



# 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 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, June 15, 2022**

**7:00 PM**

**Virtual Meeting**

#### 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.

#### 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 Town of Chapel Hill wants to know more about who participates in its programs and processes, including Town Council business meetings and work sessions. Please participate in a voluntary demographic survey <https://www.townofchapelhill.org/demosurvey> before accessing the Zoom webinar registration. After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 874 4051 1389

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

#### OPENING

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

## ROLL CALL

Mayor Hemminger called the roll and all Council Members replied that they were present.

**Present:** 9 - Mayor Pam Hemminger, Mayor pro tem 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 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, Principal Planner - Historic Preservation Anya Grahn, Manager of Engineering & Infrastructure Chris Roberts, and Deputy Town Clerk Amy Harvey.

## ANNOUNCEMENTS BY COUNCIL MEMBERS

0.01 Mayor Hemminger Regarding The Town's Juneteenth Celebrations.

[\[22-0566\]](#)

Mayor Hemminger announced that the towns of Chapel Hill and Carrboro would jointly host a Juneteenth celebration on June 19th at the Hargraves Center from 2:00 to 6:00 p.m. She said that June 20th would be a Town holiday in observance of Juneteenth.

0.02 Mayor Hemminger Regarding the Naming Of The Transit Facility.

[\[22-0567\]](#)

Mayor Hemminger said that the Transit Center had recently been named after former Mayor Howard Lee and Lillian Lee, who had been instrumental in getting it established.

0.03 Mayor Hemminger Regarding Special Council Work Session.

[\[22-0568\]](#)

Mayor Hemminger announced that a special community work session would be held on June 21st from 4:30-6:30 p.m. to kick-off a town-wide planning and visioning process.

0.04 Mayor Hemminger Thanking Staff for a Busy Season.

[\[22-0569\]](#)

Mayor Hemminger commented on how the Town had just completed an exceptionally busy year. She praised and thanked the Town Manager and staff for having risen to the challenge.

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0.05 Mayor Hemminger Regarding Food For The Summer.

[\[22-0570\]](#)

Mayor Hemminger said that the Food for the Summer program would begin on June 21st. She encouraged people to volunteer and said that staff was still working toward offering additional summer camp options.

## 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 Ryan, that R-1 be adopted as amended to add items 4 and 9.01, which approved the Consent Agenda. The motion carried by a unanimous vote.

1. Approve all Consent Agenda Items.

[\[22-0542\]](#)

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

2. Authorize the Disposition of a Surplus Stormwater Division's Street Sweeper.

[\[22-0543\]](#)

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

3. Authorize the Town Manager to Award a Bid for Construction of Homestead and Seawell School Sidewalk Projects with a Not-to-Exceed Amount of \$2,153,448.

[\[22-0544\]](#)

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

4. Authorize the Town Manager to Negotiate and Execute a Construction Contract for the Post Office/ Courthouse Roof Replacement and Cupola Refurbishment and Other Exterior Building Envelope Repairs Project. (distributed 6/14/22)

[\[22-0545\]](#)

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

5. Authorize the Mayor to Execute a Revised Memorandum of Understanding for the Orange County Partnership to End Homelessness.

[\[22-0546\]](#)

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

6. Amend the Personnel Ordinance to Convert the Funeral Leave to a Broader Personal Leave.

[\[22-0547\]](#)

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

7. Submit Public Comments to the North Carolina Utilities Commission Concerning Duke Energy's Carolinas Carbon Plan. [\[22-0548\]](#)

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

8. Continue the Evidentiary Hearing for the Special Use Permit Modification for Chapel Hill North at 1800 Martin Luther King Jr. Blvd to September 28, 2022 [\[22-0549\]](#)

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

9. Call a Legislative Hearing to Consider Annexing Property at 2200 Eubanks Road on September 14, 2022. [\[22-0550\]](#)

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

- 9.01 Adopt a Resolution Supporting a Grant Application to the Governor's Highway Safety Program. (distributed 6/14/22) [\[22-0563\]](#)

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

## INFORMATION

10. Receive Upcoming Public Hearing Items and Petition Status List. [\[22-0551\]](#)

This item was received as presented.

## 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.

11. Close the Evidentiary Hearing and Consider an Application for Special Use Permit Modification - Fifth Third Bank, 1800 Fordham Boulevard. [\[22-0552\]](#)

Deputy Town Clerk Amy Harvey administered the oath to members of Town staff and the applicant team who would be providing evidence.

Assistant Planning Director Judy Johnson presented a Special Use Permit (SUP) modification application for a new Fifth Third Bank on Fordham Boulevard next to Wegmans supermarket. She said that a public hearing

had opened on the SUP request in May 2022 and the applicant was currently requesting Council action.

Ms. Johnson described the proposal to demolish an existing structure and build a 2,400 square-foot bank with an ATM drive-through and a drive-in teller on the property that was zoned Community Commercial. She said that the requested SUP modification pertained to steep slope regulations, an entrance drive, drive-thru screening, and landscape buffers.

Ms. Johnson noted that a stipulation to the SUP would require the applicant to maintain existing trees to the extent possible. The SUP also encouraged additional landscape buffering along the Fordham Boulevard frontage while considering safety requirements, she pointed out. She said that staff was recommending that the Council close the hearing and consider adopting Resolution 9 for approval.

Council Member Ryan thanked the applicant and staff for including additional language regarding landscaping, and she encouraged the applicant to leave the large trees in place, if possible.

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

A motion was made by Council Member Parker, seconded by Council Member Berry, that the Council adopt R-9. The motion carried by a unanimous vote.

## **ZONING ATLAS AMENDMENTS**

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.

- 12.** Close the Legislative Hearing and Consider an Application for Conditional Zoning for the Gimghoul Castle located at 742 Gimghoul Road from Residential-1 (R-1) to Office/Institutional-1-Conditional Zoning District (OI-1-CZD).

[\[22-0553\]](#)

Principal Planner Anya Grahn showed the Gimghoul Castle's location, just north of Raleigh Road and adjacent to the Gimghoul Historic District. She said that staff had been working with the applicant to revise Ordinance A in order to further clarify conditions of approval and reflect specific site conditions unique to the project. No changes had been made to the requested modifications to regulations that had been outlined in the application, she said. She recommended that the Council close the legislative hearing and consider adopting Resolution A and enacting

Ordinance A, which would bring the property into compliance with Town regulations.

A motion was made by Council Member Anderson, seconded by Mayor pro tem Stegman, that the Council closed the legislative hearing. The motion carried by a unanimous vote.

A motion was made by Council Member Ryan, seconded by Council Member Miller-Foushee, that the Council adopt R-11. The motion carried by a unanimous vote.

A motion was made by Council Member Ryan, seconded by Council Member Miller-Foushee, that the Council enact O-2. The motion carried by a unanimous vote.

- 13.** Continue the Legislative Hearing for a Conditional Zoning Application - 101 E. Rosemary Street from Town Center-2 (TC-2) to Town Center-3-Conditional Zoning District (TC-3-CZD).

[\[22-0554\]](#)

Mayor Hemminger reminded Council members that the applicant had asked that they not vote on the project until the September 14, 2022, Council meeting.

Ms. Johnson pointed out that the current hearing was a continuation from hearings in April and May. Since then, the applicant, Grubb Properties, had been working on its affordable housing, street activation and parking plans, she said. She noted that an enhanced condition regarding the parking strategy would require the applicant to secure a long-term lease for 130 parking spaces.

Ms. Johnson outlined Grubb Properties' request to rezone a 0.64-acre Downtown site to Town Center 3/Conditional Zoning District. The applicant was proposing to construct a 7-story apartment building with 150 units and no parking, she said. She pointed out that Grubb Properties had requested a modification to the 44-foot setback height requirements to allow 90 feet on all four elevations. She said that comments from Urban Designer Brian Peterson regarding the building's orientation, first floor activation, commercial space, leasing/amenity space, frontages, and facade were included in the Council's packet.

Joe Dye, executive vice president for Grubb Properties, gave a PowerPoint presentation that showed the proposed project from an aerial perspective. He described problems that would ensue if the building were turned 180 degrees, as some Council Members had suggested. Grubb Properties had concluded that the original design was the best one for the site, he said.

Mr. Dye pointed out that Grubb Properties had made changes to the building's facade, which had resulted in an additional three feet of sidewalk. The proposed sidewalk was now 14 feet from curb to building and included more than seven feet of unimpeded walking area on the widest part, he said. Additionally, a cycle center and leasing space had been rearranged to enable a more activation at the corner of the street, he said.

Mr. Dye showed renderings of what the building would look like with changes to its facade resulting from the sidewalk widening. He said that Grubb Properties intended to work on its affordable housing (AH) component over the summer and would return in September with that strategy.

Council Members asked if a density bonus might make the AH plan more feasible, and Mr. Dye replied that he had been considering that but thought that additional height probably would be too much for that corner.

Mayor Hemminger expressed appreciation for Grubb's willingness to work with staff on some of the issues. She pointed out that the Council was interested in having affordable office space as well, and Mr. Dye said that Grubb was studying that as a possible component at the corner. Mayor Hemminger confirmed with him that Grubb Properties would provide irrigation for the planting strip, and she asked for that to be included as a stipulation.

Council Member Parker verified that making a contribution toward building a nearby bus rapid transit stop would be a condition for approval if it had not already been stipulated.

Matt Gladdeck, executive director of the Downtown Partnership, said that the proposed project would meet a significant number of Downtown priorities. He appreciated the care and effort that the Council had taken to ensure a great project and hoped a compromise would be reached, he said. He pointed out that 130 units would bring 200 or more year-round residents to the Downtown.

Council Members expressed appreciation for the applicant's willingness to re-look at the project and make changes. They stressed the need to sort out the AH plan and create a place that would be attainable for all. Some expressed a preference for affordable units on site, if possible.

Council Member Anderson urged the developer to continue refining the urban design/public realm aspects so that the building would be a better fit for Downtown. She raised concerns about the effect of amenities such as the swimming pool on people walking by. The concept plan felt like it

was stuffing a model that had worked in other places into the small Downtown, she said.

Council Member Ryan said that having private amenities in a small, urban public space was a problem for her as well -- and she questioned the need for apartments at the ground floor on Columbia Street. She praised the applicant for moving the cycle center to another location but said that the remaining leasing office was still not an activated public space.

Council Member Parker said that perhaps the first-floor apartments could be designed in a more flexible way that would allow them to be converted into retail/commercial spaces in the future. The leasing and amenities space still seemed on the large side, he said, and he proposed that the applicant think about redistributing that further to create more commercial space.

Mayor pro tem Stegman said she hoped the parking plan would be flexible. She liked the idea of a car-free community but did not want those who rely on cars to be parking in nearby neighborhoods, she said.

Council Member Ryan questioned whether 7-foot sidewalks would be wide enough for downtown and Council Member Berry proposed that they be made consistent with other sidewalks in the area.

Mayor Hemminger encouraged the applicant to look again at Brian Peterson's suggestions. She emphasized the need to get the design right at that important location. The Town needed permanent, 12-month housing, and commercial opportunities, and wide sidewalks, adding that there probably was a way to partner with others regarding the affordability component.

A motion was made by Council Member Parker, seconded by Council Member Berry, that the Council continued the Legislative Hearing to September 14, 2022. The motion carried by a unanimous vote.

## **CONCEPT PLAN REVIEWS**

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, people speaking on an agenda item are 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.

**14. Concept Plan Review: Huse Street Residential.**

[\[22-0555\]](#)

Ms. Johnson said that the 10.6-acre, six-parcel property was zoned Residential 1 and located in Durham County but was within Chapel Hill's planning jurisdiction. She said that the area had been designated for low residential development (typically 1-4 units per acre) on the Town's Future Land Use Map (FLUM). She summarized advisory board comments and said that approval of Resolution 14 would transmit the Council's comments to the applicant.

Ms. Johnson pointed out that three other projects were being proposed for development in the area. One had just been presented in Item 13 and two others would come to the Council as concept plans in the fall, she said. She said that collaboration among the developers was being encouraged and that an East Chapel Hill Planning Project was underway. Staff would determine over the summer how the four projects might work together, she said.

Dan Jewell, of Coulter Jewell Thames, gave a PowerPoint presentation that included an aerial view of the current site. He said that the site was adjacent to the FLUM focus area but not actually in it. The plan included 264 units -- 114 for sale and 150 rentals -- with under-building parking for about 1.6 cars per unit, he said.

Mr. Jewell said that the applicant's goal was to provide missing middle housing with a mixture of housing types in one community. He showed examples of potential housing types, which included: a 4-5 story, multi-family rental apartment project; stacked townhouses that would be for sale; and a series of small cottages around a rebuilt pond. He said that the applicant had expressed interest in offering housing discounts for University of North Carolina and Town employees.

Mr. Jewell described amenities such as a large greenspace, clubhouse, pool and open play area. He said that the stormwater management system would be underground. He mentioned a proposal for a series of small buildings that could be used as pop-up community kitchens and/or small entrepreneurial spaces.

Mr. Jewell asked for feedback from Council input on the idea of a mixed residential and small business incubator type of community. He said that the applicant, Ernie Brown, looked forward to working with the other developers in the area and had been meeting with the Town's AH staff. They were considering asking for a rezoning to Conditional Zoning/Office

and Institutional 3 but wanted to work with Town staff to determine the best fit for the project, Mr. Jewell said.

The Council confirmed with Mr. Brown that the cottages facing the pond would be less than 1,000 square feet and primarily one-bedroom. They also confirmed that the applicant intended to encourage e-biking and would provide them free of charge to those with financial limitations.

Mayor Hemminger verified with Mr. Jewell that the applicant would create sidewalks and would work with the Town if staff thought that an off-road multi-use path would be more appropriate.

Mr. Harrison and area resident Susan Rice expressed concern about the amount of traffic that this and the other proposed projects would generate on a state road that neither city had power to improve. Ms. Rice expressed concern about potential stormwater problems as well.

Alicia Cogburn asked if the Town had determined a need for more apartment complexes in the area. Moreover, she and Ms. Rice both said that they had not been informed about any of the proposed developments. Mayor Hemminger confirmed with Ms. Johnson that the Town had notified all property owners within 1,000 feet, but Ms. Cogburn and Ms. Rice insisted that they had not received notices.

Area residents Joanna Pomerantz and Emily Kaiser expressed concern as well about additional traffic on Pope Road and Old Chapel Hill Road. Ms. Pomerantz said that it was unrealistic to think that people would opt for e-bikes rather than cars, and Ms. Kaiser said that putting e-bikes on those public roads could create further traffic challenges.

Ms. Pomerantz raised concerns about additional stormwater running into Clark Lake, and resident Keith Shaw explained how stormwater already did flow into his yard and had led to Clark Lake overflowing on May 27, 2022. He was extremely concerned about the proposed project's density and amount of impervious surface, Mr. Shaw said.

"Anthony and Chris", from East Coast Electric Speed Shop, and Chris Carini, owner of Linda's Bar and Grill, spoke about why e-bikes were good for the environment, beneficial for mental and physical health, and important additions to local infrastructure. They said that Chapel Hill was poised for such a change and that potential problems could be addressed through a robust education program.

Resident Charles Berlin, who had sponsored petition that received 500 signatures, asked the Town to rethink the plans for the area. The concept plan being proposed included density that was out of scale with the abutting neighborhoods, involved extensive tree clearing, and would lead to increased traffic, he said.

Resident Jonathan Wexler said that he lived next to the pond, which was far more conducive to mental health in its natural state than the proposed project would be. He characterized rezoning as a "cockamamie idea" and said that University and Town employees would more likely take the bus to work than ride e-bikes.

Mayor Hemminger advised the Council to comment at a high, concept plan level on issues such as how the four developments should be planning together and maybe with the Town's visioning team to make sure that projects create a sense of community rather than four separate projects. She said the Town wanted to see design guidelines that made sense for this area.

Mayor Hemminger encouraged the Council to comment on massing, density, housing mix, number of units, traffic, and stormwater. She commented on how transit would be a huge part of the area's future. The Town was concerned about the environment and sustainability issues, she said, but she asked the Council to not get into those granular issues at the current time. She pointed out that the Town had no control over whether Durham County and/or the City of Durham put in large apartment complexes. However, such buildings had filled up and a Town study had revealed an ongoing housing shortage in the area, she said.

Council members said they shared community members' concerns about traffic. They stressed the need to coordinate with the other project teams and the Town's visioning team in order to create a complete and connected community. Council Member Anderson proposed determining if there were shared interests with Eastowne as well.

Council members liked the idea of having diverse housing types and people of different incomes. They pointed out that working with staff regarding stormwater and transit would be critical. Some said they wanted the Town's Climate Action Plan to be integrated into the larger development for the area early on.

Most Council Members said they appreciated the applicant's creativity and approved of the proposed density, in principle, but needed to see how it would fit in with the area's other proposals. Several noted that a recent Housing Report had identified a need for more housing in Chapel Hill.

Council Member Anderson pointed out that trade-offs were necessary in order to avoid having the town become an un-affordable bedroom community. Some Council Members said that they did not object to the proposed density but wanted to understand it in the context of the other buildings. Council Members Ryan and Stegman stressed that the development should be done with an eye toward making the area better of existing neighbors as well as the people who would be moving in there.

Council Member Parker pointed out that it was difficult to make specific comments without seeing the broader plan. However, the project needed a streetscape and less parking, he said, adding that the current plan was a big parking lot that could just as easily be a suburban office park. He praised the proposed mix of housing types but said they did not fit together in any meaningful way. With regard to traffic, a traffic impact analysis (TIA) would show what needed to be done across the entire area, he pointed out.

Council Member Searing said he thought the project was too dense and lacked connectivity. He stated that stormwater run-off was a huge problem in that area and said that the Council needed to listen when it received a petition from 500 neighbors.

Council Member Huynh said that the proposed housing mix met the needs presented in the Town's Housing Study. Council Member Ryan noted that one of the goals of density was to preserve green and open space. Density led to stormwater management, environmental services, recreation, cleaner air, and other very important things, she pointed out. Council Member Ryan also said, if you can make a complete neighborhood that has green space and open space and public places where people want to be, and it's dense, then great/that's a win/win for me. Council Member Ryan said she's not concerned with the actual density numbers, but rather making it a really desirable place to be.

Council Member Miller-Foushee said that she liked the proposed density, the mix of rental and homeownership, and the amenities. However, she agreed with Council Member Parker's comments about how it looks like a parking lot and said that she wanted to see some opportunities for those at 30 percent area median income to live there, she said. She confirmed with the applicant that the proposed 4-story townhomes would be about 1,800 and 2,200 square feet and the 3-story ones would be about 2,100 to 2,400 square feet.

Mayor pro tem Stegman said that she appreciated the mix of different housing types as well and the creativity regarding community kitchens, e-bikes, greenspace, and the pond as an amenity. She agreed with Council Member Parker's comments regarding the need for internal connectivity and confirmed with Planning Director Colleen Willger that she and Urban Designer Brian Peterson would lead discussions, help facilitate the larger process, and ensure that any final development benefits the neighborhood. Council Member Ryan confirmed that Dwight Bassett would be involved as well.

Mayor Hemminger asked staff if there was a plan for a comprehensive TIA for the entire area, and Ms. Willger replied that staff thought that made

sense and had talked with individual developers about doing that during the formal application stage of the process. Council Member Parker commented that it would be a perfect opportunity to use the Town's town-wide traffic model.

Council Member Ryan pointed out that scaling down the units would help with affordability, adding that people would accept smaller units if the neighborhood amenities were good.

Mayor Hemminger agreed with the Council's comments about the need for a different mix of housing types and she emphasized the need to connect and integrate with the other developments and create a sense of place and community. She described several traffic improvements that would be needed and said that the Town needed to make sure that it did not make the stormwater system worse.

Mayor Hemminger said she wanted to see a visioning process that would figure out how to make it all work, create a sense of community, and provide amenities that would bring others to the area. She said that the Council liked the applicant's creativity and encouraged Mr. Brown to keep going with that.

Mr. Jewell thanked the council for the wonderful range of excellent, thoughtful comments, which would inform them as they continue to meet with the other developers and when they think about the site internally.

Mr. Brown explained that he had wanted to get a sense of whether the Council likes how he was thinking in general and he appreciated getting that.

A motion was made by Council Member Huynh, seconded by Mayor pro tem Stegman, that the Council adopt R-15. The motion carried by a unanimous vote.

**15. Concept Plan Review: Barbee Chapel Apartments.**

[\[22-0556\]](#)

Ms. Johnson gave a brief PowerPoint presentation on a concept plan for Barbee Chapel Apartments, which would be located along Highway NC 54 and Barbee Chapel Road. As with Item 14, the development would be located in Durham County but within Chapel Hill's jurisdiction.

Ms. Johnson summarized the plan for 10 parcels on a 10.5-acre site zoned Residential 2. The proposal was for 325-355 multi-family dwelling units with an AH component that was still being developed, she said. She noted that the applicant had been encouraged to collaborate with a nearby Hillmont project that was also at the planning stage.

Ms. Johnson reviewed advisory boards comments and summarized Mr.

Peterson's suggestions regarding design. She said that the project was located in NC 54 Corridor Subarea A of the FLUM, where multi-family residential and commercial uses with activated street frontages were encouraged. She recommended that the Council consider adopting Resolution 16, which would transmit its comments to the applicant.

Michael Skena, regional director for Toll Brothers Apartment Living, gave a PowerPoint presentation that showed an aerial view of the site and surrounding area. He explained how the project would fill a gap between the more urban NC 54 corridor and a suburban Barbee Chapel Road. He said that Toll Brothers was working with 10 existing single-family homeowners there who had banded together to determine the best use for their properties.

Mr. Skena outlined a concept plan for four, multi-family, rental apartment buildings, which included two 5-story buildings along Barbee Chapel Road and two 4-story buildings farther away from the street. Those buildings would be surrounded by a large central lawn and the development would include greenspace, a community center and clubhouse, co-working space, a pool, a tot lot, and a dog park, he said. He characterized the plan as a multi-modal, transit-oriented development and said that Toll Brothers had agreed to coordinate planning with the nearby Hillmont development.

Mr. Skena said that the site's flat topography would allow for dense development. Fifty-five percent of the units would be studios and one-bedrooms and would target early career professionals, he said. He proposed that 10 percent be AH, split between 65 and 80 percent of the area median income. Toll Brothers understood that the Town's policy was 15 percent and was flexible regarding that, he said.

Mr. Skena showed images of a farmhouse motif as well as masking studies showing how the four buildings would fit together. He described a 10-foot, multi-use path along Barbee Chapel Road and described how Barbee Chapel Apartments could fit in with the Hillmont project. He discussed the location's close proximity to existing bike and pedestrian connections and bus stops.

Council Members confirmed that monthly rents would be about \$1,300-\$1,500 for studios and one-bedrooms and about \$2,100-\$2,300 for two- and three-bedroom units. They established that only surface parking was planned, and Mayor Hemminger verified with Mr. Skena that the concept plan included about 75 percent impervious surface. Mr. Skena said that total impervious surface in that area would be about 42 percent when Barbee Chapel Apartments and the Hillmont project were looked at holistically, however.

Mr. Harrison commented on the potential for the multiple proposed projects to overload Highway NC 54 and turn Barbee Chapel Road into a problematic intersection. If Barbee Chapel Apartments applied for

Conditional Use Zoning, he hoped that the Council would put conditions on it, he said.

Mayor Hemminger pointed out that a prior consultant had noted opportunities for middle housing in that section of Town. The area was along a transit corridor and there were difficulties associated with commercial development there, she recalled. She asked staff to send copies of that consultant's report to new Council Members.

The Mayor and Council stressed the need for serious joint planning in the area and they emphasized the importance of coordinating with Hillmont developers on continuity, connectivity, and balance in order to create complete communities. Council Member Ryan said that substantial coordination might help Toll Brothers make an argument for more impervious surface at Barbee Chapel Apartments.

The Council said that the project proposed too much surface parking and too little green space, and Council Member Parker pointed out that having underground parking would help address that problem.

Council Member Ryan asked staff to bring back a clarification of impervious surface rules. She pointed out that the site drained to Jordan Lake water, and she stressed the importance of protecting that source of future drinking water.

The Council generally agreed that much more work needed to be done on the concept plan. Council Members said that the plan lacked a streetscape and that the proposed massing needed to be reconsidered. Mayor Hemminger said there were ways to be more creative with a flat piece of land in such a good transit location.

Council Members repeated the comments they had made regarding Item 14 about the need for complete communities, coordination, connectivity and amenity space in that part of Town. Rather than conveying a sense of place, Barbee Chapel Apartments seemed like buildings strewn around a site with some sidewalks connecting them, said Council Member Parker. They pointed out that the proposed buildings would be very large compared to others nearby, which were mostly of 1-, 2- and 3-stories.

Several Council said they objected to the 10 percent AH proposal, and Council Member Miller-Foushee mentioned the frustration she feels when concept plans do not meet the Town's 15 percent requirement.

Mr. Skena explained that he had not yet talked with Town staff about AH. He would do so as soon as possible, he said, and Mayor Hemminger pointed out that the Town sometimes accepted fewer affordable units in return for a lower area median income level. She encouraged the

applicant to work with Town staff and the Housing Advisory Board on its AH proposal.

Council Member Ryan said she would prefer to see lower market-rate rents as well, and Council Member Berry said that the proposed rents seemed steep for the missing middle population that the applicant said it was targeting. In addition, the Mayor and several Council Members expressed interest in seeing a mix of housing types, rather than all rentals.

Mayor Hemminger said she thought the applicant had not capitalized on some of the opportunities it had. The concept was not quite what the Town wanted, and the Council would like to see something different come back, she said. She pointed out that the Council wanted to see a community that would be a mix of people and incomes, and she advised the applicant to consider Mr. Peterson's input.

A motion was made by Council Member Berry, seconded by Council Member Huynh, that the Council adopt R-16. The motion carried by a unanimous vote.

## **APPOINTMENTS**

- 16.** Appointments to the Chapel Hill Downtown Partnership. [\[22-0557\]](#)

The Council appointed Whitney St. Charles and Jim Fine to the Town-appointed seats on the Chapel Hill Downtown Partnership.

- 17.** Appointments to the Environmental Stewardship Advisory Board. [\[22-0558\]](#)

The Council appointed Judy Gaithens-arneson, Anthony Henage and Michelle Stewart to the Environmental Stewardship Advisory Board.

- 18.** Appointments to the Justice in Action Committee. [\[22-0559\]](#)

The Council reappointed Julia Cunningham and Alix McKay and appointed Betsy Burke and Cameron Sutton to the Justice in Action Committee.

- 19.** Appointment to the Orange Water and Sewer Authority Boards of Directors. [\[22-0560\]](#)

The Council Appointed David Gorelick to the Orange Water and Sewer Authority Board of Directors.

- 20.** Appointments to the Planning Commission. [\[22-0561\]](#)

Mayor Hemminger pointed out that openings on Town boards remained, including for the Planning Commission and the Board of Adjustment. Please apply at [townofchapelhill.org/boards](http://townofchapelhill.org/boards).

The Council Appointed Wesley McMahon to the Planning Commission.



## **ADJOURNMENT**

Mayor Hemminger said that the Council had only one more work session before its summer recess, and she thanked Town staff for working so hard throughout the year.

The meeting was adjourned at 10:15 p.m.