



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, November 18, 2020 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/98018122000> After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 892 8049 3974

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

Roll Call

Present: 8 - Mayor Pam Hemminger, Mayor pro tem Michael Parker, Council Member Jessica Anderson, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Karen Stegman, Council Member Tai Huynh, and Council Member Amy Ryan

Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Florentine Miller, Town Attorney Ann Anderson, Planning Operations Manager Judy Johnson, Principal Planner Corey Liles, Senior Engineer Ernest Odel-Larbi, Urban Designer Brian Peterson, Senior Planner Anya Grahn, Manager of Engineering & Infrastructure Chris Roberts, Emergency Management Coordinator Kelly Drayton, Traffic Engineering Manager Kumar Neppalli, Public Works Director Lance Norris, Fire Chief Vence Harris, Planning Director Colleen Willger, Executive Director for Technology and CIO Scott Clark, Communications and Public Affairs Director/Town Clerk Sabrina Oliver, and Deputy Town Clerk Amy Harvey.

OPENING

Mayor Hemminger opened the virtual meeting at 7:00 p.m. and called the roll. All Council Members replied that they were present.

ANNOUNCEMENTS BY COUNCIL MEMBERS

0.01 Salute: Carolina Athletics & National Youth Sports Public Health Strategy. [\[20-0820\]](#)

Mayor Hemminger recognized Carolina Athletics and National Youth Sports for signaling its support for national, state and local efforts to expand youth participation in sports. She pointed out that North Carolina ranked 18th in the country for childhood obesity.

University of North Carolina at Chapel Hill (UNC-CH) Athletics Director Bubba Cunningham thanked the Town for the proclamation. He said that UNC was delighted to be the first NCAA school to support the National Fitness Foundation initiative.

0.02 Mayor Hemminger Regarding Small Business Saturday. [\[20-0821\]](#)

Mayor pro tem Parker read a proclamation declaring November 28, 2020 to be Small Business Saturday in Chapel Hill. Small businesses accounted for 65 percent of the new jobs created in the U.S. between 2000 and 2019, he read. He pointed out that small businesses had been deeply impacted by COVID-19 and that Small Business Saturday would be more important than ever in 2020.

Epilogue Book Store owner Jaime Sanchez described the difficulties that his Franklin Street business had been confronting during COVID-19 and mentioned many safety features that the store had incorporated. Mr. Sanchez said that the Chapel Hill-Carrboro Chamber of Commerce and the Downtown Partnership wanted to remind everyone that buying locally mattered more than ever. He pointed out that 60 percent of every dollar spent locally stayed in the community.

0.03 Mayor Hemminger Regarding Care to Share. [\[20-0822\]](#)

Council Member Anderson announced that November 19, 2020 would be Care to Share Day in Orange County. She explained that an Orange Water and Sewer Association (OWASA) program provided assistance to those who needed it to pay their bills during the pandemic. Town residents could help others by adding a donation when paying their OWASA bills, she said, adding that more information was available on OWASA's website.

0.04 Mayor Hemminger Regarding New Planning Director. [\[20-0823\]](#)

Town Manager Maurice Jones introduced new Planning Director Colleen Willger and shared some of her professional background. Ms. Willger

thanked the Town Council for the opportunity to serve, and Mayor Hemminger said that she was looking forward to meeting Ms. Willger in person when the pandemic ended.

0.05 Mayor Hemminger Regarding 2200 Homestead Road Project Public Information Meeting. [\[20-0824\]](#)

Mayor Hemminger announced that a virtual public information session on a proposed residential project at 2200 Homestead Road would be held on November 19, 2020 from 5:15 p.m. to 6:00 p.m.

0.06 Mayor Hemminger Regarding Arbor Day. [\[20-0825\]](#)

Mayor Hemminger said that the Town would celebrate Arbor Day at 9:45 a.m. on November 20th by planting trees near Town Hall. Information about the event was on the Town Calendar, she said.

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.

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 Mayor pro tem Parker, that R-1 be adopted, which approved the Consent Agenda. The motion carried by a unanimous vote.

1. Approve all Consent Agenda Items. [\[20-0802\]](#)

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

2. Adopt a Calendar of Council Meetings through June 2021. [\[20-0803\]](#)

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

INFORMATION

3. Receive Upcoming Public Hearing Items and Petition Status List. [\[20-0804\]](#)

This item was received as presented.

4. Receive the First Quarter Fiscal Year (FY) 2021 Affordable Housing Report. [\[20-0805\]](#)

This item was received as presented.

DISCUSSION

5. COVID-19 Update - UNC's Spring Semester Planning. (no attachment) [\[20-0806\]](#)

Darrell Jeter, director of emergency management and planning at UNC-CH, gave an overview of spring semester plans. He said that a new Campus and Community Advisory Committee would recommend a course of action for providing students with safe living and dining services. The Committee, which included Town representation, would also look at off-campus student living and Greek life and would address COVID-19 testing, tracing, and patient care, he said.

Mr. Jeter said that spring semester classes would begin on January 19, 2020. There would be no spring break, but there would be shorter breaks throughout the semester, he said. He said that classes were expected to end on May 5, 2021, followed by final exams, and then commencement would be on May 16th. He pointed out, however, that those dates would depend on health risks at the time.

Mr. Jeter described five different modes of instruction and discussed changes in student housing arrangements. UNC-CH anticipated housing about 3,500 students on campus, he said. He said that a "Carolina Together" website and dashboard would be the primary COVID information resource. Students would be required to sign safety and testing protocols as well as community standards that UNC-CH would aggressively promote, he said.

In response to Council Members' questions, Mr. Jeter agreed to bring back more information on the following: penalties for students who violate standards; UNC-CH's testing, tracing and quarantining capacity; the number of students who would be living off campus in the spring semester; UNC's plans to vaccinate students; and when the spring 2020 class would finally have its commencement ceremony.

Council Member Anderson requested that data regarding community standard violations be released more often than quarterly. She asked

about efforts to target super-spreader events and/or repeat offenders, and Mr. Jeter said that the Department of Student Affairs and the Campus Police had been educating students about the consequences of non-compliance both on and off campus.

Council Member Anderson asked about an off-ramp to the plan, and Mr. Jeter said that UNC-CH would monitor information from state and county health experts, which would help inform them whether they needed to modify operations.

Council Member Huynh recommended having a more frequent, perhaps a daily, process for making sure that students comply with community standards.

Council Member Stegman confirmed that UNC-CH had been collaborating with Duke University, and Mr. Jeter mentioned aspects of Duke's testing and tracing strategies that UNC-CH had added to its own protocols. Council Member Stegman confirmed that UNC-CH's strategy would include mandatory testing for certain populations while others would be encouraged to test routinely.

The Council strongly urged UNC-CH to test and track as widely as possible and stressed the importance of mandatory testing for off-campus students as well as those living on campus. The Council asked UNC-CH to emphasize a "whole community" message that would teach students to continue wearing masks when they went off campus.

Emergency Management Coordinator Kelly Drayton said that the Town had been engaging in vaccination planning conversations. The state had been working with third-party contractors to address vaccinating highly vulnerable populations, she said. She said that the vaccination plan would include UNC-CH and UNC Health and that she would provide the Council with more information on November 20th.

This item was received as presented.

6. Charting Our Future - Resumption of the Public Hearing for the Adoption of the Future Land Use Map - Update to Chapel Hill 2020.

[\[20-0807\]](#)

Land Use Management Ordinance (LUMO) Project Manager Alisa Duffey Rogers began the continuation of a public hearing on adoption of the Future Land Use Map (FLUM) update to the Chapel Hill 2020 Comprehensive Plan (CH 2020). She described the FLUM's contents and said that its focus area maps would replace the CH 2020 land-use plan but all other aspects of CH 2020 would remain.

Ms. Duffey Rogers said that staff did not concur with a request that UNC Health had made at an October 28 public hearing to include "Hospitals" in

the Commercial Office Planned Use category, but staff did agree with a requested change to the Commercial Office character type definition. She listed several changes that UNC-CH had requested as well, and said that those could be accommodated if the Council so desired.

Ms. Duffey Rogers recommended that the Council resume the public hearing, receive additional comments, close the public hearing and allow written comments for 24 hours, and to consider adopting the FLUM on December 9, 2020.

Council Member Anderson confirmed with Ms. Duffey Rogers that a discussion of the Downtown area would probably occur during the next phase of the project.

Kimberly Brewer, a Purefoy neighborhood resident, recommended that the Council remove South Columbia Street as a focus area and develop a land-use map and ordinance that would encourage preservation of Merritt's Grill, maintain a diversity of affordable housing (AH), and be in harmony with that historic entrance to Town. She said that making the location focus area would encourage redevelopment there.

Claire Horne, a Westood neighborhood resident, asked the Council to remove the South Columbia focus area from the FLUM and said that the proposed scale of development contradicted the Town's stated goals. She asked the Council to provide data on why numerous six-story buildings at the southern gateway would be of greater benefit than smaller buildings would be.

Anna Wu, associate vice chancellor for Facilities Services at UNC-CH, asked the Council to consider extending the public hearing to December 9th and taking a final vote on the FLUM in January 2021. She said that the University needed more time to try to reach a resolution with the Town staff that would clarify the Commercial Office and Institutional Civic character types.

Aris Buinevicius, a Westwood neighborhood resident, pointed out that the Town had stood with neighbors for decades to get bike lanes installed despite huge pressure from UNC-CH and the NC Department of Transportation (NC-DOT). However, the current Council had been ignoring neighborhood objections to the proposed gateway zone, he said, and he urged the Council to not let the proposal move forward at its current scale.

Simon George, assistant vice president for Real Estate Development at UNC Health, expressed gratitude to the Town for accepting and modifying many of the changes that UNC Health had suggested. He said that the Town, UNC-CH, and UNC Health were close to finalizing a document that would include the goals and priorities of all three. He asked the Council to consider including "Support Hospital" or "Supporting Hospital" if

"Hospital" was not acceptable and to continue the public hearing to December 9, 2020.

Nancy Oates, a Chapel Hill resident, said that the plan, as presented, left no place for essential workers to live because affordable and workforce neighborhoods would be replaced with luxury apartments. In addition, there needed to be an assessment of the topography and carrying capacity of land to make sure that high density areas could realistically be built upon, she said.

Julie McClintock, a Chapel Hill resident, endorsed Ms. Brewer's and Ms. Oates's comments. If the proposed building heights were not reduced, the Town would lose a distinctive historic area and college town ambiance, she said. Ms. McClintock provided background on previous attempts to change the area and said that former Councils had persevered and succeeded in protecting it. She proposed that the Council remove the focus area from the FLUM and initiate an entryway plan that values the history of that location.

Ruchir Vora, and OWASA board member, who owns property in the neighborhood, said that he had always been told he could not build on his land because of slope and stream regulations. Requirements should be consistent, and the Town should not make exceptions for developers, he said.

Mayor pro tem Parker read a statement from Chapel Hill resident Kari Moskovisi, which stated that the Council should adhere to existing Resource Conservation District (RCD) regulations and only make exceptions for exceptional situations.

Jennifer Strauss, a Westwood neighborhood resident, said that she and her husband shared the neighbors' concerns about the scale of the proposed project.

Council Members expressed support for staff recommendations and opposition to adding "Hospital" to the definitions unless it was modified to be more specific such as "Support Hospital". Some spoke in favor of removing the South Columbia Focus Area from the FLUM, while others said there had not been enough time or information for the Council to consider doing that. Town Attorney Ann Anderson said she was not comfortable making such a change without receiving broader community input.

The Council confirmed with Ms. Duffey Rogers that moving the date for adoption to January would not be detrimental to the overall schedule. Council Member Anderson spoke in favor of closing the public hearing, adding any minor definition changes and voting on December 9, 2020, and Council Member Gu agreed. The FLUM was a living document that could be revised and made more specific in the future, Council Member Gu said.

Mayor Hemminger confirmed with Attorney Anderson that the process could continue while changes were being made and that making changes would not affect the schedule if they were not too extensive. She confirmed with Ms. Duffey Rogers that creating a new character type would be a major change, while UNC's other requests would be minor. Mayor Hemminger said she agreed with Council Member Gu that the FLUM was a living document that could ebb and flow. However, the South Columbia Street area had been under a lot of duress and she would be happy leaving it off the FLUM, she said.

A motion was made by Council Member Anderson, seconded by Council Member Ryan, to remove the South Columbia Street small area from the FLUM, close the public hearing, and receive comment for an additional 24-hours. The motion failed by the following vote:

Aye: 3 - Mayor Hemminger, Council Member Anderson, and Council Member Ryan

Nay: 5 - Mayor pro tem Parker, Council Member Buansi, Council Member Gu, Council Member Stegman, and Council Member Huynh

A motion was made by Mayor pro tem Parker, seconded by Council Member Huynh, to move forward with the FLUM, as is, but direct staff to look closer at the South Columbia Street small area in Phase 2 and address stakeholder concerns, close the public hearing, and receive comment for an additional 24-hours. The motion carried by the following vote:

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

Nay: 2 - Council Member Anderson, and Council Member Ryan

7. Blue Hill Semiannual Report #12.

[\[20-0808\]](#)

Planner Corey Liles presented a fall 2020 Blue Hill District (BHD) update. He discussed a Booker Creek Basin Park project that would reduce flooding and deliver recreational amenities. He said that pre-construction meetings were underway for the Elliott Road Extension and that TRU Hotel and the Park Apartments Phase 1 were in the early stages of construction. Trilogy Apartments and Elliott Apartments were at or near completion, he said.

Mr. Liles said that a potential redevelopment of the University Inn site was still under review. He commented on facade renovations at the

Sheraton Hotel and noted where other existing buildings might be renovated or expanded.

Mr. Liles said that the total tax value of properties in the district had increased from \$154 million in 2014 to more than \$302 million in 2020 and that it was projected to reach \$457 million in the next few years. BHD revenue would exceed debt service payments for the first time in 2020 and was estimated to exceed expenditures in future years, he said.

Mr. Liles showed an aerial view of parcels on the south side of Elliott Road that were in the BHD but exempt from form-based code because former Council Members had wanted to incentivize affordable housing there. He said that staff could study how to customize zoning standards for that area if the Council was interested.

Mayor pro tem Parker and Council Member Anderson expressed interest in trying to figure out how to get AH in those parcels, but Mayor Hemminger recommended proceeding with caution. She pointed out that there was already much commercial development in the area and said that replacing it with AH could change a balance in the community. She would not want to see existing AH developed into luxury apartments, she said.

Council Member Stegman raised the option of putting revenues back into the district by funding a master leasing program or creating an AH fund, for example.

Council Member Gu confirmed with Mr. Liles that other BHD needs such as road and transportation improvements would be other ways to use additional property tax revenue.

Council Member Ryan said that investing in parking infrastructure would be crucial with 2.7 million new square feet of residential space.

Ms. McClintock reminded the Council to assess the cost of services. Moreover, the Town wanted more AH, but to consider replacing an area with wonderful little businesses that people loved was alarming, she said. Why would the Town want to eliminate the very limited commercial that it has in the BHD, she asked.

Mayor Hemminger pointed out that there were several years of net negative revenue still to make up for. It was a balancing act and it would take a while to work out all the numbers, she said.

Town Manager Maurice Jones commented that staff was in the process of looking at different models for calculating the cost of operating services. Staff was trying to find something that works for the BHD that might also be applied to other parts of Town in the future, he said.

This item was received as presented.

8. Continue the Public Hearing: Land Use Management Ordinance Text Amendment - Proposed Changes to Section 3.11 for Townhomes in the Blue Hill District. [\[20-0809\]](#)

Mr. Liles gave a PowerPoint presentation on the continuation of a public hearing on a LUMO text amendment (TA) regarding townhome opportunities in the BHD. He reviewed a March 2018 from Council regarding BHD improvements and a massing TA that staff had forward in response in early 2020. He said that a further study on townhomes had then been carried out and that staff was returning to present revised standards.

Mr. Liles said that staff had previously proposed exempting small townhome projects from non-residential requirements, reducing nonresidential requirements for medium townhome projects, and adjusting lot requirements and some thresholds. The Council had raised questions about whether the thresholds might lead to unintended outcomes and had asked staff to study things further, he said.

Mr. Liles presented the following recommended TAs: 1) Exempt "small" townhome projects from nonresidential requirements; 2) Reduce nonresidential requirements for "medium" townhome projects; 3) Adjust lot requirements to better reflect townhomes. He recommended that the Council open the public hearing, receive comments, close the public hearing, receive written comment for 24 hours, and consider taking action on December 9, 2020.

Council Member Ryan agreed with the recommendation to eliminate the commercial requirement, but proposed adding a requirement or an incentive for including accessory units within some townhomes. That would meet a significant community interest in providing more affordable space, she said. She confirmed with Mr. Liles that staff could look into how that would fit into the framework he was proposing.

Mayor pro tem Parker said that much of what was being proposed seemed restrictive. Capping townhomes at two acres, while requiring them to include commercial space posed the question of whether the Council wanted to actively encourage townhomes or merely tolerate them, he said.

Mr. Liles replied that staff believed the Council wanted to encourage that missing middle housing and a broader variety of housing types. However, the Council had also expressed interest in getting more commercial space in the BHD, he pointed out.

Mayor pro tem Parker asked if there were any 2- or 2.5-acre townhome developments in Chapel Hill or Carrboro, but no one knew for sure. He

asked if there had been any conversations with townhome developers regarding the viability of the proposed regulations, and Mr. Liles replied that staff had used a Noell Consulting study as a guidepost.

Council Member Gu pointed out that stacking townhomes on top of each other still created large buildings, and Mr. Liles agreed but pointed out that a typical 4-story townhome would be lower than others in the BHD.

Council Member Gu asked if townhome buildings would wrap around parking garages, and Mr. Liles said that might be part of a larger project where parking would support other uses. She pointed out that the Council was concerned about that with residential apartment buildings and had wanted more diverse housing options and commercial development.

Mr. Liles replied that staff's main focus had been on the massing standards the Council had developed in February 2020. He did not know that townhomes would lead to improved massing scale in the BHD, but it would add more variety, he said.

Ms. Oates pointed out that the Town ordinance allowed accessory units to be used as Airb&b and urged the Council to correct that. Council Member Ryan asked about exploring the accessory unit issue, and Mayor Hemminger suggested that she propose doing so as a friendly amendment at the December 9th Council meeting.

A motion was made by Council Member Anderson, seconded by Mayor pro tem Parker, to close the public hearing and receive comment for an additional 24-hours. The motion carried by a unanimous vote.

9. Reopen the Public Hearing: Application for Conditional Zoning at Bridgepoint, 2214 and 2312 Homestead Road. [\[20-0752\]](#)

Planner Anya Grahn reviewed a Conditional Zoning request for Bridgepoint, a 9.2-acre site on Homestead Road. She said that the applicant had asked to rezone a 2010 special-use permit (SUP) from Residential-5 Conditional Use to Residential 5-C Zoning District. The proposal included relocating two existing dwellings, demolishing outbuildings, and constructing 54 townhouses, she said.

Ms. Grahn explained that the project had been through multiple rounds of staff and advisory board reviews and that the Council had last addressed it on September 30, 2020. The applicant had requested a continuation in order to consider Community Design Commission (CDC) comments and was currently presenting a revised site plan, she said.

Town Urban Planner Brian Peterson discussed changes that he had proposed to the site plan design. These included rearranging the placement of buildings and garages, shortening the length of building

units, adding green spaces, and shortening some streets. He explained how the project would connect with nearby properties to create a neighborhood feel.

Ms Grahn pointed out that the new site plan included an increase in the number of units, a very slight increase in the amount of impervious surface, increased open space and tree canopy, a decrease in land disturbance, and an increase in overflow parking. She recommended that the Council reopen the public hearing, receive comments, allow written comments for 24 hours, and consider enacting the ordinance on December 9, 2020.

Mayor Hemminger said that the proposal had been much improved, but Council Member Ryan confirmed that there would still be a 79 percent incursion into the upland portion of the RCD.

The Council asked what the experience from the street would be like, and Mr. Peterson explained that having the sides of townhomes facing the street allowed windows and other architectural features to break up that facade. Increasing the number of end units would allow more openness and daylight on some homes, he said.

Linda Wells, a Vineyard Square resident, said she had not been notified about the hearing. Staff had answered some of her questions, but she remained concerned. She asked for additional information about a pipe that would discharge into the pond and said she did not understand why all of the area between that and her home needed to be cleared.

Developer Eric Chupp, representing Capkov Ventures, Inc., showed drawings of what some of the elevations would look like. He said that the plan would conform with the Town's ordinance for the first 100 feet of Resource Conservation District (RCD) and that encroachment into the last 50 feet would be for adding a pond that would improve water quality. The plan was to save trees on the Vineyard Square side of the creek, he said.

Mayor Hemminger praised the CDC and Mr. Petersen for the proposed changes and thanked the applicant for being open to them.

Mayor pro tem Parker read a question from a resident about bike lanes in that section of Homestead Road, and Mr. Chupp said that there would be a five-foot bike lane on both sides as part of a Homestead Improvement Project. In addition, there would be a 10-foot multi-use trail and a 400-foot extension of the five-foot bike path southward along Weaver Dairy Road, he said.

Council Members asked about the justification for incursion into the RCD, and

civil engineer Cameron Rice, with Advanced Civil Design, explained that the applicant did not envision being able to get down to 40 percent because only half of the entire 300-foot RCD buffer was on its lot. He said that the LUMO allowed stormwater ponds in the managed and upland zones up to 40 percent. If the manged area and upland were combined, they would be almost right at 40 percent, he pointed out.

Mr. Rice said that the applicant understood the Town's concern and would continue to work with staff and adjacent property owners to reduce RCD encroachment. He pointed out that nearby sites did have buildings in the upland area. For example, Weaver Dairy Road was in the upland zone, he said. He also pointed out that Weaver Dairy Road was impervious surface while the applicant was merely trying to install a pond.

Council Member Anderson asked about feedback from the Stormwater Advisory Board, and Mr. Chupp said they had never been asked to appear before that board. He stressed the work they had done with Town staff over the past two years and how they had agreed to many changes. However, they could not reduce the number of units, which was the only way to get below 40 percent, he said.

The Mayor and Council agreed that the plan was greatly improved. Council Member Ryan said she was still troubled by the requested amount of RCD incursion, which would not be a good precedent for the Town to set. She and Council Member Buansi said they hoped the applicant would landscape the pond and treat it as an amenity, if the project were approved.

Mayor Hemminger said she did not like going into RCD but she acknowledged that exceptions had been made for roads and some buildings. Putting in a pond was an interesting request, she said. She encouraged the applicant and staff to continue working to minimize that and to preserve as many trees as possible.

Mayor pro tem Parker asked about the practical implications of incursion, and Town engineer Ernest Odei-Larbi explained that water quality might be okay but that wildlife habitats might not return. He said that the Town would make sure the pipe was stable and would minimize erosive flow into the stream. He pointed out that the Town required post-development runoff to be the same as pre-development.

Council Member Buansi and Mayor Hemminger expressed enthusiasm about the project's missing middle and affordable housing possibilities.

A motion was made by Mayor pro tem Parker, seconded by Council Member Stegman, to close the public hearing and receive comment for an additional 24-hours. The motion carried by a unanimous vote.

10. Open the Public Hearing: Conditional Zoning Application for Columbia Street Annex, 1150 S. Columbia Street, from Residential-2 (R-2) to Mixed Use - Village - Conditional Zoning District (MU-V-CZD). [\[20-0810\]](#)

Town Planner Jake Lowman said that staff was responding to a Council request for more information on the relationship between Agenda Items 10 and 11 and that Item 10 would be a joint presentation on both. He said that final actions on the two would be distinct, however.

Mr. Lowman provided details on the proposal to rezone the four-acre South Columbia Street Annex site from Residential 2 to Mixed Use Village Conditional Zoning District. He outlined the proposal for a six-story building that would include 57,000 square feet of residential space, 4,000 square feet of commercial space, and underground parking. There would be a maximum of 52 units, eight of which would be affordable, or 18 percent, which would be above the Town's 15 percent requirement, he said.

Mr. Lowman discussed proposed traffic improvements for the area. He showed the Monroe Street ROW on a map and described it as an undeveloped, wooded site with a perennial stream running through the middle of its RCD. He explained that the current Land Use category was Low Residential (1-4 units per acre) and the applicant was proposing High Residential (8-15 units per acre), which would require an amendment to the Town's land use plan.

Mr. Lowman noted that the applicant had requested modifications to steep slope regulations, RCD encroachment, landscaping standards, and the required percentage of commercial space. He recommended that the Council open the public hearing for Item 10 (the South Columbia Street annex), receive comments on that and Item 11 (the Monroe Street ROW closure), close the public hearing, allow written public comment for 24 hours, and approve the project on December 9, 2020. However, the Council could also continue the matter to another meeting and push enactment to January, 2021, he said.

Manager of Engineering and Infrastructure Chris Roberts provided additional information on the request to close an unpaved and un-maintained portion of the Monroe Street ROW. He showed the area on a map, reviewed state requirements regarding such closings, and discussed the process thus far. The Council could decide on December 9th whether or not to approve that closure, he said.

Mr. Roberts said that a full public easement would reconnect an isolated part of the Monroe Street ROW and be dedicated before the ROW was officially closed. He showed a series of pictures of the current status of the area and said that the closure would isolate one property, which was currently accessed by a private driveway to the paved portion of Monroe

Street. The developer had proposed a full public access easement to connect the Monroe Street ROW that would provide reasonable legal access to the parcel, Mr. Roberts said.

Mr. Lowman also discussed the opposition of one property owner, Zalman Joffe. He said that Mr. Joffe would have access to his property via Dawes Street or by connecting to an access easement through the proposed development.

Architect Phil Szostak said that a stream in the area had been considered intermittent but was changed to perennial in 2017. He said that restoring the stream would improve water quality. He also said that a wildlife survey had found that the man-made steep slopes and an invasive species on the east side of the creek were not wildlife compatible.

Mr. Szostak reviewed the proposed building design. He said that a plaza area would solve erosion problems, and he showed renderings of how the massing would be broken up on the exposed area. He said that the project would generate minimal traffic, and he noted that the Town had already performed several traffic analyses of the area. He showed a proposed underground stormwater storage area. He said that electric vehicle (EV) conduit would serve 14 spaces (20 percent) and there would be one indoor bike space per unit.

Mr. Jewell characterized the design as an elegant way to create a street level experience. He said that landscape buffers in the front would bring an urban plaza experience out to the street. He pointed out that the RCD had expanded into the property's footprint in 2017. He hoped that preserving 60 percent of the site, adding stormwater management, and exceeding the tree coverage requirement would be a suitable balance to any RCD disturbance, he said.

Mr. Jewell argued that concentrating the development on the east side of the stream and up against the street would buffer the residential neighborhood to the west and bring people to where public transportation was located. He said that the building would create a beautiful gateway to Chapel Hill.

Council Member Ryan verified with the applicant that retaining walls holding the driveway on the west side were 8-11 feet tall and that "double loaded" underground parking meant two cars would be parked end-to-end in one space with access from only one side.

Council Member Ryan also confirmed with Mr. Jewell that the Town had waived doing a traffic impact analysis (TIA) but that one had been done six years prior and another would be conducted for the Zoning Compliance Permit. She was sorry that the Council would not see a TIA prior to being asked to vote on the project, she said.

Council Members confirmed with staff that there would be no barriers to public use of the plaza. They ascertained that the RCD had been expanded in 2016 when the stream was re-categorized as perennial. The new category meant that 100-foot buffers were required and that the RCD was divided into three zones.

The Council asked for a response to the Transportation and Connectivity Advisory Board's (TCAB) recommendation for denial due to traffic safety concerns, and Mr. Jewell replied that he felt perplexed by that determination. He said that the NC-DOT had supported the plan and that the 2014 TIA had found that the project would not cause any change in level of service. Council Members confirmed that Mr. Jewell had met the Community Home Trust.

Council Member Gu said that the TCAB's primary concern was the traffic pattern, not volume. The new full-service entrance would significantly increase the complexity of conflicts between different modes of traffic, she said. Mr. Jewell offered to meet with the Town's bicycle and pedestrian staff regarding that concern, and Council Member Huynh asked him to return with a response to the TCAB's six or seven recommendations for increasing bike and pedestrian safety.

Council Member Parker ascertained from Mr. Szostak that the 4,000 square feet of commercial was based on a plan for live-work units, which would likely cost in the middle \$300,000 range. He also confirmed that the pedestrian crossing would be signalized but that NC-DOT would not allow a signal at Purefoy Road.

Ms. Brewer said that the proposed development would add affordable units while leading to the loss of existing ones. It proposed to restore a stream channel while paving 20 percent and disturbing 40 percent of the RCD, she said. The plan would lead to the loss of iconic Merritt's Grill, worsen traffic safety problems, discredit the stream buffer protection ordinance, and create a domino effect of high-rise, mixed-use development along South Columbia Street, she said.

Ms. Brewer argued that any new residential development should be a maximum of three stories tall. It should be in harmony with the historic entranceway and have a traffic light at the Purefoy/Columbia Street intersection, she said.

Ms. McClintock endorsed Ms. Brewer's comments and said that the Chapel Hill Alliance for a Livable Town had sent a letter to the Council asking them to deny the rezoning due to environmental protection and public safety concerns. She said the Environmental Safety Advisory Board had approved the project with the understanding that the Stormwater Advisory Board would review it. That did not happen, she said.

Ms. Horne asked the Council to reject the project. She said that neighbors

and previous Council Members had consistently raised concerns over the years about its large scale and potential traffic issues.

Mr. Vora advised the Council to not find ways to get around the Town's RCD requirements. He characterized the area's traffic problem as a conundrum and said he did not see a way around that.

Martin Johnson, a Westwood neighborhood resident, expressed support for the project. The Town needed more housing for moderate-income families and the proposal was in keeping with Chapel Hill 2020 and the FLUM, he said. Mr. Johnson said that the development's car-free and one-car households would advance the Town's climate-change goals and diversify the neighborhood.

Sam Eberts, a Westwood neighborhood resident, said that no intelligent person could say that the proposed "six-story monstrosity" overlooking historic homes would not add traffic to the area. If the goal was for residents to walk and bike everywhere, then the developer should limit parking, he said. Mr. Eberts added that he resented the developer's implication that residents wanted an urban plaza in their historic neighborhood.

Martin Feinstein, a Coolidge/Columbia Street resident, said that the area did not need "an imposing, multi-story box" in it. He argued against setting a precedent of giving variances to RCD and steep slope requirements without a compelling reason.

Deborah Barrett, a Westwood neighborhood resident, said that the current site was not a particularly pretty or useful piece of land. Having a place for essential workers, staff, and others that encouraged walking and biking sounded promising, she said.

Zalman Joffe, the property owner who objected to the Monroe Street ROW closing, said that a 16-foot retaining wall associated with this project would block him completely. He objected to the project unless access to his property could be insured, he said.

Mayor Hemminger asked the Town's Stormwater Department to return with more information about the effects of development on the area. Council Members requested more information regarding traffic, especially with regard to safety for cars coming out of Purefoy Road and turning left down South Columbia Street. They said that merely including conduit for 20 percent of the parking spaces would not meet the need for electric vehicle charging stations down the road. The Council also asked to see options for reducing the number of parking spaces.

A motion was made by Mayor pro tem Parker, seconded by Council Member Huynh, to continue the Public Hearing to December 9, 2020. The motion carried by a unanimous vote.

11. Close the Public Hearing to Consider a Request to Close a Portion of an Unmaintained and Unimproved Monroe Street Public Right-of-Way. [\[20-0811\]](#)

A motion was made by Mayor pro tem Parker, seconded by Council Member Huynh, to continue the Public Hearing to December 9, 2020. The motion carried by a unanimous vote.

12. Update on the Airport Hazard District Land Use Management Ordinance Text and Map Amendment. [\[20-0812\]](#)

This item was moved to another meeting.

13. Open the Public Hearing: Application for Conditional Rezoning - Phi Gamma Delta at 108 W. Cameron Avenue. [\[20-0813\]](#)

This item was continued to December 9, 2020.

A motion was made by Mayor pro tem Parker, seconded by Council Member Anderson, to continue the Public Hearing to December 9, 2020. The motion carried by a unanimous vote.

APPOINTMENTS

14. Appointments to the Grievance Hearing Board. [\[20-0814\]](#)

The Council reappointed Annie Brayboy and appointed Matthew Tulchin to the Grievance Hearing Board.

15. Appointments to the Historic District Commission. [\[20-0815\]](#)

The Council reappointed Sean Murphy, and appointed Polly Van de Velde to the Historic District Commission. The Council held one position vacant for further consideration.

16. Appointments to the Justice in Action Committee. [\[20-0816\]](#)

The Council reappointed Shiala Baldwin and Elisabeth Flake and appointed Aida Al-akhdar, Tracy Miller, Nul L Oh and Sarah Cheek to the Justice in Action Committee.

17. Appointments to the Stormwater Management Utility Advisory Board. [\[20-0817\]](#)

The Council reappointed Stephan Hern and Pamula Schultz and appointed Janet Clarke to the Stormwater Management Utility Advisory Board.

ADJOURNMENT

The meeting was adjourned as 12:09 am on Thursday, November 19, 2020.