



# 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 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, January 25, 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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#### In-Person Meeting Notification

View the Meeting

- View and participate in the Council Chamber.
- Live stream the meeting - <https://chapelhill.legistar.com/Calendar.aspx>
- View on cable television channel at Chapel Hill Gov-TV ([townofchapelhill.org/GovTV](http://townofchapelhill.org/GovTV))
- 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 at Town Hall lots and the lot at Stephens Street and Martin Luther King Jr. Boulevard.
- 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 COVID-19 Protocols

- Entrance on the ground floor.
- Visitors and employees will self-screen. Do not enter if you have these symptoms: Fever, chills, cough, sore throat, shortness of breath, loss of taste or smell, headache, muscle pain
- Attendees are encouraged to wear masks in the building.
- Hand sanitizer is located near the main doors.

#### ROLL CALL

Mayor Hemminger called the meeting to order a 7:00 p.m. and reviewed the agenda. She discussed the rules for public participation and pointed out that Item 14 had been postponed to March 8, 2023. All Council Members 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

Interim Town Manager Chris Blue, Deputy Town Manager Mary Jane Nirdlinger, Deputy Town Manager Loryn Clark, Town Attorney Ann Anderson, Assistant Planning Director Judy Johnson, Transit Director Brian Litchfield, Planning Manager Corey Liles, Senior Planner Tas Lagoo, Principal Planner of Historic Preservation Anya Grahn-Federmack, Director of Affordable Housing and Community Connections Sarah Viñas, Transit Project Manager Katy Fontaine, Assistant Transit Director Nick Pittman, Public Housing Director Faith Brodie, Communications Manager Ran Northam, Public Housing Maintenance Supervisor Julian Gerner, Fire Marshall Roland Falana, Police Officer Steven Bradley, and Deputy Town Clerk Amy Harvey.

#### OPENING

0.01 Celebrating Successes Video: Public Housing [\[23-0078\]](#)

The Council watched a video about Town efforts to rejuvenate its Public Housing sites by adding improvements such as community gardens, murals, new bike racks, and entrepreneurial training. When the video ended, Mayor Hemminger congratulated Public Housing Director Faith Thompson and her team for the improvements and for Public Housing's weekly Food Bank distribution efforts.

1. A Resolution to Urge the North Carolina General Assembly to Pass Medicaid Expansion. [\[23-0061\]](#)

Council Members Anderson and Parker read a resolution that supported expanding Medicaid coverage to more than 600,000 uninsured North Carolinians, including 7,000 living in Orange County. The resolution

pointed out that closing the coverage gap would generate new revenue and jobs and would help address the opioid epidemic as well. Funding from taxes that North Carolinians had already paid would cover 90 percent of the costs, it pointed out.

Mayor Hemminger said that North Carolina was one of only a few states that had not passed Medicaid Expansion and that she hoped that the NC General Assembly would do so during its current session.

A motion was made by Council Member Parker, seconded by Mayor pro tem Stegman, that the Council adopted R-0.1. The motion carried by a unanimous vote.

1.01 A Resolution in Support of the ICAN Cities Appeal for the UN Treaty on the Prohibition of Nuclear Weapons. [\[23-0079\]](#)

Mayor pro tem Stegman read a resolution that addressed the immorality of squandering money on nuclear weapons while millions of families lived in poverty. The resolution stated that the Town of Chapel Hill had been a member of Mayors for Peace since 2006 and that the International Campaign to Abolish Nuclear Weapons (ICAN) had asked it to endorse a statement in support of a treaty on the prohibition of nuclear weapons.

Chapel Hill residents Lib Hutchby and Wes Hare thanked the Council on behalf of a variety of organizations for taking action and for joining the towns of Carrboro and Durham in supporting ICAN's efforts. Mr. Hare showed a list of what the money could be used for in Town if it were not being spent on nuclear weapons.

A motion was made by Council Member Berry, seconded by Mayor pro tem Stegman, that the Council adopted R-0.2. The motion carried by a unanimous vote.

#### ANNOUNCEMENTS BY COUNCIL MEMBERS

1.02 Mayor Hemminger Regarding Virtual Open House and Future Public Information Meetings. [\[23-0080\]](#)

Mayor Hemminger announced the following meetings: a virtual open house regarding the Housing Choice Initiative on January 31st at 5:00 pm; a virtual public information meeting on the Connected Road Plan on February 1st at 5:30 pm; and an in-person open house on the Housing Choice Initiative at the Public Library on February 2nd, from 12:00 to 2:00 pm.

1.03 Mayor Hemminger Regarding Council Retreat. [\[23-0081\]](#)

Mayor Hemminger reminded the Council that it's annual retreat would be held on February 3, and 4, 2023.

1.04 Mayor Hemminger Regarding People's Academy. [\[23-0082\]](#)

Mayor Hemminger pointed out that registration for the People's Academy would remain open through February 6, 2023. She encouraged residents to sign up and learn more about how the Town operates.

#### 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.

2. Will Raymond Reiterated Request for Ethics Guidelines. [\[23-0062\]](#)

This item was received as presented.

2.01 ESAB Request Follow-Up Regarding 828 Martin Luther King Jr. Blvd. Site. [\[23-0083\]](#)

Tom Henkle, Environmental Safety Advisory Board (ESAB) chair, pointed out that a petition regarding a coal ash dump at 828 Martin Luther King Jr. Boulevard that the ESAB had forwarded to the Council in December 2022. He said that the petition from Safe Housing for Chapel Hill had asked the Council to remove all coal ash before beginning any new construction at the site.

Stephen Fleck, a Mount Bolus Road resident, said that he and other Safe Housing for Chapel Hill members had found it incomprehensible that the Town had not looked more deeply into the coal ash situation or acknowledged the views of three experts on the human and environmental effects of coal ash exposure. He said that the Town's consultant's recommendation to silo the contamination off was not up-to-date on the science. Removing all the coal ash would cost 60-80 percent of estimate for partial removal, he said.

This item was received as presented.

2.02 Self-Help Request for 2200 Homestead Limited Scope Review. [\[23-0084\]](#)

Landscape Architect Wendy Ramsden requested Conditional Zoning

Limited Review for two projects that had received conditional approval the prior year.

This item was received as presented.

2.03 Columbia Street Request for Limited Scope Review [\[23-0086\]](#)

A motion was made by Council Member Anderson, seconded by Mayor pro tem Stegman, that the Council received and referred the 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 Anderson, seconded by Council Member Huynh, that R-1 be adopted, which approved the Consent Agenda. The motion carried by a unanimous vote.

3. Approve all Consent Agenda Items. [\[23-0063\]](#)

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

4. Authorize the Issuance of \$1,980,000 of Two-Thirds Bonds, \$5,245,000 of Affordable Housing Referendum Bonds and \$7,700,000 of Streets & Sidewalks Referendum Bonds. [\[23-0064\]](#)

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

5. Authorize the Town Manager to Enter into a Bus Financing Agreement with the Transit Partners and Issue a RFP for Debt Financing the Purchase Of New Buses. [\[23-0065\]](#)

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

6. Authorize the Town Manager to Negotiate and Execute a Sole Source Contract to Purchase Critical Conducted Energy Equipment and Supplies for Police Officers. [\[23-0066\]](#)

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

7. Amend Article I, Chapter 2, Code of Ordinances Related to Filing Fees for Election. [\[23-0067\]](#)

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

8. Support a Safe Routes to School Non-Infrastructure Grant [\[23-0068\]](#)

Application to the North Carolina Department of Transportation.

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

9. Call a Legislative Hearing to Consider Incorporating the Complete Community Framework as a Component of the Town's Comprehensive Plan on April 19, 2023. [\[23-0069\]](#)

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

10. Amend the 2022-23 Council Calendar. [\[23-0070\]](#)

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

11. Adopt Minutes from October 12, and 19, 2022 and November 2, and 14, 2022 Meetings. [\[23-0071\]](#)

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

### INFORMATION

12. Receive Upcoming Public Hearing Items and Petition Status List. [\[23-0072\]](#)

This item was received as presented.

### DISCUSSION

#### *LAND USE MANAGEMENT TEXT AMENDMENT(S)*

13. Open the Legislative Hearing for a Land Use Management Ordinance Text Amendment - Proposed Changes to Articles 1, 3, 4, 5, 6, and 7 and Appendix A Regarding Housing Choices for a Complete Community [\[23-0073\]](#)

Mayor Hemminger said that the community had been searching for ways to create more inclusive and affordable "missing middle" housing and that staff was about to outline one possible option. She emphasized that more information would be needed before any changes would be made.

Planning Manager Corey Liles began a PowerPoint presentation on a proposed Land Use Management Ordinance (LUMO) text amendment (TA) that would simplify and clarify how the Town reviewed housing different types. He said that the proposed TA was in response to a September 2021 request from several Council Members. The TA would diversify and increase the housing supply, encourage compatible infill development, and strategically increase density in established neighborhoods while respecting neighborhood character, he said

Mr. Liles showed a list of public meetings that staff had held on to the

changes with stakeholders, the public, Town advisory boards and the Council since October 2022. He said that open houses had been scheduled for January 31st and February 2nd, 2023. The Housing Advisory Board (HAB) and the Planning Commission (PC) supported staff's efforts, but the PC had raised questions about neighborhood impacts, he said. He proposed that the Council open the public hearing, receive comment, and continue the hearing to February 22, 2023.

Principal Planner Anya Grahn-Federmack explained that missing middle housing was a range of multi-unit or clustered housing types that were compatible in scale with single family homes. Staff's proposal would provide clear, updated definitions and standards and would allow more duplexes, triplexes, fourplexes and cottage courts, she said. She noted that the proposal TA would not change the Town's stormwater or steep slope regulations and would include additional tree protection and tree canopy requirements.

Ms. Grahn-Federmack went over specific changes that the TA would make regarding lot size, setbacks, building dimensions, and the LUMO's current density prescription. She said that the intent was to allow more units within a mass but that the TA would not change the size of buildings allowed within a zoning district. She showed examples of typical streetscapes, which Urban Designer Brian Peterson had created, and presented examples of where small-scale, multi-family buildings already existed in Town. She explained how design standards would address the way in which the new homes fit into neighborhoods.

Senior Planner Tas Lagoo said that the proposed TA would impose standards to ensure that new development types were compatible with existing neighborhoods. It would not make single-family houses non-conforming, would not prohibit single-family developments, would not apply where neighborhood conservation districts prohibit such uses, and would not supersede any restrictive covenants or existing entitlements, he said. He said that the change would also not designate any unit or unit type for affordable housing only. It would not prevent student rentals, and would not discriminate between owned or occupied units, he said.

Mr. Lagoo said that the TA would allow administrative approval for small, multi-family developments of up to four units. He noted that Raleigh, Durham and other municipalities that had instituted such reforms had not seen massive growth explosions. If Chapel Hill's experience were similar, then it could expect about three new cottages, up to two new duplexes, and probably one new triplex per year, he said. He showed a list of the ways in which members of the public could get involved and said that Town planners were eager to talk directly with residents.

Mayor Hemminger said that the Council had received many questions and comments on the proposed change, both pro and con. She confirmed with staff that the Historic District would not be exempt in the same way that

neighborhoods with homeowner associations (HOAs), neighborhood conservation districts (NCDs) and/or restrictive covenants would be. Ms. Grahn-Federmack that constructing a missing middle house in the Historic District would mean following the conditions of approval and design guidelines that were already in place.

Mayor Hemminger verified with Town Attorney Ann Anderson that a restrictive covenant could prevent the text change from taking effect in a neighborhood, regardless of whether or not it had an HOA. She confirmed with staff that only nine of the Town's 247 neighborhoods were NCDs, and she requested additional information on how many of the total had restrictive covenants. She also asked staff to bring back information on how many residential lots were not near transit corridors.

The Council verified with staff that a structure's size would be limited by setback, impervious surface and building height regulations under the proposed TA. They confirmed that, under current standards, someone could demolish a single-family home and build a larger, more expensive one. That was why the proposed TA included protections, such as tree canopy, impervious surface, and stormwater standards, said Mr. Lagoo.

Council Member Searing confirmed with Ms. Grahn-Federmack that a house in the Town's Historic District could currently be torn down and replaced with a four-unit structure on the same property. The Historic District Commission had ways to delay and discourage such demolition, but there was no way to prevent it, Ms. Grahn-Federmack said.

Council Members confirmed with staff that there would be maximum and minimum size limits. They asked for additional economic modeling on what building a triplex or quadplex would cost and what the approximate rental prices would be. They confirmed that the Town's Racial Equity and Inclusion officer had thought the proposed TA was responsive to the Town's history of discriminatory zoning and they asked that more of that history be included in future presentations.

In response to a question from Council, Ms. Grahn-Federmack said that staff expected to include a requirement that 15 percent of the cottage units be affordable. The Council asked about limiting student housing, and Mr. Lagoo said that things like parking maximums, for example, might have an impact. Mr. Liles added that the maximum unit size standard for triplexes, fourplexes and compact cottages would indirectly affect how many people could live comfortably in a unit and that staff did not expect the TA to lead to an overrepresentation of students in neighborhoods. He pointed out that a recent housing study had found that the Town demand for student housing was about 45 units per year.

In response to questions from the Council, Town Attorney Ann Anderson explained that a restrictive covenant was a private, mutual agreement to restrict property and that the Town could not supersede that with a zoning

ordinance. An NCD, on the other hand, was the result of a Town decision to not apply a zoning regulation in a particular district, she said. Mr. Liles and Council Member Anderson discussed the history of Northside's NCD, and Mr. Liles offered to bring back more specific detail on that.

Council Member Berry confirmed with staff that housing supply was a national issue, and that the federal government was incentivizing states and local governments to reduce barriers. Council Member Anderson asked for more information on how the proposed TA compared to those of Raleigh, Durham and other municipalities. Council Member Searing asked staff to return with a map of the neighborhoods that would be affected by the TA.

In response to an inquiry from Council Member Searing about mailing notices to every affected property owner, Mr. Liles said that staff typically did that only for rezonings and he was not sure whether a mailing to about 20,000 households about a TA would be a wise use of Town resources. Staff had better results with reaching out digitally and through community connections, he said.

Elizabeth Losos, speaking on behalf of the Planning Commission (PC), said that the PC had unanimously supported the TA's goals but thought more data on affected neighborhoods was needed to avoid unintended consequences. The Town should look at impacts annually and be ready to adjust, she said.

Thirty Chapel Hill residents spoke; the following 10 expressed support for the proposed TA:

Melissa McCullough, a community sustainability specialist, said it was time to end exclusionary single-family zoning, which had perpetuated racist policies, prevented Black borrowers from building wealth, and deprived Black neighborhoods of amenities.

Geoff Green, a long-time Chapel Hill resident, read from 1941 restrictive covenants that had excluded people "of any race other than the white race" from occupying any building on any lot, unless they were domestic servants.

Simon Palmore, a 22-year-old senior at UNC, said that he and other students who wanted to stay in Chapel Hill did not need giant homes and huge lots. They only wanted safe, comfortable places that they could afford, he said.

Andrew Kane, a graduate student at UNC, commented on how increasing supply could lead to reduced prices and increasing affordability and said that the TA was exactly the right step toward making Chapel Hill more affordable.

Aidan Hunt, an undergraduate who lives in a duplex in the Barclay neighborhood, said that he and many other students work, pay taxes, and are involved in the community. The mix of people in his neighborhood got along well and that model should be expanded to other communities, he said.

Nancy Lovas, a Chapel Hill/Carrboro resident, said that she had been able to purchase a condo in 2021 but her friends and neighbors were being priced out of their rented homes.

Wesley McMahon, a Colony Woods resident, emphasized the need to focus on what was attainable and urged the Council to consider the TA while also determining what else could be done.

Abigail Welford-Small and Ivy Hall, both Westwood residents, spoke in favor of changing the code to allow more density and encouraged the Council to move quickly.

Martin Johnson, a Westwood resident, said that his neighborhood already contained townhomes, triplexes and quadplexes and building missing middle housing. The TA would be one way to produce a welcoming and forward-looking community, he said.

The following 20 people expressed concern about the TA and asked the Council to slow the process down. Most said that they supported the Council's goals but were worried about the unintended consequences.

Courtney Toledo, a Gimghoul resident, described how a property could be knocked down and turned into several four-bedroom units that would rent for \$6,000 to \$10,000 each per month. She expressed concern about a resulting increase in traffic and said that residents had not been given enough notice.

Ann and Alain Creissen, Westwood residents, said that the proposed TA would contribute to the disappearance of historic neighborhoods and give "free rein" to developers to the detriment of small businesses, green spaces, and historical architecture. Mr. Creissen asked why the Council was so excited about the plan if the impact would be minimal.

Christine and Chuck Osborne, Westwood residents, said that they had moved to their neighborhood from Southern Village because they wanted less density. Ms. Osborne said that she had many questions about the TA and Mr. Osborne described how he could become wealthy by using it to convert their current home.

Ron Difelice and Evan Rodewald, Laurel Hill Neighborhood Association members, also argued that the proposal would enable investors to buy up properties and build large triplexes and quadplexes for students.

Eric Formeister, a Chapel Hill resident, said that the Town should not be compared to Raleigh, Durham or Minneapolis. Chapel Hill was a college town where residents wanted parks and safe, quiet neighborhoods, not urban walkability, he said.

Carmen Elliott, an Elkin Hills resident, asked the Council to slow the process down. She discussed how many students choose to live in Town rather than on UNC's campus and said that the proposed TA could lead to problems for some neighborhoods.

Fred Stang, an Elkin Hills resident, said that the change would create an opening for developers and lead to a building boom. He was not sure that the TA included the safeguards needed to create the kind of community the Town wanted, he said.

Nancy Oates, a Chapel Hill resident, said that the TA would wipe out all the good work that the Council had done for affordable housing. She gave examples of instances where developers had purchased, subdivided and redeveloped houses into million-dollar, multi-bedroom duplexes.

Bruce Henschel, a Briarcliff resident, said that the new units would not be affordable to families earning less than 80 percent (and certainly not 30 percent) of the area median income.

Robert David, a Chapel Hill resident, shared his experience of living in college towns. He was in favor of affordable and missing middle housing, but was currently opposed to the proposed TA, he said.

Breckany Eckhardt, a Colony Woods resident, said that she felt offended by the Town's desire to add density to non-exempt houses. She asked Council Members how they would feel if they lived in a non-exempt neighborhood.

David Adams, a Colony Woods resident, said that the TA would lead to corporatization of housing and that such a decision should not be made until after the next municipal election.

Bill Brashear, a Colony Woods resident, advised the Council to slow down. The Town was already becoming more diverse, and there was nothing the Council could do that would make much impact on its historic housing shortage, he said.

Rebecca Paul, a local realtor suggested opening rights for subdividing lots and permitting accessory dwelling units in specific dense zones near transit, rather than allowing duplexes, triplexes and quadplexes anywhere.

Wiley Barbour, a Coolidge Street resident, described infill projects that he had seen elsewhere and said that the outcome varied tremendously by neighborhood. He discussed unintended consequences and said that the

Town's current code enforcement was not as strong as it should be.

Arturo Morosoff, a Greenwood resident, said he felt encouraged by some of the TA's regulations but that he and his neighbors were concerned that their NCD status would be removed and that large apartment complexes would be built there.

Srobona Chatterjee, a Chapel Hill resident, expressed concern about rushing something as complicated and controversial as the proposed TA. She said that residents had not received adequate notification and that the process felt like an undemocratic end run to her.

Mayor Hemminger said that she and the Town Manager had discussed the need for additional time to investigate questions that citizens had raised. The hearing would continue to a date certain, but it could then be continued again without being opened, she said. She commented on how the process was a dialogue in which all were learning.

The Mayor and several Council Members asked residents to keep open minds and be willing to listen. Council Member Parker said that there seemed to be an underlying assumption that the TA was evil. In his opinion, diversity was what gives a neighborhood its character and makes a community successful, he said.

Several Council Members thanked staff for the thoroughness and comprehensiveness of their work. They thanked community members for expressing their views and assured the public that they would not rush the process. They stressed their desire to avoid unintended consequences and noted that staff had recommended that the TA, if adopted, be evaluated every six months.

Most Council Members mentioned that the goal was to take a small step toward addressing the Town's housing shortage by adding diversified, missing middle housing to neighborhoods. The proposed TA was not an affordable housing tool; it was a way of responding to change and getting more housing through gradual, low-impact changes, they said. They noted the importance of addressing climate change, minimizing sprawl, and reducing reliance on cars.

Mayor pro tem Stegman said that nine states had already instituted similar changes. She said that the Sierra Club and the Environmental Protection Agency support the proposed approach and the Biden Administration was providing incentive grants. Council Member Huynh said that the TA was about housing justice. Chapel Hill was finally beginning to acknowledge the discriminatory roots of single-family zoning, and that was being acknowledged all the way up to the White House, he said.

Several Council Members pointed out that the Town's missing middle

strategy also included investing in multi-modal transit, electric buses, bus rapid transit, and everywhere to everywhere greenways. These were all part of a new Complete Community strategy that was addressing housing and climate crises, they said. A land use policy would allow the Town to grow denser, limit the need for single-car transportation, and maximize the use of infrastructure would be the best way to meet these challenges, said Council Member Ryan.

Council Members said that they were listening to citizens' concerns and felt that community engagement would be an important part of the process. They also mentioned the need to integrate students into the community in a positive and neighborly way. Council Member Huynh commented on a bias against renters, whom he said contribute to the community just as much as any homeowner. Council Member Anderson proposed that people stop thinking about rentals as something that's being lost to investors.

The Council agreed with the PCs recommendation to take the time to get it right. Council Member Anderson asked residents to keep open minds and educate themselves on the plans. Several Council Members asked the public to respect Town staff. "We're not trying to rush anything through, no one is trying to put you outside the process," said Council Member Berry, and she encouraged residents to sign up for Town notifications.

Council Member Searing said that he had raised questions and asked the public to comment on the proposal back in December 2022 and that comment so far had been overwhelmingly negative. He characterized the proposed TA as inequitable and said that it was difficult for him to support the policy after hearing the opposition from constituents.

Mayor Hemminger thanked those who had come out to speak or had written to the Council. She said that the Town was figuring out ways to communicate better. She thanked the Council for being willing to explore, listen, read emails, and stay late for meetings despite most having full time jobs and families. The Council was trying to do what was best for Chapel Hill and to live the Town's values, she said.

Mayor Hemminger said that she agreed with many of the Council's comments, and she pointed out that those who could not find housing in Town were not being heard. The Council was exploring many different housing options with the goal of providing more choices, she said.

A motion was made by Council Member Berry, seconded by Council Member Anderson, that the Council continued the Legislative Hearing to February 22, 2023. The motion carried by a unanimous vote.

### 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.

14. Consider a Conditional Zoning Application for Aspen Chapel Hill at 701 Martin Luther King Jr Blvd. from Neighborhood Commercial (NC) and Residential-3 (R-3) to Residential-6-Conditional Zoning District (R-6-CZD). [\[23-0074\]](#)

The Council voted to continue this item to March 8, 2022.

A motion was made by Council Member Berry, seconded by Mayor pro tem Stegman, that the Council continued the Legislative Hearing to March 08, 2023. The motion carried by a unanimous vote.

15. Open the Legislative Hearing: Conditional Zoning Application for 2217 Homestead Road. [\[23-0075\]](#)

Mr. Lagoo presented a request to rezone property at 2217 Homestead Road to Residential-5-Conditional Zoning District (R-5-CZD), which would allow the applicant to build 108 townhomes, including 16 affordable units. The proposed project was in the Martin Luther King Jr. Boulevard focus area, which included townhomes as a primary use, he pointed out. He said that all Town advisory boards had recommended approval and he summarized those comments and requests for conditions.

Mr. Lagoo said that staff had supported limiting a connection to the Courtyards at Homestead to one-way eastbound traffic and not imposing limits on the type of vehicular traffic that would be allowed. However, Courtyards residents were in favor of limiting the connection to emergency vehicles, bicycles, and pedestrians only, he said, and he asked the Council to decide what form of connection should be allowed. He recommended that the Council open the legislative hearing, receive comments, and continue the hearing to February 22, 2023, for possible action.

Applicant Richard Gurlitz described the 15.7-acre site. He presented a site plan that showed 108 townhomes and indicated where a single entrance off Homestead Road would allow full turns, in and out. He discussed tree preservation, an affordable housing agreement, and a stormwater management plan that would include constructing wetlands. He would agree to anything that anybody came up with regarding the Courtyards connection, he said.

Council Members confirmed with Mr. Gurlitz that the proposed stormwater ponds would improve drainage for the Courtyards at Homestead as well. They ascertained from staff that Courtyards residents were worried about mobility issues for those with disabilities if a full connection allowed new neighbors to drive through.

Council Member Anderson asked about having more, smaller units, and co-applicant Amanda Hoyle, of TriPointe Properties, replied that increasing density would lead to all units looking the same and would run the risk of sacrificing trees and open space. The goal was to provide a variety of homes that would attract both young professionals and families, Ms. Hoyle said.

Council Member Miller-Foushee ascertained from Ms. Hoyle that one- and two-car units would likely be 1,500-1,700 square feet and 1,800-2,000 square feet, respectively. Mr. Gurlitz said that 3-bedroom/2.5 bath units were what was being proposed but they were considering including some 2-bedroom units as well. Council Member Miller-Foushee encouraged the applicants to look at smaller units in order to provide more opportunities for first time homebuyers within a certain price range.

Courtyards at Homestead residents Derek Ross and Diane Martin, speaking for themselves and 12 others, described the Courtyards and its residents, whose median age was 75-80. Mr. Ross said that cars represented a high risk to that community and that the risks and benefits of neighborhood connectivity should be viewed on a situational basis. He recommended that the connection be accessible to bicycles, pedestrians, and emergency vehicles only.

Mr. Ross mentioned tree protection, buffer, and stormwater concerns and requested that boundary plantings that the applicant had described be made a condition of approval. He mentioned stormwater concerns and asked for a report from the Town's stormwater engineer, a meeting with the applicant's engineer, and a monitoring plan if the development were approved.

Ms. Martin provided additional information about Courtyards residents and the age-related impairments and disabilities that made them vulnerable to traffic. She said that the Courtyards' sidewalks were not in disrepair but that residents who used walkers and wheelchairs needed to use the street because of the cracks and slopes in sidewalks. She said that Courtyards residents wanted friendly engagement with their new neighbors, but not with those neighbors' cars.

Elizabeth Losos, speaking on behalf of the Planning Commission (PC), praised the project's design and said that the Council's request for a variety of unit sizes had not been addressed. She recommended that the project include additional smaller units.

Nancy Oates praised the applicant for committing to 15 percent affordable housing but requested that the Town Attorney comment on whether the rezoning was legally enforceable. She said that the project had originally been proposed with a 55+ designation that was no longer being included. In order for units to be used by seniors and others with mobility issues,

there would need to be full ground floor bathrooms, she said.

Council Members generally agreed that the project was going in the right direction but raised questions about the size and mix of units and the connection with the Courtyards. Council Member Anderson asked for more information on the trade-offs. She also said that sidewalk cracks or anything else that hindered mobility at The Courtyards at Homestead should be looked into.

The Council asked the applicant to find creative ways to include more diversity in the size and mix of units. Council Member Berry confirmed with staff that the site would allow a maximum of 225 units. She expressed concern that the applicant had been asked to increase the number of units last time and had not done so. The Town's approach to development had changed since the application was first presented, she said, and she requested an increase in the total number of units.

Some Council Members commented on the philosophical importance of connectivity, in general, but most said that they supported bike, pedestrians and emergency vehicle access only at that particular location.

Mayor Hemminger pointed out the hearing was the first of two and that staff would return with more information.

A motion was made by Council Member Anderson, seconded by Council Member Huynh, that the Council continued the Legislative Hearing to February 22, 2023. The motion carried by a unanimous vote.

#### APPOINTMENTS

##### 17. Appointments to the Housing Advisory Board. [\[23-0077\]](#)

The Council appointed Jamauria Burris and Valencia Thompson to the Housing Advisory Board.

#### CONCEPT PLAN REVIEW(S)

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.

**16. Concept Plan Review: Chapel Hill Transit and Public Facilities Expansion, 6830-6900 Millhouse Road. [\[23-0076\]](#)**

Mr. Liles gave a brief introduction to a proposal from Chapel Hill Transit for expanding its facility and possibly building a new access road. The current facility was zoned Mixed Use-Residential-1 and was located in the North Martin Luther King Jr. Boulevard Focus Area/Subarea A, which included institutional, university and civic primary land uses and typical heights of four-six stories, he said. He noted that the Stormwater Management Utility Advisory Board and the Community Design Commissions had provided comments. He recommended that Council hear the presentation and adopt Resolution 11, transmitting comments to applicant.

Katy Fontaine, a project manager with Chapel Hill Transit, gave a PowerPoint presentation on the proposed expansion. She said that the current facility did not have sufficient infrastructure to support new operators, maintenance staff and zero emission vehicles, eight of which had already been ordered. In addition, there was only one point of access and an emergency access would be needed, she said.

Ms. Fontaine outlined a four-phase expansion plan that included: expanding the bus yard for the additional fleet, support vehicles, operator skills training area, and zero-emissions infrastructure; expanding the Transit Operations and Maintenance Center and adding a solar storage area; adding a secondary entrance to the facility; using a portion of nearby property for the Town's public service facilities.

Ms. Fontaine described an approximate 8,016 square-foot, two-story facility that would include a porch. She discussed setbacks, landscaped buffers, and an outdoor space. She said that a 2022 stream determination had identified an old field creek with floodway, an intermittent stream, and two perennial streams. A new bridge would assist with traversing that area, she said.

In response to a question from Council, Ms. Fontaine explained that Transit operators work either straight, eight-hour shifts or "split" shifts, which were typically 3-4 hours with a gap in between. The concept plan provided amenities -- such as a gym, tv and outdoor space -- for those who worked split shifts and did not have time to go home in the middle, she said.

Able Hastings, a Chapel Hill resident, spoke in favor of the project but pointed out that several miles of heavily used trails would be significantly impacted. He wanted the Council to be aware of such informal greenspaces and include them in its decision-making processes, he said.

Council Member Ryan pointed out that the Town had desperate fire and police station needs as well. The Council would need to have a hard conversation about prioritizing infrastructure needs, she said.

Council Member Searing said that he agreed with Mr. Hasting's comment about the trails and appreciated how the Transit Department was considering them a community asset.

Mayor Hemminger said that she liked the plan but was concerned about the proposed new access road. She pointed out that building a bridge for large buses across streams and greenspace would be very expensive and recommended that staff relook at the possibility of using Mill House Road instead.

A motion was made by Council Member Parker, seconded by Mayor pro tem Stegman, that the Council adopted R-11. The motion carried by a unanimous vote.

### ADJOURNMENT

This meeting was adjourned at 11:28 p.m.