



# 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 Jessica Anderson  
Council Member Donna Bell  
Council Member Allen Buansi  
Council Member Hongbin Gu

Council Member Nancy Oates  
Council Member Michael Parker  
Council Member Karen Stegman  
Council Member Rachel Schaevitz

---

**Wednesday, October 24, 2018**

**7:00 PM**

**RM 110 | Council Chamber**

---

### Roll Call

**Present:** 9 - Mayor Pam Hemminger, Mayor pro tem Jessica Anderson, Council Member Donna Bell, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Nancy Oates, Council Member Michael Parker, Council Member Karen Stegman, and Council Member Rachel Schaevitz

### Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Florentine Miller, Assistant Town Manager Mary Jane Nirdlinger, Town Attorney Ralph Karpinos, Communications Manager Catherine Lazorko, Planning and Development Services Director Ben Hitchings, Operations Manager Judy Johnson, Library Director and Executive Director for Community Arts & Culture Susan Brown, Assistant Director of Housing and Community Sarah Vinas, Affordable Housing Director Nate Broman-Fulks, Transportation Planning Manager Bergen Watterson, Captain Donnie Rhoads, Budget Analyst David Finley, Housing and Community Executive Director Loryn Clark, Legal Service Administrator Carolyn Worsley, Fire Inspector Greg Peeler, Deputy Town Clerk Amy Harvey

### OPENING

Videos: Celebrating Successes.

[\[18-0871\]](#)

a. Festifall Video.

[\[18-0872\]](#)

Mayor Hemminger opened the meeting at 7:00 pm and introduced two Celebrating Successes videos.

Council Member Schaevitz explained that Cultural Arts Commission Member Andrew Kornylak had made the first video regarding Festifall in collaboration with three media production students from the University of North Carolina at Chapel Hill (UNC). The video showed interviews with vendors, artists and others who had participated in that annual street fair.

**b. Tiny Homes Video.**[\[18-0873\]](#)

Mayor Hemminger then introduced a Tiny Homes video and explained that Town staff and community members had built homes that were less than 400 square feet for residents transitioning from homelessness. The Town had provided a grant for the project, she said, and she named community members who had been supporters.

The Tiny Homes video, narrated by Reverend Lisa Fishbeck, showed the collaboration of volunteers to provide a model for affordable housing in the community. In the video, Rev. Fishbeck expressed hope that three small houses on Church of the Advocate land would provide a model for others in Town.

**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.

**1. Petitions from the Public and Council Members.**[\[18-0857\]](#)**a. Justice in Action Committee Request Regarding a New Location for the Teen Center of Chapel Hill.**

Tim Longest, representing Justice in Action Committee, spoke about a proposal from the Chapel Hill Youth Council regarding changing the Teen Center's location due to troubling conditions at its site. The petition asked the Council to work with Justice in Action and the Youth Council to explore other space options.

Mayor Hemminger said that the Council had already received a related petition and that she had recently met with the Teen Council regarding the situation. A meeting to explore options and opportunities had been scheduled for November and she would add Justice in Action to the list of participants, she said.

A motion was made by Council Member Oates, seconded by Council Member Parker, that this Petition be added to the petition regarding this topic submitted by the Teen Council. The motion carried by a unanimous vote.

**b. Jeff Charles Regarding Extended Speaking Time for Individuals with Disabilities.**[\[18-0874\]](#)

Jeff Charles, a Chapel Hill resident who suffered from aphasia resulting from a stroke, asked the Council to add one minute to his and other disabled speakers' time when they addressed the Council at meetings.

Mayor Hemminger replied that she always allowed extra time when people call beforehand and ask for it and was happy to continue doing so.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Parker, that this Petition be received and referred to the Town Manager and Mayor. The motion carried by a unanimous vote.

c. Jeff Charles Regarding Request for Traffic Impact Study on Homestead Road.

[\[18-0875\]](#)

Mr. Charles asked to revise a petition that he had previously submitted regarding a Homestead Road study. He asked to add a request that a traffic impact analysis be done from Martin Luther King Jr. Boulevard to Chapel Hill High School and that the Town not approve any more development until that study had been completed.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Parker, that this Petition be received and referred the Town Manager and Mayor. The motion carried by a unanimous vote.

d. Elizabeth O'Nan Request for Extending Comment Period Regarding Proposed Permit for UNC Coal Power Plant.

[\[18-0876\]](#)

Elizabeth O'Nan requested that the Council consider an emergency resolution to hold a public hearing to discuss a proposed permit for a coal-powered plant at UNC. She said that such a plant would permit more pollution into the air and she asked the Council to extend the comment period for 60 days.

Mayor Hemminger read a statement from UNC regarding its process of renewing its permit for all of the emission that it controls with UNC's Environmental Health and Safety Group leading that effort. She said that the Town had been unaware of the situation and had not had time to arrange for UNC to attend the current Council meeting. However, the Town could ask UNC to come and explain, she said.

Mayor pro tem Anderson confirmed with Mayor Hemminger that she would send a letter to the Department of Environmental Quality asking for the comment period to be extended.

Ms. O'Nan noted that she had requested a public hearing as well.

Mayor Hemminger proposed a friendly amendment to have staff inquire about UNC's plans and ask UNC representatives to come and explain. She thanked Ms. O'Nan for bringing the information forward, since the Town had not been aware of the situation.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Parker, that the Council send a letter to North Carolina Department of Environmental Quality. The motion carried by a unanimous vote.

e. Susanna Dancy Regarding Town-Owned Properties in Southern Area.

[\[18-0877\]](#)

Mayor Hemminger said that a Susanna Dancy, a Chapel Hill resident, had petitioned the Council to review the Obey Creek Compass Committee's recommendations and the work product from Dover Cole and Associates regarding the Southern Village park and ride lot. Ms. Dancy asked that this be done prior to beginning negotiations over Town properties and that the Council evaluate the merits of creating a small area plan to guide its decisions, Mayor Hemminger said.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Parker, that this Petition be received and referred the Town Manager and Mayor. The motion carried by a unanimous vote.

## **PUBLIC COMMENT - ITEMS NOT ON PRINTED AGENDA**

### **ANNOUNCEMENTS BY COUNCIL MEMBERS**

a. Council Member Anderson Regarding Early Voting.

[\[18-0878\]](#)

Mayor pro tem Anderson reminded citizens that early voting had begun and would run through November 3rd. She pointed out that people could register on the same day that they vote and said that the Town's two voting sites were at the Chapel of the Cross and the Seymour Center.

b. Council Member Parker Regarding Orange County Artist Guild.

[\[18-0879\]](#)

Council Member Parker urged citizens to attend the Orange County Artists Guild's studio tour and holiday sale, which would be held on November 3-4 and November 10-11, 2018.

c. Council Member Buansi 14th Amendment Event.

[\[18-0880\]](#)

Council Member Buansi said that an event regarding the relevance of the 14th Amendment would be held on Friday at the Southern Human Services Center on Homestead Road from 4:00-6:30 pm, and he encouraged all to attend.

d. Mayor Hemminger Regarding Local Employers' Commitment to Using Alternative Modes of Transportation.

[\[18-0881\]](#)

Mayor Hemminger praised local organizations and employees for committing to using alternative modes of transportation.

- e. Mayor Hemminger Regarding Mildred Council Awards of Excellence. [\[18-0882\]](#)

Mayor Hemminger pointed out that Go Chapel Hill had introduced the Mildred Council Awards of Excellence awards on that day.

- f. Mayor Hemminger Regarding Public Information Meeting for Dunkin' Donuts Drive-Thru. [\[18-0883\]](#)

Mayor Hemminger said that a public information meeting regarding a Dunkin' Donuts drive-through would be held the following day at 5:15 pm in the first floor conference room at Town Hall.

- g. Mayor Hemminger Regarding Rogers Road Neighborhood Community Meeting. [\[18-0884\]](#)

Mayor Hemminger announced that a Rogers Road Neighborhood Community Meeting regarding a zoning initiative would be held on October 30th from 6:30-8:00 pm in the RENA Community Center.

- h. Mayor Hemminger Regarding Halloween. [\[18-0885\]](#)

Mayor Hemminger encourage citizens to ride Chapel Hill Transit to and from the upcoming Halloween festivities in the downtown. The celebration would be family-friendly event where everyone should feel safe and welcome -- so leave alcohol, weapons, or anything that looks like a weapon at home, she said.

- i. Mayor Hemminger Regarding Rashkis Field Trip at Town Hall. [\[18-0886\]](#)

Mayor Hemminger said that 110 third-graders from Rashkis Elementary School would be visiting Town Hall the following day.

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

2. Approve all Consent Agenda Items. [\[18-0858\]](#)

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

3. Approve Town Participation in the 2019 Wyland National Mayor's Challenge for Water Conservation. [\[18-0859\]](#)

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

## INFORMATION

4. Receive Upcoming Public Hearing Items and Petition Status List.

[\[18-0860\]](#)

This item was received as presented.

## DISCUSSION

5. Consider Inter Faith Council (IFC) Funding Request for the Food First Project.

[\[18-0861\]](#)

Executive Director for Housing and Community Loryn Clark explained that Items 5 and 6 would include a presentation regarding a request for funding for a Food First project, and an update on the future use of Historic Town Hall. Those two items were being presented together because their timing was connected, she said.

The two Food First Capital Campaign co-chairs then spoke. Robert Dowling, executive director of Community Home Trust, and former Chapel Hill Mayor Kevin Foy presented information on the Food First project. Mr. Foy outlined the long partnership between the Town and the Interfaith Council (IFC) and the efforts that IFC had made over the years to provide shelter and food to those in need. He outlined plans to build a new Food First building, which would include a kitchen and dining facilities.

Mr. Dowling provided more background on the \$5.3 million Food First campaign, which had begun in spring 2017. He said that \$4.3 million had been raised thus far and that \$500,000 of that needed to be matched in order to be viable. He pointed out that a request to the Town for \$300,000 had not been granted the previous year. Mr. Dowling asked if the Town could find \$75,000 in the current budget and for each of the next five years.

Council Member Oates confirmed with IFC Executive Director Jackie Jenks that the proposed building would have an emergency assistance program and showers and restroom facilities in addition to the kitchen, dining room and pantry.

Mr. Foy noted that a floor plan in the Council's packet showed a large community room. That would be a place for staff and clients to meet and share life experiences, and the IFC would open it up to the community as well, he said.

Council Member Stegman pointed out that a Town contribution to Food First could mean having less funds for other Town projects.

Town Manager Maurice Jones asked for time to look at the budget and

return with more information, if the Council was interested in responding to the funding request in the current year. There were several options, but the Council might need to discuss its priorities since Food First had not been budgeted, he pointed out.

Council Member Bell asked if a partnership with the food pantry at St. Joe's would end, and Mr. Foy replied that the plan was to expand, not eliminate, services, and that St. Joe's had been an excellent partner. Council Member Bell voiced strong support for the proposal and suggested thinking about it as prepaying into something that would have a multi-decade lifespan.

Council Member Gu said she supported the worthy cause but wondered if there was a standard way to process such requests.

Mr. Jones replied that the IFC had previously gone through the budgeting process but the project had not ultimately been approved for funding for that fiscal year.

Council Member Gu asked if there was an open period for collecting requests, and Mr. Jones and Mayor Hemminger explained the steps of the annual application process. Because the Food First's request was for a very large capital request and a multi-year commitment, it had not made it through that process, said Mayor Hemminger.

Council Member Parker characterized the project as hugely important and one that met a clear need. However, the Town had many worthy, non-profit projects, he said, and he wanted to understand what would differentiate this one from others. He did not think the Town had made cash contributions to capital campaigns in the past, said Council Member Parker, adding that he wondered about setting a new policy.

Mayor Hemminger replied that the Town had made a cash payment to the DHIC project, and Mr. Dowling said that the Town had also provided a significant amount of Community Development Block Grant (CDBG) funds plus \$40,000 from its own funds for building the IFC's Community House shelter.

Mr. Foy pointed out that the Town had also been supporting IFC through in kind contributions for almost 30 years. He noted that the IFC received no federal funding and did not sell anything to finance its operations in the way that other organizations did. The IFC deserved unique treatment because it was completely dependent on the community of people who believe, said Mr. Foy.

Council Member Buansi asked if there was an anticipated need for adjustments in the bus line or its frequency.

Mr. Foy replied that they had not yet thought about that, but it was a

good point.

Council Member Oates suggested getting a list of others who wanted contributions to capital campaigns so the Council could make a more informed and fair decision on who would get funded. She believed in a level playing field and would like to see it all moved to next year, she said.

Mayor Hemminger pointed out that the Town had already approved \$75,000 of CDBG money that had not been able to be transacted. So, the Town had already said that it wanted to find the money, she said. She proposed having the Manager bring back options for how to fund the project in current and in future years. The word would then be out, so the Town would get additional requests from others, she pointed out.

A motion was made by Council Member Schaevitz, seconded by Council Member Bell, that this Discussion Item be received and referred to the Town Manager and Mayor. The motion carried by a unanimous vote.

6. Update: Historic Town Hall's Future Use as Community History Center.

[\[18-0862\]](#)

Library Director Susan Brown, speaking as the Town's Arts and Culture director, provided an update on potential future use of Historic Town Hall as a history and culture center. She gave a brief PowerPoint review of the process, from a June 2016 petition to the Council's decision in November 2017 to use the building as such a center.

Ms. Brown provided an update on her efforts to review best practices, innovative approaches, and professional trends. She talked about visiting other communities, where she had built relationships, strengthened partnerships, and sought funding. Ms. Brown described some of the projects that might be included in the Community History Center, which would include past, present, and future projects working together. Next steps included applying for grants, engaging the community, and exploring capital and operational needs, she said.

Council Member Buansi confirmed that Town partnerships and projects would include the Town of Carrboro, Orange County, and UNC.

Jean Ranc, a Chapel Hill resident, said that she had previously requested putting a grocery store at Historic Town Hall site and still thought that would be wonderful to have such an enterprise downtown.

Council Member Gu praised the plan and said she hoped it would show the Town's current diversity as well. She asked how residents could become involved in the project.

Ms. Brown replied that including diversity was precisely the goal. She was

waiting to hear about a large Institute of Museum and Library Services (IMLS) grant and would do a broad formal process involving everyone if/when that came through, she said. In the meantime, citizens with ideas could contact her, said Ms. Brown.

Council Member Stegman expressed enthusiasm for the project and urged Ms. Brown to keep going and let her know how she could help.

Council Member Schaevitz confirmed with Ms. Brown that an invitation to apply for the IMLS grant was expected in December or January.

This item was received as presented.

7. Update on Kidzu Letter of Intent.

[\[18-0863\]](#)

Assistant Town Manager Mary Jane Nirdlinger gave a PowerPoint presentation, providing background on a June 2018 Council letter of intent to consider leasing a Southern Village site to Kidzu for a potential children's museum. The goal had been for both parties to work on a timetable and present a formal agreement in or before spring 2019, she said.

Ms. Nirdlinger pointed out that only feedback and direction was currently required. She said that questions included whether the Council was interested in staff soliciting interest from other parties and if the Town was interested in programming on this site.

Ms. Nirdlinger said that staff had provided answers to questions raised in a letter from the Obey Creek Compass Committee and wondered if the Council wanted Kidzu to incorporate ideas from existing studies while doing its site design. She noted that the letter of intent requested that the Town decide in May whether to move forward on a lease and entitlements.

Lisa Van Deman, executive director of Kidzu, described the proposed new museum and noted that the Mayor and Council had voted unanimously in June 2018 to sign the letter of intent and good faith agreement to negotiate a land lease for construction of a museum on Town-owned property. The agreement also included working toward presenting a formal agreement for approval in or prior to spring 2019.

Ms. Van Deman gave a PowerPoint update on Kidzu's efforts over the prior few months. She discussed the need for more museum space, the advantages of the proposed location, and the positive reaction from neighbors at Southern Village. She pointed out that Kidzu has collaborated extensively with partners and certainly envisions having many opportunities to do so with the new museum.

Steve Hess, a Kidzu board member and its Building Committee chair, continued the Powerpoint presentation. He showed a conceptual design

plan and said that Kidzu could easily put a 45,000-50,000 square-foot building with about 80 parking spaces (which could be expanded with an additional 75 spaces) on the site. Kidzu was having a feasibility study done to determine the highest and best use for the community at large, he said.

Council Member Parker confirmed with Ms. Van Deman that the current site plan did preserve space for a bridge connection to Obey Creek.

Council Member Bell asked if staff had formally solicited interest from other parties, and Ms. Nirdlinger replied that she recalled discussions about how the Town would have to go through a formal process if it wanted to develop on the park and ride lot because federal funding was involved. She agreed to return with more information about that.

Council Member Gu confirmed with Ms. Nirdlinger that the lease agreement being considered would be for 2.3 acres of land for 99 years but that a formal proposal for a lease on the property would come back in spring 2019. Council Member Gu also verified that the Town was not currently considering any financial aspect of the agreement. She asked what type of lease agreement staff was envisioning.

Ms. Van Deman provided background on Kidzu's negotiations with the Town over recent years and said that a 99-year lease was the typical language used in public/private partnerships.

Council Member Schaevitz asked about Kidzu's capital campaign, particularly with regard to construction.

Ms. Van Deman replied that current design work would provide initial cost estimates and parameters to build the campaign around.

Mayor pro tem Anderson asked Ms. Nirdlinger to bring back information on what the federal government process would involve if the Town wanted to redevelop the nearby park and ride.

Council Member Parker wondered if the Town and Kidzu should be thinking about building more on the site, if it could hold the level of density indicated in development scenarios in the Council's packets.

Ms. Nirdlinger suggested asking Kidzu to look at that and come back with a reply. She pointed out that those scenarios were for initial buildings with others to follow.

Mayor Hemminger confirmed with the applicant that Sumac Street was wide enough for alternative parking on both sides.

LeeAnn Swanekamp, a Chapel Hill resident, said she hoped the Kidzu team would find a way to include children who did not have a way to get

to the area or the money to attend regularly.

Ms. Van Deman replied that Kidzu was committed to serving all children throughout the community and that there were multiple ways to do that. Kidzu had already reached out to rural areas and would be launching two museum "pop-ups" in northern Orange County and potentially at the Hargraves Center and in Chatham County, she said.

Council Member Oates said she was pleased that the Town had been getting other ideas as well. Some people had expressed concern about not knowing that the Town was pursuing public/private partnerships, she said. She stated that 99 years was a long time and said she wondered how the Town would extricate itself from such a long lease if the use turned out to not be the best for the site. Council Member Oates stressed the importance of paying attention to where people would park if the park and ride lot were redeveloped.

Mayor pro tem Anderson said she was interested in learning if other parties wanted to be part of the project but was not interested in knowing if they want to do something totally different. She pointed out that Kidzu provided access for people who could not afford memberships. Kidzu was an important part of the community's identity and values, she said.

Mayor pro tem Anderson said she would like to see options other than the particular plan being shown, such as figuring out if Parks and Recreation might be involved. She proposed moving the building back so it would be more connected with the woods, noting that a "destination place" did not need to be seen from the highway. Mayor pro tem Anderson said that staff needed to be involved in determining the level of density and that she would like an urban designer to be involved as well.

Council Member Bell agreed with Mayor pro tem Anderson's comments and said that having a formal process for going out and finding others who might be interested would not be the best use of staff time. She was not crazy about the low level of density on the property and location, she said, and she asked staff if it would make sense to subdivide the property.

Council Member Gu agreed with what others had said and stated that she, too, would like to see a fuller utilization of the site -- not just with more programming, but with several buildings addressing different needs.

Council Member Buansi expressed support for incorporating information from the Obey Creek Compass Committee's report, within the context of the future land use map. If the Council ultimately approved the lease agreement, then he would suggest considering space for a teen center, he said, noting that two buses served the site and that the nearby park drew teens.

Council Member Schaevitz said that Kidzu was critical for Chapel Hill and that it needed more space. She believed that the new museum absolutely would be a draw and that the best thing the Town could do was plan for that by making sure visitors could get there and keep coming back, she remarked. She said that she would like to hear ideas for better incorporating existing commercial and allowing space for future businesses along Highway 15-501. If people were interested in a teen center or other collaboration, they should let Kidzu know, said Council Member Schaevitz.

Council Member Stegman agreed with the others' suggestions for a denser building and said that Kidzu would be an import draw for people from outside Town as well. She recommended moving ahead with plans as quickly as possible.

Mayor Hemminger proposed that Kidzu pull a working group together that would include developer D.R. Bryan and others in the Southern Village area to discuss a bigger plan. The Council wanted the building to be closer to Market Street, she said, and she questioned having a big cafe. The Council also wanted Kidzu to be closer to the park, if possible, she said.

Mayor Hemminger expressed hesitancy regarding a lease that would bind future councils for 99 years and said that 30-50 years would be more comfortable. She was not crazy about the current layout -- with its sea of parking close to the road -- and thought something better could be done, she said. She expressed support for a better integration into the park and said that parking on the street could alleviate the need for so much excess parking. Mayor Hemminger recommended looking at the project holistically and said that Kidzu did not have to wait until January to come back with more ideas.

Mr. Jones asked the Mayor to clarify whether the Council wanted staff to work only with Kidzu or continue soliciting other potential uses for the site.

Mayor Hemminger replied that the Council would like staff to work with Kidzu on finding a better fit, and possible partners. She said that there were partners right in the immediate area, however, such as D.R. Bryan's group and the Church group. If someone were to come forward on their own, then staff should listen, but there was no need for a formal process, Mayor Hemminger said.

Council Member Bell asked about possibly having an agreement similar to one that the Town had been negotiating with UNC.

Ms. Nirdlinger replied that it sounded like an option, based on current feedback.

This item was received as presented.

### *ZONING ATLAS AMENDMENT and SPECIAL USE PERMIT*

The development proposal below involves two separate steps: a rezoning application and an application for a special use permit. These two hearings will be conducted separately. You may sign up to speak on each item.

#### *ZONING ATLAS AMENDMENT*

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.

8. Open the Public Hearing: Application for Zoning Atlas Amendment - Homestead Road Active Adult Housing, 2217 Homestead Road (Project #17-107).

[\[18-0864\]](#)

Operations Manager for Planning and Development Judy Johnson described the rezoning (ZAA) and special use permit (SUP) processes. She then gave a PowerPoint presentation on a proposed Active Adult Housing project at 2217 Homestead Road. The property was shown as medium residential (four-eight units per acre) and was currently zoned R-2, and the applicant was requesting that it be rezoned to R-5, Ms. Johnson said. She recommended that the Council open the public hearing, receive comments, and continue the public hearing to November 28, 2018.

Richard Gurlitz, the applicant, provided details on the proposal for a 190-unit, active adult retirement community that would be an age-restricted, moderately-priced rental project targeted to people in their 60s and 70s. The project would have specific amenities for that age group, he said. He pointed out that it would not be health-related and said there was no current rental community in Town for the proposed demographic.

Mr. Gurlitz described the mostly hardwood site and said that rezoning it to R-5 would make it like its neighbors to the north and east. He showed a site layout, discussed an HNTB traffic impact analysis (TIA), and listed economic advantages of having such a project in Town.

Mayor pro tem Anderson and Council Member Gu asked how the model was different from another retirement community on Estes Drive, and Mr. Gurlitz said that the other project provided meals and health related services and was for people who were less mobile.

Council Member Stegman confirmed with Mr. Gurlitz that the one-bedroom apartments would start at \$1,300 and the two-bedroom units would start at \$1,900 to \$2,400.

Council Member Parker confirmed that the apartments would be designed

to meet universal standards and would be ADA compliant.

Ms. Swanekamp, a Homestead Village resident, expressed concern about traffic on Homestead Road and said that the developer had underestimated the number of parking spaces that would be needed. She said that the building would be too tall and not be in harmony with the surrounding area. Putting it next to R-2 areas would look unaesthetic and disjointed, she said.

Ryan Brummond, a Homestead Village resident, echoed Ms. Swanekamp's concerns about traffic and said he did not understand how 190 parking spots would yield less traffic than 60 single-family homes.

Scott Windham said that it seemed the Town was taking the request to move from R-2 to R-5 lightly. Changing zoning at the request of a builder seemed like a breach of public trust, he argued.

Mayor Hemminger confirm that HNTB's TIA for the area was on page 147 of the Council's packet had been done for the portion of Homestead Road from Sewell School Road intersection to Martin Luther King Jr. Boulevard. That TIA had taken four projects that had been approved into consideration, she said.

Council Member Parker asked about different kinds of senior housing, and Ms. Johnson agreed to obtain the definition of senior adult active from the traffic consultant.

Council Member Schaevitz verified that R-2 allowed four units per acre and that the applicant was asking for R-5 in order to build 11 units per acre. She noted that R-5 would allow up to 15 units and confirmed with Ms. Johnson that R-3 allow seven and R-4 allowed 10.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Parker, that the Public Hearing be continued to November 28, 2018. The motion carried by a unanimous vote.

### *SPECIAL USE PERMIT*

Special Use Permit: The Application for a Special Use Permit is Quasi-Judicial. Persons wishing to speak are required to take an oath before providing factual evidence relevant to the proposed application.

Witnesses wishing to provide an opinion about technical or other specialized subjects should first establish that at the beginning of their testimony.

9. Open the Public Hearing: Application for Special Use Permit - Planned Development-Housing Homestead Road Active Adults Housing, 2217 Homestead Road (Project #17-096).

[\[18-0865\]](#)

Ms. Johnson provided general information about the application and reviewed the four findings that were required for SUP approval. She gave a brief PowerPoint presentation on the proposed project and explained that an SUP was being requested because the ordinance contained a threshold for projects with greater than 20,000 square feet of floor area or 40,000 square feet of land disturbance. She said that no modifications to regulations were being requested.

Ms. Johnson noted that key issues pertained to traffic and the amount of other new area development in the area. The suggested improvements would include a vehicle connection to The Courtyards at Homestead (Courtyards) and bicycle and pedestrian improvements and connections, she said.

Ms. Johnson pointed out that the applicant was voluntarily complying with the Town's Inclusionary Zoning Ordinance (IZO), which would give him a density bonus of 15 percent (equivalent to about 38 units) and a floor area bonus of approximately 123,000 square feet. However, the applicant was proposing about only 5,700 additional square feet, she said. Ms. Johnson said that the applicant was also proposing a \$315,000 payment in lieu for affordable housing. She reviewed advisory board recommendations and recommended that the Council receive evidence and reconvene the public hearing to November 28, 2018.

Council Member Parker verified with Ms. Johnson that the TIA had assumed a full vehicular connection between the proposed development and Courtyards. Ms. Johnson said that the Town's traffic engineer had estimated that about 60 vehicles per day would travel across that connection.

Council Member Oates confirmed that the entrance would not be a Town-maintained street.

Council Member Schaevitz asked for more information about some conflicting information from the Planning Commission (PC) and Transportation and Connectivity Board (TCB) regarding a connection to Courtyards.

Ms. Johnson replied that the Town's fire marshal strongly affirmed the need for a full connection there, not just an emergency one.

Mr. Gurlitz provided details on design and noted the changes that had reduced scale. He said that the building would be set 430 feet back from Homestead Road, with a lawn in front, and would maintain 415 feet of woods in the back. The PC had proposed moving the building forward but the CDC liked it moved back, he said. Mr. Gurlitz described 140 and 150 foot buffers on the sides, and possible pathway connections, and said that the parking layout was as close to the building as possible.

Adam Pike, of Stewart Engineering, talked about the rationale behind the driveway's location and how the site would capture runoff and pipe it to a pond along Homestead Road. Stormwater would also be redirected to a roadside ditch and diverted from neighboring properties, he said.

Mr. Gurlitz spoke about the mostly rocky conditions on the almost totally impervious site. He said that discussions with the Housing Advisory Board (HAB) had led to the proposed \$315,000 payment in lieu. Because the project would be age-restricted, the HAB had taken half of the 28 units that would be required for an AH project and arrived at \$22,500 of subsidy per unit, he said. Mr. Gurlitz clarified that he was not asking for any additional units even though R-5 would allow him 15. The additional 5,700 square feet would be used in the recreation area, he said.

Council Member Stegman asked why the applicant was offering a payment in lieu when the Town strongly preferred actual units.

Mr. Gurlitz explained that those who would construct and maintain the building had expressed difficulty with an age group that might have assets but no known income.

Mayor Hemminger said that \$325,000 could yield 10 affordable units for five years or five for 10 years.

Council Member Parker asked why the payment in lieu was based on 14 units rather than 28.

Mr. Gurlitz replied that he thought the HAB had come up with that formula because the project satisfied the Town's goal of cultural diversity. The IZO included age as well as income, he pointed out.

Mayor Hemminger announced that Items 10 and 11 on the agenda were being moved to another meeting due to the late hour.

Courtyard residents Annis Arthur, Betsy Crittenden, Jean Beacham, Christy Beacham, Linda Charles and Carol Gerber stressed the importance of quality of life and asked the Town to restrict the proposed emergency access with bollards so that residents, many of whom were disabled, could move around freely without concern.

Jeff Charles, past Transportation Board chair, requested that a more extensive TIA be done. He said that the proposed design centered around cars and that he had not heard anything about the applicant providing access to buses. He raised safety concerns regarding those who would be cycling and walking and noted that Homestead Road was a major connector for cyclists. Public safety was the Council's most important responsibility, Mr. Charles stressed.

Bill Crittenden, a Courtyards resident and former owner/manager of a

geriatric care business, encouraged the Town to form a senior advisory board to specifically address the needs of seniors living in housing communities such as The Courtyards at Homestead.

Tamim Kasrawi, a Courtyards resident, said it was hard to believe that the Mayor and Council, already having problems with flooding in low-lying locations, would allow a multi-story building of 190 units in one of the highest elevations in Town. Surface parking would generate a huge amount of runoff to low-lying parts of Town, he said. Mr. Kasrawi urged the Council to require a significant reduction in the number of units and parking under the building.

Sujan Gulati, a Courtyards resident, showed pictures of flooding outside and inside his house. He expressed concern about ongoing repairs and possible long-term effects of having had water inside his house. Mr. Gulati said that his home was the closest to the property in question and that any increase in runoff would be traumatic for him and his family.

Dianne Martin, a Courtyards resident, said she was not opposed to having a facility serving seniors adjacent to her neighborhood but that the development, as currently proposed, would clear a majority of trees and have outside parking that would cause runoff. She said that the Town's 2020 Comprehensive Plan had set goals for sustaining the present community, preserving the natural environment, and protecting neighborhoods from the impact of development.

Mary Kint, a Courtyards resident, described traffic problems on Homestead Road and asked the Council to not make that a thoroughfare that would put community members' safety at risk.

Peter Lee, a Courtyards resident, talked about senior citizens' needs that require special accommodation and showed the results of a survey he had done that had found that more than half of those in his neighborhood had some type of impairment that put them at risk for crossing a street. Mr. Lee asked the Council to make the connection between the properties for emergency vehicles only and to ignore the PC's recommendation for only a speed bump.

Martin Molloy, a Courtyards resident, said that a 190-unit project was being proposed with only one direct point for access to Homestead Road. Acres of trees would be cut down for impervious parking spaces that would be inadequate for a project that size. It would lead to a traffic and drainage nightmare for senior neighbors who live on narrow streets that were approved by the Town, said Mr. Molloy. He asked the Council to amend the PC's recommendation or decline the zoning change.

Jaleh Hagish, a Homestead Village resident, characterized the project as a standard apartment building masquerading as an adult housing project. He did not support rezoning to R-5 because that would not be compatible

with surrounding neighborhoods and would be too dense for such a small parcel of land, he said. In addition, rental housing would produce transient populations on that land, he said. Mr. Hagish added that neighbors were still waiting for the sidewalk to be connected on Homestead Road.

Bruce Buley, a Courtyards resident, said that there was no way that an emergency vehicle could turn at an area near his home and that he objected to any plan to divert traffic from the proposed project through his neighborhood. Mr. Buley asked that the connection, if constructed, have break-away bollards and be only for emergencies.

Mayor pro tem Anderson asked Ms. Johnson to have the fire marshal contact the Council about having bollards only, and Mayor Hemminger pointed out that it was something that had been done in Town in the past.

Mayor pro tem Anderson said that she had some concerns about proposed density but thought that rental was a great market and liked having it near a senior center. She described the proposal as a bit of an extreme jump in density, and said they would like to see a way to make residents of existing neighborhoods feel safer.

Council Member Parker agreed that the Council needed to hear from the fire marshal about whether the issue was driven solely by fire needs. He wondered if there might be a way to utilize the greenspace in front to the building, perhaps with picnic tables that Courtyard residents might share, for example. Dumping stormwater into a roadside ditch seemed like a recipe for having it go across the road, said Council Member Parker, adding that he would like to hear more about why that was a good idea. He said that the applicant had done a good job of compressing the project but recommended that they be more creative about opportunities for activity.

Council Member Gu asked why the project could not have two access points rather than going through another property. She stressed the importance of pedestrian and bicycle access to the nearby Seymour Center and said it would be reasonable to at least consider underground parking in order to conserve trees and not create impervious surface. Council Member Gu agreed with residents' concerns about the need for more comprehensive traffic planning townwide, she said.

Council Member Oates pointed out that the Chapel Hill 2020 Comprehensive Plan called for the parcel to be medium-density residential. She could not think of another apartment building that had a connector road cutting into an adjacent single-family neighborhood, she said, noting that it had been considered for Timber Hollow but bollards had been used instead.

Council Member Oates raised the possibility of putting the apartments on

top of parking, or as close to the UNC property as possible. She asked for clarification from staff regarding IZO requirements. With regard to the CDC's comments about making trails to the Community Center, she recommended considering the limitations of age when creating a neighborhood for aging in place.

Council Member Buansi asked for more information on what the applicant had described as administrative burdens associated with determining eligible affordable housing renters. He would like to know if those specific burdens might be alleviated though partnering with an affordable housing provider, he said. In addition, he wanted to hear more of the reasoning behind not following TCB's recommendation for underground parking and about traffic and stormwater runoff issues, he said.

Council Member Stegman agreed with others that the rental market was an appropriate use and asked for more information about parking and impervious surface. She noted that density was the answer to sprawl and said that the density being requested was appropriate for that transit corridor. Council Member Stegman agreed with issues raised regarding connectivity and said that the Council needed to hear more about why bollards could not be installed.

Council Member Bell said that staff understood connectivity issues and probably would have provided information about bollards if there was a way to use them at the location. She understood that a multi-use path across the property's frontage would connect with existing plans, she said. She asked for clarity regarding the stormwater plan, and said she appreciated the connection to Pumpkin Trail.

Mayor Hemminger recommended that the applicant have the Stormwater Utility Advisory Board take a look at the plan. She said that Conditional Zoning would have made the discussion easier and she hoped staff would continue to recommend that in the future. She agreed that the Town needed some rental market for seniors, she said.

Mayor Hemminger pointed out that the Town had been working hard on sidewalks in the Homestead area but that negotiations over easements and working with UNC and a railroad had made progress slower. Sidewalk projects were on line and would come through shortly, she said. She said she liked having senior housing near a senior center and that the Town would need to talk about bus stops and transit.

Mayor Hemminger expressed some concern about the proposed density and said she was confused about UNC's refusal to allow a pedestrian access because they had seemed amenable when she talked with them. She liked Council Member Parker's suggestion about having a purpose for the lawn and the CDC's recommendation that the stormwater pond be an amenity, she said. Mayor Hemminger added that she wished there was a way to make the parking tighter. There must be a way to use bollards at

the connection to the Courtyards, she said.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Oates, that the Public Hearing be continued to November 28, 2018. The motion carried by a unanimous vote.

### *Continued Discussion*

- 10.** Receive the Affordable Housing Quarterly Report for Fiscal Year 2019, Quarter 1. [\[18-0866\]](#)

This item was referred to a future meeting date.

- 11.** Prototype Review: Connected Community Strategic Goal Prototype. (\*Reissued from 10/24/18) [\[18-0867\]](#)

This item was referred to a future meeting date.

- 12.** Establish a Task Force to Consider the Possible Future Use of the Varsity Theater as a Performing Arts Center. [\[18-0868\]](#)

Mayor Hemminger pointed out that other towns had turned their low-use movie theaters into performing arts centers and proposed forming a taskforce to explore the possibility of doing something similar with the historic Varsity Theater on East Franklin Street. She said that the Sorrell Building's owner was amenable to that, and the Council would have time to explore and decide whether or not to pursue the idea. The taskforce would collect information and bring it back to the full Council, and Council Members Parker and Schaevitz had already volunteered to lead the effort, she said.

Council Member Gu asked if the Town was planning to purchase the property, and Mayor Hemminger replied that the word was "acquire" and she did not know if that meant purchase.

Council Member Gu pointed out that some citizens had mentioned wanting a market downtown that would include food and other things.

Council Member Stegman asked if younger people were represented on the taskforce, and Mayor Hemminger replied that one goal was to include a diversity of ages, races and perspectives.

Matt Leroy, pastor at Love Chapel Hill, said that his congregation had been meeting on Sunday mornings at the Varsity Theater for nine years. He expressed a desire to be part of the process and said that Love Chapel Hill wanted to continue serving from that location and help dream about what could be next for that important, historical place.

Mayor Hemminger said that the Varsity's owner had expressed hope that it would remain a theater style facility, since that was how it was originally

---

designed.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Bell, that R-3 be adopted as amended. The motion carried by a unanimous vote.

**REQUEST FOR CLOSED SESSION TO DISCUSS ECONOMIC DEVELOPMENT, PROPERTY ACQUISITION, PERSONNEL, AND/OR LITIGATION MATTERS**

**ADJOURNMENT**

The meeting was recessed at 11:53 p.m.; the Council went into closed session and the meeting adjourned at the end of the closed session.