



TOWN OF CHAPEL HILL

Town Council Meeting Minutes - Draft

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

Mayor Pam Hemminger
Mayor pro tem Michael Parker
Council Member Jessica Anderson
Council Member Allen Buansi

Council Member Hongbin Gu
Council Member Tai Huynh
Council Member Amy Ryan
Council Member Karen Stegman

Wednesday, June 23, 2021 7:00 PM Virtual Meeting

Virtual Meeting Notification

Town Council members will attend and participate in this meeting remotely, through internet access, and will not physically attend. The Town will not provide a physical location for viewing the meeting.

The public is invited to attend the Zoom webinar directly online or by phone.
Register for this webinar:

<https://us02web.zoom.us/join/91012020000> After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 853 2778 0522

View Council meetings live at <https://chapelhill.legistar.com/Calendar.aspx> – and on Chapel Hill Gov-TV (townofchapelhill.org/GovTV).

Roll Call

- Present:** 7 - Mayor Pam Hemminger, Mayor pro tem Michael Parker, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Karen Stegman, Council Member Tai Huynh, and Council Member Amy Ryan
- Absent:** 1 - Council Member Jessica Anderson

Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Mary Jane Nirdlinger, Deputy Town Manager Loryn Clark, Town Attorney Ann Anderson, Planning Director Colleen Willger, Assistant Planning Director Judy Johnson, Traffic Engineering Manager Kumar Neppalli, Economic Development Specialist Laura Selmer, Police Chief and Executive Director for Community Safety Chris Blue, Senior Planner Anya Grahn, DEI Officer Shenekia Weeks, Economic Development Office Dwight Bassett, Assistant Chief of Police Jabe Hunter, Public Housing Director Faith Brodie, Communications and Public Affairs Director and Town Clerk Sabrina Oliver, and Deputy Town Clerk Amy Harvey.

OPENING

Mayor Hemminger opened the virtual meeting at 7:00 p.m. and reviewed the

agenda. She pointed out that seven of the agenda items pertained to development or redevelopment and that Items 11 and 15 had been moved to the June 28th Council meeting. Council meetings would continue to be held virtually through July, she said.

Mayor Hemminger called the roll and all Council Members replied that they were present, with the exception of Council Member Anderson, who was absent/excused.

ANNOUNCEMENTS BY COUNCIL MEMBERS

0.01 Proclamation: Olympic Day. [\[21-0607\]](#)

Mayor pro tem Parker read a proclamation regarding a worldwide celebration of the modern Olympic movement. The proclamation named June 23, 2021 as Olympic Day in Chapel Hill and encouraged all residents to participate in sports and physical fitness activities. Mayor pro tem Parker pointed out that Orange County had been proposed as a possible location for the 2027 Summer World University Games.

Mayor Hemminger said that the Town was pleased to join Orange County, The University of North Carolina and other Triangle area partners in supporting the bid to bring the Summer World University Games to the Triangle area in 2027.

0.02 Mayor Hemminger Regarding "Vets on the Move" Event. [\[21-0608\]](#)

Mayor Hemminger said that Vets on the Move, a new program aimed at connecting area veterans with multi-modal transportation, would be launched at 140 West Franklin Street on June 25th from 4:00 to 6:00 p.m.

0.03 Mayor Hemminger Regarding Fourth of July Fireworks. [\[21-0609\]](#)

Mayor Hemminger announced that a fireworks celebration would be held at Southern Community Park on July 4th. She explained that it would be a scaled-down event due to the COVID-19 pandemic, and she encouraged attendees to practice good safety measures.

0.04 Mayor Hemminger Regarding Council Meeting on June 28. [\[21-0610\]](#)

Mayor Hemminger said that the Council would hold an additional meeting on June 28th at 6:30 p.m. and then begin its summer recess.

0.05 Council Member Stegman Regarding Small Town Pride Event. [\[21-0611\]](#)

Council Member Stegman said that a food truck rodeo and dance party would be held on June 24th from 5:00 to 8:00 p.m. at Carrboro Town Commons as part of Pride Month celebrations.

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 Molly McConnell Request Regarding Amending the LUMO to Allow 30 Feet Buffer from Roadways. [\[21-0612\]](#)

Molly McConnell, a Chapel Hill resident, commented on her petition to amend the Town's Land Use Management Ordinance (LUMO) to include 30-foot minimum buffers from roadways for all developments that are not in the Town's Central Business District.

0.07 Robert Beasley Request Regarding Affordable Housing at Trinity Court. [\[21-0613\]](#)

Robert Beasley, a Chapel Hill resident, said that Trinity Court was an ideal place for affordable housing (AH) and should be a top priority for rapid development in the Town's AH strategy. He petitioned the Council to hold a public hearing on its redevelopment status, with a focus on making it available for families on the Section 8 AH waiting list before the end of FY 2022.

0.08 Steven Fleck Request Regarding Delaying Decision for Aura Development. [\[21-0614\]](#)

Steven Fleck commented on his petition to delay any decision on the Aura Development in order to allow time for unbiased assessments of outstanding issues from outside experts. He mentioned some of those issues and said that rushing to a vote would risk creating both short- and long-term problems.

Mayor Hemminger pointed out that the Council could not legally address petitions regarding items that were already on the printed agenda. Therefore, the Council voted unanimously to receive and refer the first two petitions and to take the third under advisement.

A motion was made by Mayor pro tem Parker, seconded by Council Member Ryan, to receive and refer the McConnell and Beasley petitions to the Town

Manager and Mayor. The motion carried by a unanimous vote.

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 Ryan, seconded by Council Member Stegman, that R-1 be adopted, which approved the Consent Agenda. The motion carried by a unanimous vote.

1. Approve all Consent Agenda Items. [\[21-0581\]](#)
2. Approve the Miscellaneous Budget Ordinance Amendment to Adjust Various Fund Budgets for FY 2020-21. [\[21-0582\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
3. Adopt Final Resolution for Approval of Limited Obligation Bonds. [\[21-0583\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
4. Authorize the Town Manager to Execute a Contract for Construction Administration Services for the Estes Drive Bicycle-Pedestrian Improvement Project. [\[21-0584\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
5. Award a Bid for the Road Reconstruction of Country Club Road. [\[21-0585\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
6. Incorporate the Climate Action and Response Plan as a Component of the Town's Comprehensive Plan. [\[21-0586\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
7. Close an Unimproved and Unpaved Portion of Mitchell Lane Public Right-of-Way. [\[21-0587\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
8. Call a Public Hearing to Consider a Land Use Management Ordinance Text Amendment to Section 8.5 Revising Rules of the Community Design Commission for September 1, 2021. [\[21-0588\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.

9. Call a Public Hearing on September 22, 2021 for the Future Consideration of a Parking Payment-in-Lieu System, Land Use Management Ordinance Text Amendment, and Associated Policy. [\[21-0589\]](#)

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

INFORMATION

10. Receive Upcoming Public Hearing Items and Petition Status List. [\[21-0590\]](#)

This item was received as presented.

DISCUSSION

11. Second Reading to Consider an Application for Conditional Zoning - Aura Development, 1000 Martin Luther King, Jr. Blvd. [\[21-0591\]](#)

A motion was made by Mayor pro tem Parker, seconded by Council Member Ryan, to defer this item to the June 28, 2021 meeting. The motion carried by a unanimous vote.

SPECIAL USE PERMIT

12. Consider an Application for Special Use Permit Modification -Timberlyne Offices, 120 Banks Drive. [\[21-0592\]](#)

Assistant Planning Director Judy Johnson presented a Special-Use Permit (SUP) modification request for Timberlyne Offices, which would replace the Timberlyne Movie Theater on Banks Drive. She said that the applicant was proposing a change in use, parking, and floor area but would maintain the same zoning. Ms. Johnson showed the proposed changes on a site plan and said that all Town advisory boards had approved the request, with some conditions. Staff recommended that the Council adopt Resolution 10, for approval, she said.

A motion was made by Mayor pro tem Parker, seconded by Council Member Huynh, that R-10 be adopted. The motion carried by a unanimous vote.

CONTINUED DISCUSSION

13. Receive Recommendations of the Re-Imagining Community Safety Task Force. [\[21-0593\]](#)

Jaclyn Gilstrap, a Re-imagining Community Safety Taskforce (TF) member, reviewed how the TF had been created in memory of those impacted by racial terror and injustice. She said that its mission had been to create concrete, actionable recommendations that would increase public safety,

eliminate structural inequities, and enable everyone to thrive. She provided details of the TF's seven-item charge and said that the presentation would address the recommendations for change and further study and the final report.

Paris Miller, a TF member, reviewed the TF's three-stage process, which had included presentations, community outreach and meetings. She showed examples of how TF members had worked to make their final report something that the community would want to read. The report addressed prevention, crisis and post-crisis, and included 28 recommendations and 31 action items, she said.

Ms. Gilstrap provided additional information on the top five recommendations. These were: 1) implementing an outreach and harm reduction committee to support responding to mental health and other crises in a non-police manner; 2) restructuring how 911 calls would be received and directed; 3) having accessible affordable housing, especially for those in crisis; 4) expanding existing policing alternatives to include deflection, diversion, expungement and support; and 5) collaborating among non-profits, faith communities, community leaders and activists to brain-storm ways of promoting community safety.

Ms. Gilstrap pointed out that many more recommendations were included in the report. She said that the TF had recommended that the Council continue to look into the topic of School Resource Officers (SROs) with groups that had already begun exploring that.

Interim Director of Community and Housing Sarah Viñas, the TF project manager, proposed that the Town develop an action plan and establish a framework for reporting to Council and community regarding implementation. She recommended that the Council receive the TF's findings and adopt Resolution 12, which would send the report to the Town Manager and authorize him to implement next steps. Staff would return in the fall with a status update, she said.

The Mayor and Council congratulated all involved for a job well done. Mayor Hemminger said that the Council would hold a full and robust discussion of the TF's very important work in the fall. She hoped TF members would stay engaged and continue to participate, she said.

Council Members Huynh, Stegman and Buansi, the Council's TF liaisons, praised the effort, the process, and the final report. They said they were looking forward to responding to the call to action in the fall. Other Council Members praised the TF as well. They commented on the diversity of its membership and said that its work had exceeded their high expectations.

Town Manager Maurice Jones thanked the TF and staff for the tremendous 10-month effort. He introduced Shanekia Weeks, the Town's new Diversity, Equity and Inclusion Officer, and said that she would be working closely with staff and community to facilitate the fall discussions.

A motion was made by Council Member Huynh, seconded by Council Member Stegman, that R-12 be adopted. The motion carried by a unanimous vote.

14. Consider an Application for Conditional Zoning for Putt Putt Fun Center, 2200 Eubanks Road (115/135 Chapel Point Road) Community Commercial-Conditional Zoning District and Office/Institutional-2-Conditional Zoning District (OI-2-CZD). [\[21-0594\]](#)

Ms. Johnson said that the Conditional Zoning application for a Putt Putt Fun Center on a 19-acre site next to Carraway Village near Eubanks Road had reached the end of its process. She explained the proposal would divide the area into two Conditional Zoning districts: Office Institutional-2; and Community Commercial. A recreational facility would include mini-golf and go-carts and the other zoning district would be a self-storage facility, she said. She described stormwater and buffer modifications and said that the applicant had agreed to a stipulation that the go-carts be powered by electricity.

A motion was made by Mayor pro tem Parker, seconded by Council Member Huynh, that R-13 be adopted. The motion carried by a unanimous vote.

A motion was made by Mayor pro tem Parker, seconded by Council Member Buansi, that O-8 be enacted as amended. The motion carried by a unanimous vote.

15. Consider Funding the ReVive Recovery Plan with Dollars from the American Rescue Plan. [\[21-0595\]](#)

The Council agreed to move this item to June 28, 2021.

16. Redevelopment and Risk Assessment of Police Station Property at 828 Martin Luther King, Jr. Boulevard. [\[21-0596\]](#)

Genna Olson, a branch manager with Hart and Hickman, gave an PowerPoint presentation on the risk assessment for the upland portion of the Town's Police Station property. She said that the site contained a mixture of coal combustion products (CCPs) and construction materials and that interim measures had successfully addressed the CCP risks in the Bolin Creek Trail area. The next step would be a more comprehensive risk assessment of the site to define final clean-up goals and permanent remedial measures, she said.

Ms. Olson outlined the steps that Hart and Hickman would take to assess

the risk in three separate sections of the property. She said that an ecological assessment would calculate health risks over an individual's lifetime due to exposure. She discussed what risks might trigger additional actions and said that Hart and Hickman's approach would be consistent with both US Environmental Protection Agency (EPA) and NC Department of Environmental Quality (DEQ) risk assessment guidance.

Economic Development Specialist Laura Selmer said that any redevelopment of the site would be done in conjunction with remediation. She described the work that Town staff and the Town's development partner Belmont-Sayre intended to undertake over the summer. The goal was to draft an Economic Development Agreement (EDA) for discussion in the fall that would be based on guiding principles, she said.

Ms. Selmer said that Town staff had met with the Southern Environmental Law Center (SELC) and others, such as Friends of Bolin Creek, many times over the years regarding the Police Station remediation project. The Town's environmental consultants had participated in those meetings as well, and the Town's responses to SELC comments were on the Town website, she said.

Council Members confirmed with Ms. Olson that both human health and ecological risk assessments would probably be completed within two months. In response to questions from the Council about interim measures, Ms. Olson pointed out that Hart and Hickman had created a 96-page environmental management plan for that work. She said that measures such as the silt fence had been working so far and that more permanent measures probably would not need to be inspected as frequently. The risk assessment would be full, comprehensive, and site-wide. Mechanisms also would be in place to manage risks in perpetuity, she said.

Nicholas Torrey, representing the SELC, urged the Town to focus on cleaning up the coal ash dump site before committing to building anything on top of it. A whole host of serious issues had not been addressed and the studies that had been done did not appear to be fully reliable, he said. He stated that several questions in the SELC's letter to the Town had not been answered, and he cited some of those. He said the sampling that the Council had requested in 2019 had not been done, and he characterized that as a serious concern.

Mr. Torrey said that soil sampling that had been done in the upland area in 2017 had shown arsenic levels significantly higher than all standards. Arsenic levels in the coal ash itself, which was close to the surface, was even far higher than that, he said. He emphasized that the SELC had very serious concerns about building on the site. They had major concerns about the interim measures as well, he said, and he characterized the

situation as a disaster waiting to happen.

In response to Mr. Torrey's comments, Ms. Selmer said that it had been the historical practice across the country to use coal ash combustion products as structural fill and that NC DEQ had deemed coal ash to be acceptable for base courses on roadways and other uses. She said that the Town had done extensive sampling and studies and was continuing to inspect the area for erosion. Whatever was ultimately done on the site would include proper capping, which was the safest path to making the area permanently safe for the public, she said.

Ms. Olson assured the Council that Hart & Hickman would recommend ways to prevent risks associated with arsenic and other contaminants. That's what risk assessment is, she said. With regard to the carcinogenic risk, Hart and Hickman was following EPA and DEQ recommendations but might lower the target risk levels, if needed, she said.

Robert Beasley, a Chapel Hill resident, expressed concern about long-term risk management and mitigation being the Town's responsibility. However, Ms. Selmer explained that Belmont-Sayre would most likely become the party responsible for maintenance under a Brownfields agreement with the Town.

Council Member Ryan suggested that SELC members annotate the areas in their letter that they believed had not been adequately answered. In addition, she pointed out that the Town would need to ensure that Belmont-Sayre could afford the long-term maintenance.

Council Member Gu said there was no justification for not getting a third opinion regarding the coal ash. The Council needed to be able to tell the community that it had done the most it could to ensure safety, she pointed out. She said she hoped that the next risk analysis would address various risks and mediation scenarios rather than just taking samples.

The Council voted (6 to 1) to allow staff to work on an EDA over the summer. Council Member Gu explained that she voted against it because she believed the Council should have the complete risk analysis in hand before proceeding with an EDA.

Mayor Hemminger said that she looked forward to getting the evaluation and risk analysis, which the Council would use in the fall when making any determinations regarding moving forward.

A motion was made by Council Member Huynh, seconded by Mayor pro tem Parker, that staff work on an Economic Development proposal. The motion carried by the following vote:

Aye: 6 - Mayor Hemminger, Mayor pro tem Parker, Council Member Buansi, Council Member Stegman, Council Member Huynh, and Council Member Ryan

Nay: 1 - Council Member Gu

17. Consider Land Use Management Ordinance Text Amendments - Proposed Changes to Articles 3, 4, and 6 and Appendix A Related to Short-Term Rentals. [\[21-0597\]](#)

Senior Planner Anya Grahn gave a PowerPoint presentation on proposed LUMO text amendments (TAs) related to short-term rentals (STRs). She said that the Council had held two public hearings on the TAs, the Planning Commission had reviewed them, and the item was now before the Council for possible action.

Ms. Grahn explained that the LUMO only permitted STRs that meet the definition for home occupation, tourist home, or overnight lodging (in the Blue Hill District). She said that revised Ordinance A would: require STR permits; allow primary residence STRs in all zoning districts; permit dedicated STRs in mixed-use and commercial districts; limit dedicated STRs in multi-family developments to the greater of two units or 3 percent of units; and provide operational requirements for STRs.

Ms. Grahn proposed two types of permits: Primary Residence STR, where the property owner is home 50 percent of the time; and Dedicated STR, where the property is exclusively used as an STR, or the property owner is away for more than 50 percent of the time.

Ms. Grahn said that the proposed charge for an STR Permit was \$150 and that the estimated 250 STRs in Town would provide about \$37,500 annually. She reviewed operational requirements and said that the minimum age would be 18, rather than 21. Violations would be treated the same as other zoning violations, she said. She proposed bringing all STRs into compliance within 18 months of when the TAs go into effect.

Ms. Grahn recommended that the Council adopt the Resolution of Consistency (R-16), enact Ordinance 16 approving the proposed amended TAs, and approve Resolution 16.1 to amend the budget to include an STR Permit fee. If enacted, staff would develop the STR Permit and conduct an educational campaign with the public, she said. By spring 2022, an STR Permit application would be available and the deadline for compliance would be December 23, 2022, said Ms. Grahn.

Mayor Hemminger verified with Ms. Grahn that homeowners associations could institute rules that were more, but not less, stringent.

Mayor pro tem Parker confirmed with Planning Director Colleen Willger that staff would present a process and timeline for bringing the Blue Hill District into compliance at the Council's first meeting in the fall.

In response to a question from the Council about whether there would be no enforcement for a year, Ms. Grahn pointed out that existing regulations regarding noise, parking, and other nuisances would continue to be enforced. With regard to a question about granting exceptions to long-time dedicated rental operators, she said that staff was continuing to look at that. She also agreed to determine if there was a way to allow people to start registering in early spring, without a fee.

The Council asked about potential parking issues, and Ms. Grahn said that standards would remain limited to 40 percent of front yard and that Town standards would need to be met before anyone could put a parking lot behind a home. The Council verified with her that enforcement of the ordinance would be complaint-based until the Town was able to obtain tracking software.

Mayor Hemminger pointed out that a postcard with misinformation had been mailed out anonymously to a large number of residents. She clarified that the Council had never talked about rezoning neighborhoods to allow dedicated STRs. Several Council Members pointed out that actions such as disseminating misinformation did not contribute to healthy discussions and good solutions.

The Mayor and Council thanked Ms. Grahn and other staff members for finding a middle ground after a very long and difficult process, and they thanked community members for their feedback. They said that STR operators should be registered as soon as possible, and Council Member Stegman raised the idea of offering an incentive. The Council stressed the importance of finding a way to fund the tracking software. They said they wanted to bring the Blue Hill District into compliance as soon as possible.

Mayor Hemminger pointed out that the registration process would be an evolving one. Eighteen months would provide enough time to understand where STRs were located and what was and was not working, she said. She proposed figuring out a reporting system such as an answering machine that gets picked up by staff. Community members had said they were hesitant to call 911 with STR-related complaints, she pointed out.

A motion was made by Council Member Ryan, seconded by Council Member Huynh, that R-16 be adopted. The motion carried by a unanimous vote.

A motion was made by Council Member Ryan, seconded by Council Member Stegman, that O-9 be enacted as amended. The motion carried by a

unanimous vote.

A motion was made by Mayor pro tem Parker, seconded by Council Member Stegman, that R-16.1 be adopted. The motion carried by a unanimous vote.

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.

18. Open the Public Hearing: Limited Scope Special Use Permit for Tri-City Medical Office Building, 5002 Barbee Chapel Road. [\[21-0598\]](#)

Ms. Johnson said that the Council had authorized a limited scope Special-Use Permit for a 60,000 square-foot medical office building on 2.4 acres at the corner of Barbee Chapel Road and Highway 54. The request was to modify the construction start and completion dates, but not to change the site plan, she said. She recommended that the Council open the public hearing, receive comments, and the recess the public hearing to September 1, 2021.

A motion was made by Mayor pro tem Parker, seconded by Council Member Buansi, to continue the Public Hearing to September 1, 2021. The motion carried by a unanimous vote.

CONTINUED DISCUSSION

19. Open the Public Hearing: Application for Conditional Zoning - Rosemary-Columbia Street Hotel at 108, 110, and 114 W. Rosemary Street (Project 20-076). [\[21-0599\]](#)

Ms. Grahn gave a PowerPoint presentation on a rezoning application for a 48,111 square-foot hotel on a 1.31-acre site at the corner of Rosemary and Columbia Streets next to Historic Town Hall (HTH). The proposed Rosemary-Columbia Street Hotel would have 125 to 140 rooms and an 8,887 square-foot parking garage and would include a land swap with the Town, she said. The site was currently zone Town Center 2/Office Institutional 1/Residential 3 and the applicant was proposing a rezoning to Town Center 2/Conditional Zoning District, she said.

Ms. Grahn indicated on a map where the property was located. She showed how it backed up to the Northside Neighborhood and explained how it fit in with surrounding properties and streets. She said that the applicant, Chapel Hill Ventures LLC, was proposing requesting a change in

buffer and height requirements and would explain that request to the Council.

Ms. Grahn reported that the application had been through multiple rounds of staff review. She summarized advisory boards' recommendations and said that the Community Design Commission wanted to review and approve building elevations in an iterative process. Ms. Grahn recommended that the Council open the public hearing, receive comments, close the public hearing, and schedule consideration for action on September 22, 2021.

Developer Dan Jewell, of Coulter Jewell Thames LLC, gave a PowerPoint overview of the proposal. He described an extended stay hotel that would have 140 rooms, 70 parking spaces with all but 11 spaces under the building, and parking for 10 bicycles. He outlined details on the proposal to swap a Town-owned parking lot for property on Pritchard Avenue.

Mr. Jewell said that the applicant would build a pocket park at its own expense on Town property adjacent to the Historic Town Hall. He said that a traffic impact analysis had found that the project would have minimal impact and had not recommended any road improvements. However, the applicant would make a contribution to Chapel Hill Transit, he said.

Mr. Jewell said that he had met several times with Northside representatives and would continue to do so. He explained that the requested buffer reductions would not be against the residential neighborhood but toward the commercial properties to the north and a parking lot to the south. He said that LUMO requirements regarding buffers were not in keeping with the spirit of creating a friendly urban area. He pointed out that the applicant was proposing to install almost twice as many canopy trees as it would remove.

Architect Jared Martinson, with MHA Works, described how the design had changed since it was first presented to the Town in 2019. It currently incorporated the spirit of Historic Town Hall and included most of Urban Designer Brian Peterson's comments, he said. He showed architectural renderings of the project from different viewpoints and reviewed plan details. The project would provide community benefits, such as new jobs, public art, a park, additional tax revenues, and possible opportunities for local contractors, he said.

Mayor pro tem Parker asked about making the 26-foot wide driveway narrower, and Mr. Jewell explained that the proposed width and absence of trees there was meeting the Town fire marshal's requirements. Mayor pro tem Parker raised concerns about crossing three-four lanes to make a left turn out of that driveway.

Council Members asked about the applicant's plan for using 15 percent local minority contractors, and Mr. Jewell said that they would provide the Council with precise numbers on that. Council Member Buansi confirmed with Mr. Jewell that there had been three meetings with neighbors since December 2019 and that neighbors had raised concerns about the building's height and possible park uses. In response to Council comments, Ms. Grahn agreed to check on whether Town guidelines specified that the Northside transition zone should be 50 feet.

The Council verified that the developer would build the park at its own expense and dedicate it to the Town. Council Member Gu asked if the applicant would commit to helping maintain Historic Town Hall, and Mr. Jewell offered to discuss that with his team and Town staff. The Council confirmed that trash and other back-of-house needs would be handled under the building and within its footprint.

Council Members confirmed that the rooftop terrace, as currently conceived, would be open to the public on the Rosemary Street side and limited to hotel guests on the Columbia Street side. They determined that the applicant envisioned some form of artwork starting at the top of the parking deck entrance, wrapping the building, and following along Columbia Street.

Michael Hoppe, a Chapel Hill resident, said that his letters to the Council and Planning Commission had explained his position.

Matt Gladdeck, executive director of the Downtown Partnership, said he was grateful to the developer for working closely with the Town and being willing to change the design. He said that the proposed park was a necessity for civic events and that the Historic Town Hall could fill a vital need by becoming a third place for people to congregate downtown.

Delores Bailey, executive director of EmPOWERment, Inc. but speaking as a community activist, expressed concern about the building's proposed height. She urged the Council to require the developer to stay at the 50-foot guideline. She wondered if hotel parking would be available and free during weekend athletic events and she asked if extended stay could mean 6-12 months. She and others were concerned about how the public might use the park, she said, and she pointed out that loitering had previously taken place at Historic Town Hall.

Council Members said that they liked the rooftop amenity, the green building focus, the park, and the bike share. Several raised concerns about the proposed height next to the Northside Neighborhood. Council Member Ryan pointed out that the maximum primary building height in Town Center 2 was 30 feet when adjacent to a residential zone.

Council Members were not impressed by the proposed design, which some characterized as uninspiring, generic looking, blocky, industrial looking, and not doing justice to the site. Mayor pro tem Parker said that the design seemed disjointed from other new developments in the area.

Several Council Members were not enthusiastic about having a long blank wall along the parking deck. Some objected to the proposal for so much parking when there would be large, new parking decks nearby. They said that a proposed left turn onto South Columbia Street would not work, and Council Member Ryan characterized it as a disaster waiting to happen.

Mayor Hemminger said she liked the idea of turning underutilized spaces at the Downtown entryway into cool places that were needed downtown and thought the developer was on the right track. She pointed out that the proposal would give the Town a property on Pritchard Avenue that could be turned into affordable housing. She liked the reduced number of parking spaces, she said, and she encouraged the applicant to consider reducing it even further. She recommended working with the fire marshal regarding the driveway.

A motion was made by Council Member Buansi, seconded by Council Member Huynh, to continue the Public Hearing to September 22, 2021. The motion carried by a unanimous vote.

20. Open the Public Hearing for Conditional Zoning - Residence Inn and Summit Place Townhomes, 101-111 Erwin Road, Mixed Use-Village-Conditional Zoning District.

[\[21-0600\]](#)

Ms. Johnson gave a PowerPoint presentation on a proposal to expand a Residence Inn by adding 54 rooms and also construct 52 townhomes on a 17.7-acre site along Erwin Road. She said that the southern portion of the site was currently zoned Residential 3/Conditional Zoning District, and the northern piece was zoned Residential 2. The applicant was proposing to rezone the property to Mixed-Use Village/Conditional Zoning District, she said. The original SUP for the Residence Inn had been approved in 2003 and the applicant had installed stormwater retention when the Residence Inn was constructed, she said.

Ms. Johnson indicated a Research Conservation District in the southern portion of the site and said that the applicant was not proposing to encroach upon that. Most of the site's steep slopes were man made and associated with construction of either the Residence Inn or a farm pond that had been built in the 1950s, she said. She noted that there was a northern connection to the recently-approved Christ Community Church.

Ms. Johnson said that the applicant was requesting modifications to

regulations that would allow an increase in the maximum parking spaces (from 101 to 117) and an increase in the amount of steep slope disturbance. A combination of payment in lieu, walking path and common areas was being proposed as the active recreation requirement, she explained. She said that the Town's advisory boards had all recommended approval, with conditions. She recommended that the Council open the public hearing, receive comments, and continue the public hearing to September 1, 2021.

Scott Radway, speaking on behalf of Summit Hospitality LLC, gave a PowerPoint presentation that included details of the project's history and visuals of the site and surrounding areas. He said that the applicant's goal was to develop the project with uses and building heights that were in the Town's Future Land Use Map and to create affordable ownership opportunities. The proposed expansion would essentially replace a two-story building with a four-story one and reorient parking to the north of that, he said.

Mr. Radway explained how the plan had changed from being multi-family during the concept stage to its current proposal for townhomes. He pointed out that hotel parking had been reduced. There was now a right in/right out entrance and stormwater storage capacity had increased. He described how the project had been designed to be a pedestrian-friendly neighborhood. The need for additional parking had resulted from spaces being tucked among the buildings rather than on the street, he said. He pointed out that the proposed 35 percent impervious surface was about half of what was allowed in a mixed-use district.

Mr. Radway said that the two-story townhome building would be 108 feet from the property line. He said that the buffer between the hotel and Summerfield Crossing would remain at 100 feet, although the new building would be three to four feet taller than the current one.

Mr. Radway said that stormwater management improvements would reduce runoff and flooding along the property line. He described a plan to empty the old pond, remove the dam, and put in permanent stormwater facilities. The developer would then build the parking, develop the townhomes, and replace the two-story hotel with a four-story one, he said.

The Council confirmed that adding 0.9 parking spaces per hotel suite was the minimum allowed in the ordinance. They ascertained that Urban Designer Brian Peterson had looked at the townhome community layout. The applicant had incorporated some of Mr. Peterson's suggestions and would follow up with others when they reach the construction plans stage, Mr. Radway said. The Council confirmed that the new hotel building would be about four feet taller than the existing one.

Council Member Ryan verified that the applicant felt it was necessary to move into the 100-foot buffer that had been negotiated with neighbors in 2003 in order to construct their stormwater facility. She asked if the proposed mitigation within that buffer would lead to a loss of trees, and Mr. Radway said he did not yet know.

Mr. Radway explained that the Town's Stormwater Advisory Board had proposed adding a pipe or open channel and leaving 30-40 feet of untouched buffer on both sides. However, that was still conceptual and not part of the current proposal, he said. Council Member Ryan asked him to return with an opinion on whether stormwater could be handled in a different way.

Council Member Stegman asked how the walking paths, which the applicant was counting as recreational space, differed from sidewalks. Mr. Radway explained how they would loop around the neighborhood in a way that would provide the health benefits of walking for both children and adults. She asked if three proposed common areas were playgrounds or community spaces, and he replied that no specifics had yet been proposed for those spaces.

Council Members determined that the affordable housing plan was for seven townhomes, which would be approximately 15 percent of the total units. Four of those would be at 80 percent of the area median income and three would be at 65 percent, Mr. Radway said. He explained that all of the affordable townhomes would have the same character, materials, texture and feel as the market rate ones.

Harvey Krasny, a Summerfield Crossing resident, said that the Town had set limits on the size of the hotel complex in the 2003 SUP and that Marriott Hotels had accepted those terms. He pointed out that the Council had then taken no action in 2006 when Summit asked to change that SUP by replacing an affordable housing component with a payment in lieu. The Town had wisely set limits on the size of the hotel complex, and Summit needed to continue honoring the terms that it had gladly accepted, he said.

Michael Hoppe, a Summersfield Crossing resident, said that cramming so much residential development into such a relatively small place would be in complete disharmony with nearby residential neighborhoods.

Rebecca Smith, a Windhover Subdivision resident, said that a four-story building would dominate the nearby residential areas. She said that stormwater had not been seriously thought out and there would be traffic safety issues on Erwin Road with the addition of 54 townhomes.

Linda Brown, a Summerfield Crossing resident, said that the proposal was an improvement over the 2018 plan and she commended the applicant for the much-needed townhomes and affordable units. She expressed concern, however, about potential stormwater impacts during and after construction and asked the Council to support the Environmental Stewardship Advisory Board's recommendations for construction management. Ms. Brown also said that so many trees had fallen in the wet buffer area that adding a ditch or swale there would not cause problems.

The Council praised the proposal for townhomes and affordable housing, but recommended that the applicant revise aspects of the site plan. Some said that having townhomes on front of busy Erwin Road would not be pleasant and made no sense. Some said that there seemed to be too much concrete and proposed re-configuring the land to allow more space for houses and less for roads. Council Member Stegman recommended reducing the parking.

Council Members advised the applicant to work harder with Town staff on the recreational component. They said that common areas were not the same a recreation space and sidewalks were not walking paths. They stressed that a neighborhood should include community gathering places such as a playground, dog park, clubhouse, splash pads, and so forth.

The Mayor and Council expressed concern about stormwater issues and recommended that staff evaluate the applicant's proposal more heavily. Mayor Hemminger said that she preferred a natural solution to a pipe, since day-lighting improved water quality and helped wildlife. The Town could not allow the applicant to build something that would flood neighbors' properties, she said.

The Council raised concerns about removing part of a buffer that had been negotiated in the 2003 SUP and they encouraged the applicant to find a way to retain the entire 100 feet. The Mayor and several Council Members emphasized their desire to honor previous agreements.

A motion was made by Mayor pro tem Parker, seconded by Council Member Huynh, to continue the Public Hearing to September 1, 2021. The motion carried by a unanimous vote.

APPOINTMENTS

21. Appointments to the Community Policing Advisory Committee. [\[21-0601\]](#)
The Council reappointed Shiala Baldwin to the Community Policing Advisory Committee.
22. Appointments to the Housing Advisory Board. [\[21-0602\]](#)

The Council appointed Brandon Morande, Anthony Parrish, and Alice Jacoby to the Housing Advisory Board.

23. Appointments to the Justice in Action Committee. [\[21-0603\]](#)

The Council reappointed Ruby Garcia and Nul Oh and also appointed Tiki Wendle, and Ryan Phillips to the Justice in Action Committee.

24. Appointments to the Parks, Greenways and Recreation Commission. [\[21-0604\]](#)

The Council reappointed Lydia Ndugga and Renuka Soll and appointed Hallie Cherry to the Parks, Greenways, and Recreation Commission.

ADJOURNMENT

The meeting was adjourned at 11:45 p.m.