



TOWN OF CHAPEL HILL

Town Council

Meeting Minutes - Draft

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

Mayor Pam Hemminger
Mayor pro tem Karen Stegman
Council Member Jessica Anderson
Council Member Camille Berry
Council Member Tai Huynh

Council Member Paris Miller-Foushee
Council Member Michael Parker
Council Member Amy Ryan
Council Member Adam Searing

Wednesday, September 28, 2022 7:00 PM RM 110 | Council Chamber

Language Access Statement

For interpretation or translation services, call 919-969-5105.

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Para servicios de interpretación o traducción, llame al 919-969-5105.

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919-969-5105.

In-Person Meeting Notification

The Chapel Hill Town Council will meet in person for the meeting. Where possible, the Council requests that members of the public continue to live stream the meeting and view it over the Town's cable television channel access at <https://chapelhill.legistar.com/Calendar.aspx> - and on Chapel Hill Gov-TV (townofchapelhill.org/GovTV) so that we can provide an opportunity for physical distance within the building. The Town of Chapel Hill wants to know more about who participates in its programs and processes, including Town Council meetings. Please participate in a voluntary demographic survey <https://www.townofchapelhill.org/demosurvey> before viewing online or in person.

Parking

- Parking is available at Town Hall lots and the lot at Stephens Street and Martin Luther King Jr. Boulevard.
- See <http://www.parkonthehill.com> for other public lots on Rosemary Street
- Town Hall is served by NS route and T route, and GoTriangle Routes of Chapel Hill Transit.

Entry and COVID-19 Protocols

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

OPENING

Mayor Hemminger called the meeting to order at 7:00 p.m. and reviewed the agenda. She said that an item regarding Aspen Chapel Hill had been postponed to October 19th.

- Present:** 8 - Mayor Pam Hemminger, Mayor pro tem Karen Stegman, Council Member Jessica Anderson, Council Member Camille Berry, Council Member Paris Miller-Foushee, Council Member Tai Huynh, Council Member Michael Parker, and Council Member Amy Ryan
- Absent:** 1 - Council Member Adam Searing

ROLL CALL

Council Member Searing was absent, excused. Council Member Anderson arrived at 7:08 p.m.

OTHER ATTENDEES

Town Manager Maurice Jones, Deputy Town Manager Loryn Clark, Town Attorney Ann Anderson, Planning Director Colleen Willger, Affordable Housing and Community Connections Director Sarah Viñas, Affordable Housing and Community Connections Assistant Director Nate Broman-Folks, Economic Development and Parking Services Director Dwight Bassett, Public Housing Director Faith Brody, Management Analyst Stacey Todd, Maintenance Supervisor Julian Gerner, Planning Manager Corey Liles, Transportation Demand Community Manager Len Cone, Fire Marshall Roland Falana, Communications Manager Ran Northam, Assistant Town Clerk Brenton Hodge, and Deputy Town Clerk Amy Harvey.

ANNOUNCEMENTS BY COUNCIL MEMBERS

0.01 Mayor Hemminger Regarding National Preparedness Month. [\[22-0709\]](#)

Mayor Hemminger said that September was National Preparedness Month and pointed out that Hurricane Ian's imminent approach was underscoring the need to be prepared. Governor Cooper had already declared a state-of-emergency, and everyone was closely monitoring the storm, she said. She encouraged residents to sign up for Orange County Alerts.

0.02 Mayor Hemminger Regarding Next Week's Council Meetings. [\[22-0710\]](#)

Mayor Hemminger announced two upcoming Council meetings: a work session at the Public Library at 6:30 p.m. on October 3rd, and a virtual Council Committee on Economic Sustainability (CCES) meeting from 8:00 a.m. to 10:00 a.m. on October 7th.

0.03 Proclamation: International Walk to School and Roll To School Day. [\[22-0711\]](#)

Mayor Hemminger read a proclamation that proclaimed October 12, 2022, as "International Walk and Roll to School Day" in the Town of Chapel Hill. She discussed the environmental, health, and monetary benefits of walking and biking and said that people around the world would be joining in on October 12th.

0.04 Proclamation: Diaper Need Awareness Month. [\[22-0712\]](#)

Council Member Parker read a proclamation that thanked the NC Diaper Bank and other community-based organizations for providing families with essential infant and toddler supplies. The proclamation pointed out that diapers alone could consume 14 percent of a low-wage family's post-tax income. It designated September 24 to October 2, 2022, as Diaper Need Awareness Week in Chapel Hill and encouraged everyone to generously donate to organizations that collect and distribute such supplies.

0.05 Mayor Hemminger Regarding Treasury Secretary Yellen's Visit. [\[22-0713\]](#)

Mayor Hemminger said that US Treasury Secretary Janet Yellen had visited Chapel Hill the prior day to discuss federal investment in clean energy and to learn about the Town's Climate Action and Response Plan. Secretary Yellen pointed out that new tax credits would allow individuals and local governments to purchase and install solar panels and more energy-efficient heating and air conditioning units, the Mayor said.

Mayor Hemminger said that the Town would be expanding its electric vehicle (EV) charging network and adding solar roofs to its facilities. A national electric infrastructure plan would install more than 500 EV charging stations across the state, she said.

Mayor Hemminger said that she had recently represented NC Mayors and Municipalities at a White House discussion, which had included how Chapel Hill was using its American Rescue Plan Act (ARPA) funds. The Council would be talking more about ARPA funding at its October 3, 2022, work session and would hold a public meeting and vote later in the year, she said.

0.06 Council Member Foushee Regarding Jabe Hunter's Retirement. [\[22-0714\]](#)

Council Member Miller-Foushee said that the Chapel Hill Police Department and the community had recently celebrated Assistant Police Chief Jabe Hunter. Officer Hunter was retiring after more than 20 years of service but would continue to serve as a reserve officer, she said.

0.07 Council Member Berry Regarding the Good Neighbor Initiative. [\[22-0715\]](#)

Council Member Berry commented on the large turnout of students and community members at a Good Neighbor Initiative cookout that evening. She was glad that some Council Members had been able to attend and celebrate, 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.

1. Eric Plow Request for Exemption for Site Plan Review. [\[22-0689\]](#)

This item was received as presented.

2. Parks, Greenways, and Recreation Commission Request to Delay the October 3 American Legion Item and Allow the PGRC to Review and Provide Feedback on Design Concepts. [\[22-0690\]](#)

Renuka Soll, a Parks, Greenways, and Recreation Commission member, petitioned the Town to include the Commission's input when discussing the American Legion property. The Commission had not had a chance to comment and should do so before discussions begin regarding design options, the petition stated. Ms. Soll asked the Council to delay an October 3rd meeting with a consultant until the Commission had an opportunity to review and provide feedback on the design concepts.

The item was received as presented.

3. Virginia Gray and Julie McClintock Request for a Public Forum [\[22-0691\]](#)

about the Legion Community Park.

Bill Brashear expressed support for Virginia Gray and Julie McClintock's petition asking for an opportunity to provide more input into the future of the American Legion Property. He requested that a public forum be held before the Council's next planning session.

The item was received as presented.

3.01 CM Anderson Request for Project Review by Complete Communities Team [\[22-0721\]](#)

Council Member Anderson read a petition from herself, Mayor Hemminger, and Council Members Parker, Ryan, Miller-Foushee, and Huynh. The petition encouraged applicants to meet with the Town's Complete Communities team and work toward alignment.

The item was received as presented.

3.02 NEXT Request for Bicycle Facilities on West Cameron Ave. [\[22-0718\]](#)

Mayor Hemminger explained that the petition from NEXT was asking staff to look at the possibility of having formal bike lanes on Cameron Avenue that extend to the edge of UNC campus.

The item was received as presented.

3.03 CASA Request for SUP Modification Limited Scope Review. [\[22-0719\]](#)

The item was received as presented.

3.04 Wayne Pein Request for Shared Lane Markings on West Franklin St. [\[22-0720\]](#)

Mayor Hemminger explained that Mr. Pein had orally requested a re-look at some of the bike lanes and signage on Franklin Street.

A motion was made by Council Member Berry, seconded by Mayor pro tem Stegman, that the Council receive and refer these petitions. The motion carried by a unanimous vote.

CONSENT

Items of a routine nature will be placed on the Consent Agenda to be voted on in a block. Any item may be removed from the Consent Agenda by request of the Mayor or any Council Member.

Approval of the Consent Agenda

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

4. Approve all Consent Agenda Items. [\[22-0692\]](#)

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

5. Approve the Public Housing Proposed FY 23 Capital Fund Expenditures Update. [\[22-0693\]](#)

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

6. Continue the Evidentiary Hearing for the Special Use Permit Modification for Chapel Hill North at 1800 Martin Luther King Jr. Blvd. to November 16, 2022. [\[22-0694\]](#)

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

7. Adopt Minutes from January 25, February 5, 6 and 8, 2021, and February 2 and 9, and March 2, 16 and 23, 2022 Meetings. [\[22-0695\]](#)

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

INFORMATION

8. Receive Upcoming Public Hearing Items and Petition Status List. [\[22-0696\]](#)

The item was received as presented.

9. Blue Hill Semiannual Report #16. [\[22-0697\]](#)

The item was received as presented.

10. Receive Annual Compliance Reports for July 1, 2021-June 30, 2022 for the Carolina North, Glen Lennox, and Obey Creek Development Agreements. [\[22-0698\]](#)

The item was received as presented.

DISCUSSION

11. Presentation: University of North Carolina at Chapel Hill Semi-Annual Campus Development Report. [\[22-0699\]](#)

University Architect Evan Yasky presented the University of North Carolina at Chapel Hill (UNC-CH) semi-annual update of major capital projects. These included projects that had been completed, those that were in construction, and those that were still in design.

Mr. Lasky said that the Curtis Media Center had been redeveloped and was currently open. The National Pan-Hellenic Council Legacy Plaza had also been completed, and UNC's central generator plant had been upgraded to

comply with current regulations, he said.

Mr. Yasky said that projects in construction included: a sports medicine addition to the Kenan Football Center, a medical education building (Roper Hall) that would be finished in spring 2023, and a surgical tower for UNC Health that was expected to open in 2024. UNC-CH was also adding new tennis courts and generally upgrading its Tennis Center, he said.

With regard to projects in design, Mr. Yasky said that a construction contract for the Horace Williams Solar and Energy Storage installation had recently been signed. A School of Nursing building had been replaced, and there had been an addition and renovation at the Kenan Flagler Business School, and the Porthole Alley redevelopment project work was moving along, he said.

Council Member Berry requested that UNC-CH share information about soil conditions at its Tennis Center with the Town, which was grappling with similar issues. She was happy to hear about the School of Nursing expansion since there was a desperate need for more nurses, she said.

The item was received as presented.

12. Complete Community update - Capacity Analysis.

[\[22-0700\]](#)

Mayor Hemminger explained that the Town had hired two consultants, Jennifer Keesmaat and Rod Stevens, to address where and how the Town should build future housing. The Council would take a high-level look at the capacity analysis section of a recent housing needs assessment that UNC-CH and the Town had jointly commissioned, she said. She pointed out that the housing study was on the Town's website. A Complete Communities strategic process had been underway since June 2022, she said.

Consultant Jennifer Keesmaat, of the Keesmaat Group, discussed the Complete Communities framework and its six-phase process. She said that the Town had already completed the following four of those phases: initiation, laying foundation, technical analysis/testing, evaluating/defining housing priorities. The capacity analysis phase that Consultant Rod Stevens would present would address whether there was space to grow and what growth should look like, she said.

Ms. Keesmaat said that social equity had been added as a fundamental element of the Town's Complete Communities framework. She discussed how having a walkable, transit-oriented Town and having access to home ownership would deliver on that objective. She said that approximately 20 percent of approved housing in Town over the past year had been affordable, which was an impressive track record for a town the size of Chapel Hill.

Ms. Keesmaat said that the pace of housing development in Town had not kept up with demand. There was sufficient land to meet demand, but the Town's planning and approval process had been missing opportunities and needed to change, she said. She said that creating a Complete Community in Chapel Hill would mean planning strategically, being green, planning for excellence in the public realm, and designing and expanding greenways so that people could "get everywhere from everywhere".

Consultant Rod Stevens, of Business Street, said that the recent capacity analysis had concluded, that the Town would need about 10,000 new market-rate units over the next 20 years. He described how that analysis had divided the Town into 11 districts (with 5-10 sub-areas in each) and looked at 60 different subject areas. The study had examined a variety of high-density neighborhoods throughout the U.S. as prototypes for Chapel Hill, he said.

Mr. Stevens emphasized the importance of providing amenities and planning for the "everywhere to everywhere" greenway system that Ms. Keesmaat had mentioned. He said that low-density projects made up 72 percent of the Town's acreage even though they were only 36 percent of its total units. Building low-density projects meant that each development needed to provide its own stormwater system, which used up open space, he pointed out. He said that the density goal for apartment complexes should be 25 units per acre or more, if they include structured parking.

Mr. Stevens said that the Town was wasting opportunities and should be "thinking in terms of landscape rather than land". He presented a topographic map and commented on the Town's complexity of watersheds, creeks, tributaries and hills. Chapel Hill could be designing multi-block neighborhoods with nature just a few blocks away, he said, and he discussed various conditions and opportunities among the 11 different Town districts.

Mr. Stevens said that the Town would have sufficient capacity for the next 50-75 years if it coordinated development, connected properties with greenways, and provided amenities for both new and existing neighborhoods. He recommended partnering with UNC-CH to develop core sites, such as Chapel Hill North and Finley Golf. Town leaders would need to develop new capabilities and partnerships and possibly engage in complex financing agreements, he said, adding that Chapel Hill could become a world model of how to live and work locally while addressing global warming.

In response questions from Council, the consultants said that most new urban projects overestimate the demand for retail, and Ms. Keesmaat described a shift toward downsizing the amount of office and commercial space. She said that the commercial development that the Town had already approved would meet its needs for the next 10-15 years. The risk

was having a shortage of housing, she said.

During a discussion with the Council about student housing, Mr. Stevens said that Chapel Hill North would be the obvious place to build it. UNC-CH could have a ground lease with American Campus Communities, and the Town could build other things there as well, he said.

The Council asked about timing, and Ms. Keesmaat emphasized the importance of having a clear, comprehensive strategy for development rather than building the Town's infrastructure project by project. They asked about displacement of communities, and she recommended that the Town's AH Department undertake a study of home ownership for historically marginalized communities. She would add displacement to the framework, she said, and proposed looking into programs such as rent-to-own and drawing on work that Mayor pro tem Stegman had done. Having a very specific program to provide access to home ownership for marginalized groups was key, she said.

In response to questions about clearly defining low, medium, and high density, Ms. Keesmaat said that the emphasis should be on the opportunity to add density while delivering on community objectives rather than the number of units per acre. She and the Council discussed the need for a diversity of housing types and zoning changes that might allow, for example, a family to rent a floor in a house.

Council Member Foushee mentioned that some communities, such as those who live near the Green Tract, might not be market driven or want to be brought into the Town's growth and amenities. Mr. Stevens replied that the Town could craft a set of regulations that would allow people to add to their housing while still living there and maintaining their community. Merely zoning up and allowing them to sell would mean losing that community, he said.

Breckany Eckhardt, a Colony Woods resident, said that running a road through the Legion Road park area would create extreme problems for her neighborhood, where children walk around in the streets. She and others were already planning to move because of the "pre-established development of luxury condos in the area", she said.

Council Member Huynh asked if a proposed greenway network that Mr. Stevens had created could be an overlay on the Town's currently proposed network in order to show the gaps, and Mayor Hemminger replied that she had ideas for how to do that.

Mayor Hemminger thanked the consultants for the presentation. The Town and UNC had been discussing the housing report and shared some of the same concerns and objectives, she said.

Mr. Yasky proposed deferring his comments on behalf of UNC-CH to a later Complete Communities meeting.

The item was received as presented.

13. Receive the Fiscal Year (FY) 2022 Affordable Housing Annual Report. [\[22-0701\]](#)

Director of Affordable Housing (AH) and Community Connections Sarah Viñas presented the FY 2022 AH Report, which showed that the Town had approved more than 123 affordable units (including 102 on Town-owned land) over the past year. The Town had allocated \$2.5 million to community partners for AH projects, awarded funding for 105 new AH units, enhanced its Employee Housing Program, worked on creating a Manufactured Homes Action Plan, and provided emergency housing assistance to 492 households, she said.

Ms. Viñas mentioned a 59 percent increase in rents and a 69 percent in home values in Chapel Hill over the past five years. Such increases impacted low- to moderate-income people in particular, she said. She said that a decrease in affordable home sales since FY 2021 had primarily been due to an increase in interest rates. Most of the AH sold in the past year had been condos and not one affordable single-family home had been sold, she said.

Ms. Viñas pointed out that 58 percent of renters in Chapel Hill were cost-burdened and that 89 percent of those who earn less than \$35,000 per year spend more than 30 percent of their income on housing. There was an estimated gap of about 3,300 AH units for households earning below 60 percent of the area median income (AMI), she said.

Ms. Viñas said that the Town's strategy for tackling AH needs included: providing funding, initiating AH development and preservation, owning and managing housing, and creating and implementing AH policies. Over the last year, the Council had allocated nearly \$3 million for AH preservation, development and homelessness initiatives, she said.

Assistant Director of AH Nate Broman-Fulks presented additional information on specific projects. He said that Homestead Gardens had received more than \$2 million in federal aid and that Jay Street and Trinity Court had applied for Low Income Housing Tax Credit (LIHTC). Both projects were being developed on Town-owned land and staff was exploring the potential for additional AH on Town-owned sites at Legion and Plant Roads, he said.

Mr. Broman-Fulks said that the need for emergency housing to serve very low-income households was continuing and that the Town had assisted

492 households in FY 2021. He said that the Town was continuing to increase its inventory of Transitional Housing units, and he shared information about recent successes with that and with an Employee Housing Program.

Mr. Broman-Fulks said that seven of the 123 AH units that had received development approvals in the last year had come through the Town's Inclusionary Housing Program. He said that 102 new affordable units were on Town-owned land and 14 were being built in partnership with EmPOWERment Inc. and Habitat for Humanity. A regional Manufactured Homes Action Plan was being developed to address the threat of displacement to mobile home park residents and all of the region's elected bodies had approved the Plan, he said.

With regard to preservation, the Town had exceeded its projections by 145 percent and had surpassed expected progress toward its five-year goal, Mr. Broman-Fulks said. He showed a list of projects that were expected to be developed or preserved during FY 2023 and said that staff would present a recommended funding plan in the fall.

The Mayor and Council praised staff for the report and for its success in creating and executing the Town's AH Plan. Mayor Hemminger asked staff to provide recommendations that include pros and cons of individual projects in future presentations.

The Council confirmed with Ms. Viñas that Complete Communities would be an essential part of AH strategies. They asked for additional information on Town support for those who had gone through transitional housing and currently owned homes. The Council also asked staff to return with information on what other efforts they might make if they had more financial resources.

Council Member Parker verified that staff had prioritized Jay Street based on direction from the Council. Staff had also mapped out a visioning process and identified a potential partner for Bennett Road and could move forward on that when they received that direction from Council, Ms. Viñas said.

Mayor Hemminger proposed that staff return with information on all possible projects, pathways, and timelines. She said she was hoping to hear some announcements from UNC-CH in the spring. The University had taken the Town's housing study to heart and there was great traction at the current time, she said.

The item was received as presented.

14. Receive the Fiscal Year (FY) 2022 Public Housing Annual

[\[22-0702\]](#)

Report.

Management Analyst Stacy Todd presented a summary of the FY 2022 annual report for Public Housing (PH). She said that the PH Department was continuing to move toward goals that it had set in its 2019 Master Plan. Those goals pertained to housing creation and preservation, resident programming, core functions, and organizational structure, she said. She said that deficiencies that the U.S. Office of Housing and Urban Development (HUD) had identified in April 2022 had been corrected within 24 hours and that PH was expecting a new score.

Ms. Todd provided demographic information on the Town's 831 (290 households) PH tenants and the 260 households that were on its waiting list. She said that Department accomplishments for the year included submitting a LIHTC application for Trinity Court and using a \$1.2 million capital grant from HUD for preservation efforts.

Ms. Todd discussed a monthly newsletter, engagement with community partners, tutoring and after-school activities, translation programs, and a new mural at South Estes Drive. She described recent personnel changes and noted updates to the PH Department's Admissions & Continued Occupancy Policy. She said that FY 2023 goals included hiring a housing officer and a resident services coordinator, replacing sidewalks, demolishing Trinity Court, installing more bike racks, fully transitioning into a new software system, and replacing appliances at various locations.

The Council confirmed that there had not been much transition to all electric in PH units. Council Member Parker asked about the estimated wait time for the 260 applicants, and Ms. Todd said that the PH Department was telling applicants that it would be at least a year, but it was difficult to estimate.

Council Member Berry and staff discussed difficulties associated with paving an area along South Estes Drive. In response to Council comments, staff agreed to return with a presentation on electric bikeshare.

Mayor Hemminger thanked Ms. Todd for the data analysis and said that the news continued to improve. The waitlist was similar to that of nearly every AH provider, she said. She pointed out that two new projects were being developed and said that the wait list was being reduced through collaborative projects.

The item was received as presented.

ZONING ATLAS AMENDMENT(S)

Zoning Atlas Amendment: The Zoning Atlas Amendment, to change the zoning designation on this property, is Legislative. The Council receives and considers

public comment on the merits of the proposed rezoning, including opinions, when making Legislative decisions.

15. Open the Legislative Hearing: Conditional Zoning Application for 710 North Estes Drive Townhomes. [\[22-0703\]](#)

Senior Planner Corey Liles presented an application to rezone an eight-acre vacant and wooded site from Residential 1 to Residential-5-Conditional Zoning District in order to build approximately 95 townhomes there. The application had been submitted in December 2021 and reviewed by Town boards and commissions, he said.

Mr. Liles presented a map and indicated the site's location in Subarea B of the South Martin Luther King Jr. Boulevard Focus Area. He said that the primary use in there was four- to six-story, multi-family dwellings with a lower, transitional height to the north. He showed a site plan and pointed out proposed green space, recreational areas, and transitions to adjacent areas.

Mr. Liles noted that Aura Chapel Hill, which had already been approved, would be immediately west of the site. He discussed the project in the context of that and other developments that were being built or had been approved for the area.

Mr. Liles outlined a proposal for 12 affordable one- and two-bedroom condos, which would be dispersed throughout the development. He said that staff had been working with the applicant regarding a bike and pedestrian section across the site's frontage. They had also been discussing payments toward traffic signals, including one at Somerset/Estes Drive, he said.

Mr. Liles explained that the applicant had requested modifications to floor area, landscape buffers, and steep slope regulations. He reviewed Town advisory board feedback and recommended that the Council open the legislative hearing, receive public comment, and continue the hearing to October 19, 2022.

Applicant David Gorman, of Lock 7 Development, outlined the proposal to build 40 townhomes and 55 condominiums at the site. The project would consist of one-, two- and three-bedroom units, ranging in size from 605 to 2,400 square feet, he said. He explained that 205 reserved parking spaces would provide just over 2 spaces per unit. The plan included electric vehicle charging stations in all garages, an additional 20 parking spaces for quests, and 23 or more bicycle parking spaces, he said.

Mr. Gorman said that the development would meet Town needs and advance its Complete Communities strategy. He summarized his firm's response to boards' and commissions' comments regarding the design and parking. He reviewed the site plan, showed diagrams of elevations, and

described a proposed connectivity plan. He said that 15 affordable units would be split between residents making 65 and 80 percent AMI and said that Lock 7 had been working with Community Home Trust on the AH plan.

The Mayor and Council emphasized the need for a traffic signal at Somerset Drive, but Mayor Hemminger pointed out that a multi-modal path in the area would have to be completed before the NC Department of Transportation (NC-DOT) would consider giving permission for that.

The Council confirmed with Mr. Gorman that all of the units would be for sale and marketed to "missing middle" residents, not students. They verified that the applicant was open to meeting with Ms. Keesmaat regarding Complete Communities, and Mr. Gorman said that much of her report had already guided the design.

Mr. Gorman agreed to provide the Council with information on how many units there would be in each size range. Council Member Miller-Foushee pointed out that cutting the 2,400 square-foot townhomes in half would allow more opportunities for lower-priced starter homes. Mr. Gorman commented that townhomes were only 40 of the 95 units being proposed and that the other 55 were smaller.

Mr. Gorman said that there would be a mix of garage, driveway and surface parking and that the amount of guest parking might be reduced if it could occur on Somerset Drive. In response to comments from Council about nearby residents' flooding concerns, Mr. Gorman said that Lock 7 was committed to ensuring that there be no negative flow of rainwater toward those properties.

Council Member Parker recommended that the applicant and the Aura development team sign a memo of understanding regarding the road connection before the project returned to the Council. He asked about a bike/disability connection from Estes Drive to the site, and Mr. Gorman described a ramp that would be built there.

The Council confirmed that the applicant agreed to having only three stories on one side that was near neighboring single-family homes and to construct a pitched roof there as well. They ascertained from Planning Director Colleen Willger that 11 units per acre was at the lower end of the density range for transit-oriented development.

Mayor Hemminger pointed out that a condition of Aura's approval had been that post-development peak stormwater flow for the 50- and 100-year storms would not exceed pre-development peaks, and she asked the applicant to let the Council know its views on that at the next meeting. She asked Mr. Gorman to return with more visuals of the design and recommended that he talk with staff and bring back a definitive plan for the on-road parking.

Chapel Hill residents Lilian Pierce and Heather Hindenman expressed concern about stormwater flooding their properties. They said that they appreciated the applicant's willingness to reduce height and change the roof design in the transition area, however.

Chapel Hill resident Julie McClintock recommended that the Council make its approval contingent upon NC-DOT approving a stop light at Somerset Drive.

The Council commended the applicant for being willing to listen and collaborate with neighbors. They asked to see more smaller units, encouraged the applicant to look at treating the 100-year storm, and recommended reducing the amount of parking. Council Member Huynh said that having bike-share on site would be important and Council Member Berry requested more information on accessible bike storage. Mayor Hemminger recommended that the applicant meet with Ms. Keesmaat before returning to the Council.

A motion was made by Council Member Anderson, seconded by Council Member Berry, that the Council continue the Legislative Hearing to October 19, 2022. The motion carried by a unanimous vote.

CONCEPT PLAN REVIEW(S)

Concept Plans: Presentations for Concept Plans will be limited to 15 minutes.

Concept Plan review affords Council members the opportunity to provide individual reactions to the overall concept of the development which is being contemplated for future application. Nothing stated by individual Council members this evening can be construed as an official position or commitment on the part of a Council member with respect to the position they may take when and if a formal application for development is subsequently submitted and comes before the Council for formal consideration.

As a courtesy to others, people speaking on an agenda item are normally limited to three minutes. Persons who are organizing a group presentation and who wish to speak beyond the three minute limit are requested to make prior arrangements through the Mayor's Office by calling 968-2714.

16. Concept Plan Review: Lullwater Park, 860 Weaver Dairy Rd. [\[22-0704\]](#)

Director of Planning Colleen Willger explained that Lullwater Park was the result of two properties being combined into one project in Subarea D of the Martin Luther King Jr. Boulevard Focus Area. She said that the property was currently zoned Mixed Use-Office Institutional-1 and Residential 3. The concept plan showed approximately 489 dwelling units and a mix of housing types, she said. She noted that the site was in a

transit-oriented corridor and close to a bus rapid transit station. The area had been identified for high density/high intensity uses with a typical height of four to six stories, she said.

Ms. Willger said that the proposal was for approximately 11 dwelling units per acre, but she pointed out that unbuildable areas comprised portions of the site. She noted plans for both surface and covered parking and reviewed some of the advisory boards' comments. She recommended that the Council adopt Resolution 5, transmitting its comments to the applicant.

Applicant Jim Borders, representing Novare Group and its co-applicant Fickling and Company, explained that the two developers had formed a partnership in order to provide one cohesive vision for the property. He gave a PowerPoint presentation on the concept plan, showing aerial views of the 45-acre site and explaining that only 19.6 acres of it could be developed due to the topography.

Mr. Borders summarized the Council's response to two previous concept plans for the area and discussed how his new proposal differed from those. He pointed out that there was a new design team and a new "urban forest" theme and that changes had been made to product type, density and parking. There were many more townhomes than had previously been presented, he said.

Mr. Borders said that at least a third of the current tree canopy would be preserved and that a buffer to the Carol Woods Community was being increased from 10 to 37 feet. He agreed to comply with Town stormwater regulations but said that it would be necessary to cross a small area of wetlands.

Mr. Borders proposed 1.5 parking spaces per residence, with approximately 35 percent of those covered. He showed diagrams and renderings of the plan's three main areas and indicated where amenity spaces, nature trails, a central park, and a possible coffee shop could be. He pointed out that the proposed total of 489 housing units was 170 fewer than had previously been proposed and that some of those apartments were now townhomes. He offered a plan for 36 affordable units at 60 percent of AMI and said that they would accept housing vouchers.

Council Member Parker asked the applicant to bring back more specific information on the townhomes' proximity to both the Coventry neighborhood and the nearby electrical towers. Council Member Miller-Foushee confirmed that the applicant would agree to provide walking connections to both Carol Woods and a nearby mobile home park. Council Member Berry asked about possibly flipping the location of some townhomes with the entry road, but Mr. Borders pointed out that those townhomes were being situated there in order to have them farther away from the Carol Woods Community.

Council Member Huynh recommended that the applicant consider accepting Section 8 vouchers for all housing types, not just AH. In addition, he confirmed that the average estimated square footage for the proposed townhomes, carriage homes, and apartments was 1,641, 1,102 and 918 square feet, respectively.

Mayor Hemminger verified with Mr. Borders that a pathway through the property would be wide enough to be multi-modal and would not run along Interstate 40. She also confirmed that he was willing to confer with the Town's Complete Communities staff. She emphasized that the Town needed some home ownership rather than all rental.

Hank Elkins, a Chapel Hill resident, warned about potential health risks of living next to Interstate-40, stating that children who lived close to highways have 2.5 times more asthma and higher mortality rates than others. The Town needed its affordable housing to be healthy, he said.

Dave Schaeffer, a Coventry resident, asked the Council to not allow the developer to clear-cut and replace the area with saplings. He also asked that no buildings be constructed on land near the Coventry neighborhood and listed several benefits that would come from not doing so.

Marianne Ratcliffe, Carol Woods Retirement Community president and CEO, said that 51 percent of Coventry's units were part of Carol Woods. She expressed appreciation for the improved design but said she was concerned that the high concentration of impervious surface coupled with steep slopes could exacerbate flooding.

Al Howlett, a Carol Woods resident who lives at Coventry, characterized the site as a long, narrow piece of land that was hemmed in by 250-foot high tension towers on the south side and a noisy Interstate-40 on the north. He said that the plan would cut down most of the trees and cover the area with impermeable surface. A better solution would be to leave the parcel as parkland with bike and walking trails, he said.

Jeremy Greeter, a Weatherstone resident, said that the proposed development would not be equitable, affordable, sustainable, or environmentally responsible. Clearing the land between Weatherstone and the highway would disproportionately impact that AH community, which had a high percentage of minorities and immigrants, he said. He also spoke against putting AH at the edge of Town next to a highway where people would be exposed to pollution and loud traffic.

The Mayor and Council said that the project was much improved but that they wanted to see more small units and more for sale housing. They emphasized the need for a thorough stormwater analysis and said that

the applicant had not yet provided enough information about the power lines. The 8 percent AH plan was too low, even with the lower AMI, they said.

The Mayor and Council asked for less impervious surface and less conflict between the proposed density and the Coventry neighborhood. They encouraged the applicant to engage with Coventry and Weatherstone residents as well as those at Carol Woods. Council Member Ryan proposed including at least a right-of-way for greenway connectivity to the north.

Mayor Hemminger pointed out that Habitat for Humanity had installed a berm close to Interstate-40 in order to reduce noise and pollution at its project, and she proposed that the applicants look into that as well. She acknowledged that it was a challenging site and encouraged the applicant to work with the Town's Complete Communities team.

A motion was made by Council Member Huynh, seconded by Council Member Berry, that the Council adopt R-5. The motion carried by a unanimous vote.

ADJOURNMENT

The meeting was adjourned at 11:56 p.m.