding adult day care and childcare facilities, he said.

Mr. Golden said that Northwood Ravin would coordinate plans with the Town's Vision Zero Taskforce and design and submit plans for extending a multi-use path across its property. They had met with adjacent property owners and community members, he said. Mr. Golden told the Council that Northwood Ravin's affordable housing proposal had already been maximized.

Senior Planner Katherine Shor said that the project offered many community benefits and aligned with Complete Community goals. The applicant had committed to several key changes and the Town Manager was recommending that the Council receive public comment, adopt Resolution 8, and enact Ordinance 4 for approval, she said.

Mayor pro tem Stegman verified with Ms. Shor that the ordinance had been written in a way that did not commit the applicant or the Town to building a multi-use path but did obligate the applicant to designing an extension and recognizing its shared responsibility to build the path in the future. Mr. Golden explained that there did not appear to be enough right-of-way (ROW) to build that path in one area but that the property owner there seemed open to discussing an easement. Town staff had asked Northwood Ravin to commit to designing a full 10-foot, multi-use path and the Town would then seek a way to move forward with constructing it, he said.

Council Member Searing asked about running the path through a different area, but Ms. Shor described potential roadblocks and infrastructure

challenges to doing so. Staff believed that locating the multiuse path where people were already walking on the southern side of Stancell Drive would be more appropriate, she said.

Council Member Parker expressed support for installing a five-foot path in the existing ROW as a stop gap measure if the neighbor granted access across the piece that was not in the ROW. However, Ms. Shor said that staff preferred that the applicant design a 10-foot, multi-use path, rather than a five-foot stopgap that probably would not be reconstructed.

"Nobody can walk on designs," replied Council Member Parker, adding that he would rather see a five-foot sidewalk that could be expanded to 10 feet than wait until a 10-foot path could be built. He proposed that the Town commit to securing the necessary easements and that the developer build whatever path was possible based on what easements were obtained.

Council Member Berry ascertained from Mr. Golden that street lighting would be directed away from adjacent neighborhoods and that the buffer between Hillmont and the Little John Road neighborhood had been increased from 10 feet to 30 feet, except in the area close to NC 54. Thirty feet was as much as Northwood Ravin could do because of the site's constraints, Mr. Golden said.

Jodi Flick, a Sherwood Forest resident, said that the applicant had ignored, disregarded or dismissed all Sherwood Forest and Downing Creek residents' concerns and suggestions and had never intentionally met with them. She believed that Hillmont would have a negative effect on the area's safety and property values, she said, and she strongly urged the Council to delay approval until Northwood Ravin had addressed the neighbors' concerns.

Gayle Roberts, a Little John Road resident, also expressed concern about setbacks, traffic and decreased property values and asked the Council to drive through her neighborhood and observe the traffic situation there before voting.

Henry Lister, a Sherwood Forest resident, spoke about traffic issues that he believed Hillmont would cause if there were no changes to NC 54 or Barbee Chapel Road access. He asked the Council to postpone its vote until the applicant had successfully negotiated with the NC Department of Transportation and had resolved the pedestrian path question. He stated that proposed buffers were unacceptable and said that Northwood Ravin should be held to a 2008 buffer that had been negotiated with Capital Associates and Woodmont.

Dean Blackburn said that Hillmont should not be approved until the resulting increase in traffic at the Stancell Drive service road and the

intersection of Barbee Chapel Road and NC 54 had been fully addressed. It was irresponsible for the applicant to propose and for staff to support the project without considering its impact on the surrounding area, and for the Council to approve it without first having a traffic management plan, he said.

Council Member Searing confirmed that the applicant would commit to meeting with the neighborhood through which access the trails at Block D from Little John Road would run.

Council Member Ryan pointed out that the applicant planned to develop site design standards, and she reiterated her strong wish that the Town would develop its own standards rather than leaving that up to applicants.

With respect to the questions and comments about the multi-use pathway, Mr. Golden said that Northwood Ravin could only commit to a five-foot width at the current time but would agree to making that a minimum of five feet.

Planning Manager Corey Liles commented that a five-foot path would be a good benefit for pedestrians. However, he had some concerns about bike uses on the path, he said.

Mayor Hemminger said that she would not want to remove large trees in order to widen the path. A five-foot path would be better than nothing, she said.

Council Member Ryan asked if the applicant would clean out a neglected area downstream in order to improve the drainage there, and Mr. Golden agreed to do so but said he could not commit to replacing anything that was damaged.

The Council confirmed that the buffer would include canopy, understory trees and shrubs. They verified with Ms. Shor that there had been no upgrades or changes to the traffic impact analysis since the public hearing had begun.

A motion was made by Council Member Parker, seconded by Council Member Huynh, that the Council closed the legislative hearing. The motion carried by a unanimous vote.

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

A motion was made by Council Member Parker, seconded by Council Member

Huynh, that the Council enacted as amended O-4 as amended. The motion carried by a unanimous vote.

11. Open the Legislative Hearing for Modification to Conditional Zoning for Homestead Gardens at 2200 Homestead Road.

[\[23-0798\]](#)

Wendy Ramsden, a landscape architect with Thomas and Hutton, gave a brief PowerPoint presentation on the Town's affordable housing project on Homestead Road. She said that the project's scope had been reduced since receiving conditional zoning approval in May 2021 because of the recent increase in construction cost. The current request was to reduce 126 units and 175 parking spaces to approximately 80 units and 107-126 parking spaces, respectively, she said. She pointed out that the change would mean not developing in an area north of the site's Resource Conservation District.

Ms. Ramsden said that a reduction in density would not change the project's floor plans, mix of housing units, or proposed amenities. The changes would lead to less impervious surface and more tree coverage, she pointed. She said that construction drawings were underway, and that construction should begin in spring 2024.

Mayor-elect Anderson commented on how the change was disappointing, but understandable. She confirmed with Ms. Ramsden that more units probably would not be added in the future since the additional area was wetland and cars could not access it.

Chapel Hill resident Nancy Oates advocated for realistic expenses for Homestead Gardens residents. She said that making residents or non-profits responsible for street/sidewalk maintenance would make the project unaffordable and proposed that the Town consider covering those costs. She also suggested that the Town do a cost/benefit analysis of having angled parking at the site.

Council Member Ryan requested that staff provide a response to Ms. Oates's comments about the public street when the item returned to Council.

A motion was made by Council Member Anderson, seconded by Council Member Parker, that the Council continued the Legislative Hearing to November 29, 2023. The motion carried by a unanimous vote.

LAND USE MANAGEMENT TEXT AMENDMENT(S)

12. Open the Legislative Hearing: Land Use Management Ordinance Text Amendment - Articles 3, 4, 8 and Appendix A Regarding Planning Systems Implementation.

[\[23-0799\]](#)

Ms. Graham-Federmack gave a PowerPoint presentation on pursuing text amendments (TAs) as an initial step toward incentivizing investment, streamlining processes, clarifying roles, delivering desired outcomes, and aligning with the Town's Complete Community framework. The proposed changes reflected the Council's interest in improving efficiency in the process, she said.

Ms. Graham-Federmack noted that the Planning Commission (PC) and the Community Design Commission (CDC) typically reviewed concept plans before they came to the Council. Staff was proposing that only the PC review those, she said. She proposed that the CDC review projects that fall below certain thresholds and that the Council review those that meet or exceed those thresholds. She said that the PC supported the change, although it remained interested in reviewing all concept plans. The CDC did not want the change and would like to discuss its future role with the Council, she said.

Ms. Graham-Federmack proposed making an incremental change in the review process for special use permits (SUPs). Minor changes would go to the Board of Adjustment and major changes would continue to come before the Town Council, she said. She pointed out that SUPs were currently very rare because they had been replaced with conditional zoning. She recommended that the Council open the legislative hearing, receive and provide comment, and continue the hearing to November 29, 2023.

Council Member Parker suggested that staff address how the amount of information being reviewed at the concept plan stage had increased. Council Member Ryan said that she supported both TAs but wanted one or two of the PC seats to be reserved for people with design, architecture or physical planning expertise.

Council Member Searing proposed that the Council hear from PC and CDC members directly before moving forward on the item.

Council Member Miller-Foushee asked if staff was being audacious enough, and Ms. Waddell replied that the TA would improve the process immediately and that staff was looking at other elements that would take it further during the LUMO rewrite.

Council Member Berry expressed strong support for the TAs. She pointed out that PC meetings typically included representatives from other boards and committees. She wanted the Town to be intentional about appointing people to the PC who had appropriate backgrounds and to recommit to recruit from the Town's Extraterritorial Jurisdiction, she said.

A motion was made by Council Member Anderson, seconded by Council

Member Berry, that the Council continued the Legislative Hearing to November 29, 2023. The motion carried by a unanimous vote.

ADJOURNMENT

The meeting was adjourned at 11:18 p.m.