



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, April 17, 2019

7:00 PM

RM 110 | Council Chamber

Roll Call

Present: 8 - Mayor Pam Hemminger, Mayor pro tem Jessica Anderson, Council Member Donna Bell, Council Member Hongbin Gu, Council Member Nancy Oates, Council Member Michael Parker, Council Member Karen Stegman, and Council Member Rachel Schaevitz

Absent: 1 - Council Member Allen Buansi

Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Police Officer Rick Fahrer, Fire Inspector Greg Peeler, Communications Specialist Mark Losey, Assistant Director of Housing and Community Sarah Vinas, Community Resilience Officer John Richardson, Principal Planner Corey Liles, Planner II Michael Sudol, Community Connections Coordinator Megan Peters, Planning Development Manager Judy Johnson, Communications and Public Affairs Director and Town Clerk Sabrina Oliver, and Deputy Town Clerk Amy Harvey.

OPENING

0.01 Celebrating Successes Video: Turf Fields at Homestead Park.

Mayor Hemminger opened the meeting at 7:06 p.m. and explained that the delay was due to a meeting with visitors from Ireland, the Netherlands, Germany and France about building better relationships regarding technology, environment, and other matters.

Mayor Hemminger introduced a Celebrating Successes video about how new turf fields at Homestead Park would provide more opportunities for year-round sports. The video showed a ribbon-cutting ceremony, pictures of the organic turf, and a discussion of how those playing fields could now be used year round.

0.02 Proclamation: Fred Battle Day.

[\[19-0362\]](#)

Mayor Hemminger explained that Council Member Buansi had intended to present the proclamation for Fred Battle but could not be present due to a death in his family.

Mayor Hemminger recalled how Mr. Battle had mentored her when she first worked at the Parks and Recreation Department many years ago. He had always been encouraging and kind and was a delight to work with, she said. She read the proclamation about how Mr. Battle had been a lifetime Chapel Hill resident who had earned an athletic scholarship to college, become a participant in civil rights protests, become director of the Hargraves Center, served as Parks Superintendent, and founded the Chapel Hill-Carrboro NAACP, where he had served as president for 20 years.

Mayor Hemminger read about Mr. Battle's service on various Town boards and said that he had been a strong advocate for education, community outreach, and equal rights. The Council was expressing its deepest gratitude for his leadership, commitment, and service to the community and was declaring April 17, 2019 to be Fred Battle Day in Chapel Hill, she said.

Fred Battle's son, expressed appreciation for the honor on behalf of the Battle family. Fred Battle's daughter, pointed out that her family had been in Chapel Hill for eight generations. She expressed pride in all that her father had done.

0.03 Statement on Acts of Racial and Ethnic Intimidation in Our Community.

[\[19-0363\]](#)

Mayor Hemminger read a statement regarding recent racial and ethnic intimidation on The University of North Carolina at Chapel Hill (UNC) campus. She said that the issue had raised concerns throughout the community and that staff was working on a related resolution. The Town was working closely with UNC on the issue, and she wanted all to know that Chapel Hill did not condone or tolerate such behavior, Mayor Hemminger 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.

0.04 Amy Ryan for Planning Commission Regarding Site Plan Review Process.

[\[19-0364\]](#)

Amy Ryan, representing the Planning Commission (PC), submitted a petition to change and improve the PC's process for reviewing site plans that have less than 40 square feet of land disturbance or less than 20,000 square feet. She said that the PC's checklist was too limiting and did not enable the PC to improve such projects. Ms. Ryan asked the Council to have staff examine possible options for a better process, and she offered suggestions regarding that.

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.

ANNOUNCEMENTS BY COUNCIL MEMBERS

0.05 Mayor Hemminger Regarding Orange County Partnership to End Homelessness Sessions.

[\[19-0365\]](#)

Mayor Hemminger said that the Orange County Partnership for Homelessness would be hosting sessions on April 24th and May 1st at the Seymour Center.

0.06 Mayor Hemminger Regarding Past, Present, Future of Southern Chapel Hill Meeting.

[\[19-0366\]](#)

Mayor Hemminger announced a community meeting and discussion regarding Highway 15-501 at Christ United Methodist Church in Southern Village on April 25th from 6:00-8:00 p.m. The public would be asked to provide feedback on possible changes to the Town's Land Use Plan regarding the area from Dogwood Acres Drive to the Chatham County line, she said.

0.07 Mayor Hemminger Regarding Planning Commission and Community Design Commission Interviews.

[\[19-0367\]](#)

Mayor Hemminger reminded Council members that they would be interviewing applicants for the Planning Commission and Community

Design Commission the following Wednesday at 5:00 p.m. in the Town Hall Conference Room.

0.08 Mayor Hemminger Regarding 40th Anniversary of Compass Center.

[\[19-0368\]](#)

Mayor Hemminger said that she had attended the 40th anniversary of the Compass Center that day. It had been fascinating to hear about the great work that was helping people help themselves, she said.

INFORMATION

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

[\[19-0339\]](#)

DISCUSSION

2. Receive the Community Connections Strategy. (*Reissued from 4/10/19)

[\[19-0340\]](#)

Assistant Director of Housing and Community Sarah Vinas gave a PowerPoint presentation on a proposed framework for guiding community engagement and partnership efforts toward the Council's goal of creating a more vibrant and inclusive community. She reviewed the impetus for creating the new framework. A survey had found that only a third of Town residents felt satisfied with the amount of public involvement in decision-making, she said.

Ms. Vinas discussed the benefits of more community engagement and outlined a community connection strategy and process for reaching out to residents and working with key community partners. She said that staff had looked at national models and that the City of Durham had recently adopted a similar framework. She proposed a focus on engaging historically marginalized groups and others who were disengaged or disconnected from Town.

Community Connections Coordinator Meghan Peters elaborated on guiding principles regarding design, transparency, reciprocity, compassion and equity. She said that the first objective would be to increase the diversity of residents involved with Town processes and programs. A gaps analysis study would lead to ideas for new types of engagement and a tool kit for staff use, she said.

Ms. Peters explained that staff would make Town communications more accessible to the community through the use of new communication and marketing tools and by implementing plain language guidelines. Staff also planned to develop a language access plan that would enable residents to communicate with the Town in their preferred languages, she

said.

Ms. Vinas said that the strategy's second objective was to deepen relationships with organizations, groups and populations that had been historically disengaged or disconnected from Town. She reviewed how staff planned to prioritize those individuals' needs and interests and outlined a process for connecting with the community. Ms. Vinas said that primary focus of the first year would be to build a team and conduct the gaps analysis and engagement study. She asked the Council to receive the report and provide input.

Council Member Bell praised the well-researched report but cautioned against making assumptions about what different levels of engagement meant. She pointed out that different people engage in different ways. She suggested not having too clear of an idea of what engagement should look like but to create that from the gaps analysis.

Council Member Stegman recommended strengthening the goal and the target populations and also clarifying some of the historical reasons why people had not felt connected. She praised the staff's human-centered approach and said that she would email her more specific comments. Council Member Stegman suggested restructuring the needs assessment to include having community members, non-profits and others jointly discuss why some Town residents had not felt connected and what would be needed to engage them.

Council Member Stegman said that Government Alliance for Race and Equity already had a tool kit, and she recommended that staff join that group. She confirmed with Ms. Vinas that the Town's Community Connections Team would lead the project. Representatives from key departments would join the team once the gaps analysis had been done, Ms. Vinas said.

Council Member Stegman asked for staff to make recommendations regarding concrete things that the Council could do to help people feel more comfortable and connected.

Council Member Oates pointed out that 80 percent of the Town's residents did not vote in municipal elections. She said that they might feel that their concerns would not be heard regardless of who was elected. For the plan to succeed, the Council would need to be open to new people, recommendations, and ideas that differ from how things had typically been done, she said. Council Member Oates asked for information on how Council members, as individuals, could help the plan succeed.

Council Member Gu said that the proposed plan seemed process heavy. She stressed the importance of setting goals at the start and said that

the Council and/or public might be able to help define those measures. She also noted the importance of stating goals explicitly and said she hoped there would be more discussion the next time the item came before the Council. Council Member Gu confirmed with Ms. Vinas that staff was considering a variety of outreach methods and was open to Council members' suggestions.

Mayor Hemminger pointed out that the Town had learned a lot during its Teen Initiative by bringing people together and just listening. Staff had learned that some of its assumptions did not hold up, she said. She urged the proposal to reach out and encouraged staff to "really, really listen."

This item was received as presented.

3. Update on Next Steps for Draft Climate Action Framework and County-wide Collaboration.

[\[19-0341\]](#)

Town Manager Maurice Jones described the steps the Town had taken to reduce its carbon footprint. He acknowledged that much more needed to be done, but pointed out the need for a strategic focus and significant investment in new infrastructure and vehicles. He said that staff was presenting a draft framework for addressing those challenges.

Mr. Jones said that the proposed process would include strengthening the Town's collaboration with UNC, Orange County and the towns of Carrboro and Hillsborough. A new committee had been formed to look at developing a regional climate action plan that would lead to a cleaner and healthier Town, he said, adding that there would be many opportunities for community engagement.

Community Resilience Officer John Richardson gave a PowerPoint presentation on the draft Climate Action Plan framework and next steps for FY 2020. He said that environmental protection was the obvious focus of the plan but that it would address equity, diversity, inclusion and economic vitality issues as well.

Mr. Richardson reviewed the Town's climate commitments since its 2006 pledge to achieve a 60 percent carbon reduction by 2050. That pledge had later been strengthened to 26-28 percent reduction by 2025, and the Town was currently at 6.7 percent below 2005 levels, he said. He proposed taking a current inventory in order to have a new baseline.

Mr. Richardson discussed the Town's Green Buildings Ordinance which required new buildings to meet LEED as well as AIA 2030 standards. Town buildings and parking lots had been receiving LED lighting upgrades, he said, and he reported on where those had been put into effect. He said that staff had been experimenting with different ways of being more

energy efficient which included contracting with an outside firm that guaranteed a utility savings of \$70,000 per year for three Town buildings. He pointed out that the Town had been saving about \$82,000 per year with that contract.

Mr. Richardson noted that the Town required rezoning and Special Use Permit (SUP) projects to be 20 percent better than ASHRAE standards. He mentioned the Northside neighborhood's Energy Saver Initiative, through which more than 70 percent of homes had received energy assessments and improvements.

Mr. Richardson said that the Town's Green Fleets Policy had reduced 2005 emissions by 15 percent due to the purchase of fuel efficient vehicles and low carbon fuels. He said that Transit had added two electric buses and might purchase a third in partnership with UNC. A townwide mobility plan envisioned having 35 percent of all commuters walking or using bikes or transit by 2025, he said. Mr. Richardson pointed out that the Town's Greenways Master Plan called for 30 miles of green and natural surface trails and he described plans to plant and replace trees throughout Town.

Mr. Richardson said that a recent resilience assessment, which had been conducted in partnership with Raleigh, Durham, Cary, Orange County and Durham County, had focused on climate vulnerability. The results of that would be integrated into a Hazard Mitigation Plan and infrastructure projects, and might be linked to the Town's land map and ordinance, he said.

Council members individually praised Mr. Richardson's presentation and the staff's work on the issue. Mayor Hemminger pointed out that there were only 12 to 15 remaining years in which to address the problem of global warming. She stressed the seriousness of the issue and said that a bill had been filed with the NC state legislature to have 100 percent renewable energy by 2050. Mayor Hemminger stressed the importance of raising awareness in the state and across the country.

Mayor pro tem Anderson asked Mr. Richardson about the Town's collaboration with UNC, and he explained that staff had been discussing the Climate Action Plan with members of UNC's Sustainability Office and might work with UNC's greenhouse gas emissions specialist. The University had been counting carbon as well and seemed open to building that into the Town's community emissions profile, he said.

Council Member Parker pointed out that land use was a major factor in addressing climate change because it related to getting people out of cars, the impact of building patterns on greenspace, and other factors. He said that the Climate Action Plan would be an important part of the Land Use Management Ordinance (LUMO) rewrite and that he hoped the Plan

would be completed sooner than 1.5 years.

Council Member Stegman agreed with Council Member Parker regarding the need to move more quickly. She recommended having a greater sense of urgency and focus and proposed that the Council discuss moving the Climate Action Plan to the top of its priority list. She agreed with Council Member Parker's comments about transit/land use and stressed the need to significantly change people's behavior and get them out of cars.

Council Member Stegman emphasized the need for a regional transit solution connected to land use and said she liked the proposed strategy for upgrading buildings. She proposed adding an environmental justice category and suggested adding the Orange County Climate Action Coalition to the list of Town partnerships.

Council Member Schaevitz recommended that the Town's Economic Development officer encourage environmental companies to come to the Town's opportunity zones. She proposed working with Durham Technical Community College on training programs in renewable energy and collaborating more with UNC as well. Council Member Schaevitz noted that graduate students in UNC's Environment, Ecology and Energy Program wanted the Town as their client for a Capstone project in the fall of 2019.

Council Member Schaevitz suggested getting a cost estimate and timeline for placing composting bins in the Downtown, Blue Hill District, and other similar centers in Town. She said that UNC's coal fire plant was the greatest contributor to the Town's carbon footprint and that a discussion of what to do about that was needed.

Council Member Oates pointed out that an inefficient building such as UNC's coal plant could wipe out all the individual sacrifices that the Town was making to save energy. She did not want to pit affordable housing against energy efficiency, she said, and asked staff to structure a way to do everything legally possible to encourage developers to contribute to both. She said that the Council would need to re-prioritize and be clear about what it was willing to give up in order to have more energy efficiency. Council Member Oates asked that costs be included in future staff presentations.

Council Member Gu pointed out that carbon emissions continue to rise nationally and that Chapel Hill's annual carbon footprint was 30 percent higher than the national average. She said that UNC's coal plant contributed to 70 percent of the Town's energy use and that the Town changing transportation and electricity use would not have a significant impact and that core issues remained the same.

Council Member Gu agreed with others that transportation issues must be

connected to land use. She said that the clear-cutting of trees had become standard practice in recent years and that tree preservation needed to become part of the strategy to combat global warming and climate change. She stressed the importance of having statistical information to show the magnitude of the task and the elements that have the most significant impact.

Council Member Bell said that she wanted to know how the Council could create good behaviors for itself and Town citizens. She pointed out that change could feel unattainable and said that allowing achievable steps could help with that. She expressed support for the ideas presented regarding partnering with UNC, making changes to the transportation system, and changing building requirements. She wanted to find ways to have people feel connected to them in the process, she said.

Council Member Stegman asked if the Town had software that could collect data, analyze and model the impacts of different approaches.

Mr. Richardson replied that staff had been trying to acquire a software tool called Urban Footprint which could look at the carbon footprint of different land use scenarios.

Mayor Hemminger said she hoped the Town could immediately start estimating the cost of putting solar on its biggest facilities and forming an electric vehicle work group to discuss electrifying the Town's fleet. She said that the City of Raleigh had a new, green stormwater infrastructure program and suggested that the Stormwater Management Utility Advisory Board look into that.

Mayor Hemminger pointed out that Council Member Schaevitz currently worked with UNC students on short videos. She suggested that Ms. Schaevitz and students come up with a series of videos to help explain what the Town was working on and what people could do as individuals. She recommended having a page on the Town's website to report on new ideas and technologies and show what the Town was doing to reduce its energy bill.

Mayor Hemminger suggested getting citizens engaged in a tree replenishment program. She said that partnering was the way to be effective and suggested taking advantage of the many residents who wanted to be actively involved. Mayor Hemminger said that waste reduction was a huge component of the Town's plan and that the Solid Waste Advisory Group would address the Council regarding that.

This item was received as presented.

4. Open the Public Hearing: Land Use Management Ordinance
Text Amendments to Establish New Zoning Districts for the

[\[19-0342\]](#)

Historic Rogers Road Neighborhood in Chapters 3 and 6.

Principal Planner Corey Liles opened the hearing on a new zoning district for the Historic Roger Road Neighborhood. He provided background on the process and said that the current focus was on adding zoning standards to the LUMO to help regulate how Rogers Road residents use their properties.

Mr. Liles gave a PowerPoint presentation showing a map of the area and explaining that it was in the Orange County/Chapel Hill/Carrboro joint planning jurisdiction outside Town limits. He said that the neighborhood's properties and homes had been passed down through generations since the 1700s. The recent impacts of a nearby landfill on that mostly African-American community had led to the current remediation efforts, he said.

Mr. Liles outlined the study area and explained how and why boundaries had shifted over time. He said that the community and advisory boards had reviewed the proposed text amendments and that Carrboro had been engaging in a similar process. Mr. Liles recommended that the Council open the public hearing, receive comments, and continue the hearing to May 22, 2019.

Caroline Dwyer, a project consultant with Renaissance Planning Group, explained that the project's main goals were to retain families who had lived in the neighborhood for decades or generations, to build connectivity within the neighborhood and to the larger Chapel Hill community, to preserve socioeconomic and cultural diversity, and to respect the physical and natural character of the neighborhood. She said that the process thus far had included six community meetings through which attendance had grown.

Ms. Dwyer said that the study's key recommendations included: establishing a Historic Rogers Road Neighborhood zoning district; preserving the rural character of the Rogers Road corridor; expanding housing choice and supporting a wider range of home-based businesses; updating road standards, including maximum block length and options for connections; introducing a mixed use placeholder district; prohibiting high-density commercial or rental; and establishing a maximum home size. Ms. Dwyer noted that nearby residents of Billabong Lane supported the rezoning but did not want to be included in it.

Mr. Liles showed a proposed zoning map which included new sub-districts, such as HR-L which was intended to protect the character of the existing lower-density areas while providing for compatible new housing choices and increased home occupation opportunities. He described a proposed HR-M zone for Phoenix Place, and two placeholder districts, HR-X and

HR-C. He outlined Planning Commission recommendations which included removing the Billabong Lane properties from the study area.

Mayor Hemminger said that the Greene Tract had been removed from the evening's agenda because the community had requested a broader discussion about that at a later time.

Council Member Schaevitz confirmed with Mr. Liles that all of the Billabong Lane residents seemed to want to be removed from the rezoning. She also confirmed with him that any commercial business that residents did not want would not be on the approved list and that staff was working on preventing a change to one un-permitted use.

Council Member Oates verified with Mr. Liles that the sewer line had gone through a few lots at the end of Billabong Lane in order to serve Rogers Road. She confirmed with Town Attorney Ralph Karpinos that there would be no opportunity for the kind of leverage the Town normally had with rezoning because the Rogers Road rezoning was merely reflecting the community interests and would not increase density.

Mayor pro tem Anderson ascertained from Mr. Liles that staff thought it seemed appropriate and reasonable to not include Billabong Lane in the rezoning. Those residents had not indicated an interest in the proposed changes, such as having home-based businesses, Mr. Liles said.

Mayor pro tem Anderson asked if there were any existing businesses that would not conform to the new standards and might need to be grandfathered in.

Mr. Liles replied that staff had not yet evaluated that but that the goal was to support existing businesses and make sure that the zoning worked for them and their neighbors.

Council Member Parker confirmed with Mr. Liles that some roads indicated on a map would only be built incrementally, through development. For example, if a property became a major subdivision then a road shown on the map could be built, Mr. Liles said.

Council Member Parker asked Ms. Dwyer to summarize input from recent community meetings and to include if that input had led to any changes in zoning or things to be considered.

Ms. Dwyer pointed out that summaries of the two drop-in sessions had been provided to Council. She said that some from outside the neighborhood had been concerned about new development causing stormwater runoff. There had been discussion about not specifically naming prohibited home occupations and concern about roads on the

conceptual map becoming reality, she said.

Council Member Parker asked if any consideration had been given to a zoning that might be lower than what was on paper but a better match for the built environment.

Ms. Dwyer replied that there had been much discussion about that. The driving force behind the project was that infrastructure had come in and allowed density that had technically been allowed before but could never be supported because of the lack of infrastructure, she said. She explained that planners were trying to prevent a situation where the zoning would allow someone to propose something at a much higher density than was currently allowed. They were making sure that there was an understanding of what the neighborhood could look like in the future, she said.

Council Member Parker asked if staff thought the three "lonely" lots on Billabong Lane would be better off as part of the rezoning, and Mr. Liles suggested hearing from those residents regarding their preferences.

Council Member Stegman confirmed with Mr. Liles that HR-L and HR-M would allow accessory dwelling units.

Rev. Robert Campbell, a Historic Rogers Road resident, said he supported the Rogers-Eubanks Neighborhood Association's 2016 report that had been done in collaboration with the Marion Cheek Jackson Center. He proposed using the term "mixed income" rather than "affordable" housing in order to keep discrimination and/or racism out of the conversation. Rev. Campbell reviewed the neighborhood's history and expressed support for the rezoning. He said that Rogers Road residents wanted to be connected to the overall community.

Larry D. Reed, Sr., a Historic Rogers Road resident, submitted a petition from neighbors who were unable to attend this meeting. He thanked Ms. Dwyer and Town staff for doing a wonderful job and said he felt thoroughly satisfied with how they had listened and conveyed residents' thoughts to the Council. He said that he owned two tracts adjacent to the Greene Tract and was the landowner being considered "non-conforming".

Mr. Reed asked the Council to consider the plan as recommended, subject to tweaking of course. He said that he objected to taxation without representation and would like the Council to consider changing the Town's rule to allow a representative from the transition area to serve on the PC.

Mayor Hemminger replied that there were two PC seats available, and she and Council Member Parker encouraged Mr. Reed to apply.

Karen M. Reed, a Historic Rogers Road resident, shared information about how that road had changed over time and how residents had to endure having a landfill next to them for many years. She said that home-based businesses were very important to the community and that she did not think that some should be excluded in a document. Ms. Reed asked the Council to consider allowing signage and to review and respect the wishes that the Rogers Road community's had expressed in its 2016 report.

David Bellin, owner of about 14 acres on the Carrboro side of the transition area, said that the Rogers Road community had met on its own for four years and created a report which was the backbone of the proposed rezoning and had been assimilated into the draft standards. He pointed out that there had been a decade long struggle for social justice in the community and then years of work to illustrate the community's desires to the Town. He asked the Council to honor that work and the residents' vision for their future.

Sally Council, a Billabong Lane resident, said that she had participated in the 2016 "Mapping Our Community" group and had fought against the landfill for a decade. She clarified that Billabong residents were not implying that they were not part of the neighborhood. The issue was that the rezoning did not apply to them since they had not been considered for infrastructure and had been told they were not part of the Rogers Road study area, she said. Ms. Council requested that a road connecting Sandburg to Billabong be removed from the map.

Mayor Hemminger confirmed with Mr. Liles that the road Ms. Council mentioned had been posed so that Rogers Road would not be the only way out of the neighborhood. However, staff had not looked at issues such as stream features there and recognized the concerns about going through properties, he said. Mr. Liles said that another version of the map did not include that connection.

Mayor Hemminger verified with Mr. Liles that such connections would only be considered if one of those lots were redeveloped.

Jeannie Stroud, a Historic Rogers Road resident, said that she and other residents felt that retail and commercial coming to their neighborhood would detract from what Historic Rogers Road had been and stood for. They were okay with home-based businesses, but did not want zoning that would open the area up for new construction, she said. Ms. Stroud also requested a moratorium on residents' taxes so that they could keep their homes.

Anna Richards, speaking on behalf of Historic Roger Road residents, discussed regional decisions that had impacted the community over time.

After years of meetings, teams, reports, and task forces, they had developed a vision for their legacy and future and the Council should honor that 2016 plan, she said. Ms. Richards added that some of the PC's recommendations regarding Billabong Lane seemed to differ from the neighborhood plan.

Hudson Vaughan, representing the Marion Cheek Jackson Center, said that he had been part of the Mapping Our Community's Future initiative and supported those who had spoken in favor of the 2016 report. Mr. Vaughan pointed out that allowing duplexes and triplexes for permanent affordable housing in the Town's Northside Neighborhood had worked out well. He voiced support for limiting accessory units to about 750 square feet and recommended that the Town be careful about what it represents in the map until it knew what would be on the Greene Tract.

Beverly Ferreiro, a Billabong Lane resident, said that no one on her road wanted their properties rezoned or changed. They had many concerns about what would happen regarding the Greene Tract, she said.

Sam Ebi, a Billabong Lane resident, said that he had lost some of his land when the Rogers Road sewer line went through his property but did not have a sewage connection. He and his neighbors had been told they would not be part of the rezoning, he said. Mr. Ebi expressed concern about possible cut-through traffic and negative impacts to his property if his neighbors were allowed to build four houses on one lot.

Bernadette Bohman, a Billabong Lane resident, said she strongly favored the Historic Rogers Road rezoning but did not want it to include her street. Billabong Lane residents had indirectly supported Rogers Road when they allowed the sewer line to come through even though they were not to benefit from it, she pointed out. Ms. Bohman also asked the Town to remove the nonexistent roads from the map.

Council Member Bell confirmed with Mr. Liles that development on Billabong Lane would be limited by its well and septic fields even if it were rezoned. She also confirmed that the surrounding area was zoned R-1 and that a Rogers Road rezoning would not cause a significant change in density.

Mayor pro tem Anderson asked staff to return with more information on three outlier parcels and whether something could be done to meet the community's interest regarding signage. She discussed block size with Ms. Dwyer and suggested not naming specific uses. She said she was okay with removing Billabong Lane and liked the idea of allowing ancillary sales, she said.

Mayor pro tem Anderson clarified with Ms. Dwyer that the rationale behind

the minimum lot size for home occupations was that having a larger natural buffer would mean less disturbance to neighbors. However, the PC had said that might be unnecessarily restrictive or impossible given the size of lots, she said, and Mayor pro tem Anderson recommended returning with other options.

Council Members Schaevitz and Parker asked staff to provide feedback on how the community had reacted to the PC's recommendation to limit the size of accessory dwelling units.

Council Member Parker said that a cantilever sign at the end of the road or a driveway might make sense if that would be in line with what the community desired. He confirmed with Ms. Dwyer that a major home occupation would have a size restriction but a minor one would not, based on existing Town regulations.

Council Member Stegman confirmed with Ms. Dwyer that Mr. Vaughan's comments regarding affordable duplexes and triplexes had not been discussed with the community. Ms. Dwyer said that it was a great idea and that she probably would have a follow-up conversation about it.

Council Member Gu asked about integrating AH and connectivity into the plan and having a clearer understanding of what kind of transportation network the Town would install.

Mayor Hemminger said that Council Member Gu seemed to be confusing the Greene Tract with the Rogers Road rezoning. The Rogers Road project was more like a neighborhood conservation district which was about preserving neighborhood character and not about producing more AH, connectivity, or expanding anything, she said.

Ms. Dwyer added that one way to achieve the Town goal of preserving socioeconomic diversity was to preserve the affordability of housing, but not necessarily doing so by supplying subsidized housing or anything that would include restrictions. She said that the goal was to encourage new housing that was not un-affordable and to protect the affordable housing that was already there.

Council Member Gu asked if encouraging new housing would raise concerns about traffic and transportation.

Ms. Dwyer replied that the low-density housing along Rogers Road was not expected to attract so much traffic that it would generate traffic impacts that could not be mitigated.

Mr. Liles pointed out that a traffic impact analysis would be required if a larger development were proposed.

Council Member Oates asked about the reason for the maximum 28-foot setback, and Ms. Dwyer explained that setback could help promote connectivity in a neighborhood. When community members looked at photos, they had liked the "closer-but-not-too-close idea", she said.

Council Member Oates confirmed with Mr. Karpinos that an AH requirement could be imposed if there was a rezoning request for a more intense development. She said that she did not see a need to include Billabong Lane in the rezoning if everyone was happy with not doing so. She asked if there had been any points of disagreement between the 2016 report and the current zoning plan.

Ms. Dwyer replied that there had been refinements, based on research and a market analysis. However, there was nothing related to zoning that people wanted that had not been translated into the ordinance, she said.

Council Member Oates said that drawing a road through someone's property on a map was problematic because such a thing could take on a life of its own. She did not support that even though she understood the rationale behind it, she said. Council Member Oates said that the proposed rezoning would create a protective island which was what residents seemed to want.

Mayor Hemminger said that she had been involved in several aspects of the Rogers Road situation over the years and had witnessed that community being continually caught in cross hairs. She said that the Town had listened to what the neighborhood wanted, had paid to hook residences up to water and sewer, and had worked hard on getting the zoning project started and the message out that the Historic Rogers Road community would decide how it wanted to grow. Mayor Hemminger spoke against restricting types of businesses and said that the lines indicating roads on the map seemed to be raising a lot of concern.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Parker, to continue the Public Hearing for Items #4 and #5 to May 22, 2019. The motion carried by a unanimous vote.

5. Open the Public Hearing: Amend the Town Of Chapel Hill Zoning Atlas to Apply the HR-L and HR-M Subdistricts to Properties in the Historic Rogers Road Area.

[\[19-0343\]](#)

A motion was made by Mayor pro tem Anderson, seconded by Council Member Parker, to continue the Public Hearing for Items #4 and #5 to May 22, 2019. The motion carried by a unanimous vote.

CONCEPT PLAN REVIEW

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, a citizen speaking on an agenda item is 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.

6. Concept Plan Review: 1000 Martin Luther King Jr. Blvd. (Project #19-024)

[\[19-0344\]](#)

Mayor Hemminger commented that recent timbering had raised concerns about what would be built at 1000 Martin Luther King Jr. Boulevard (MLK) and how it would impact residents. She said that the Council had listened to those comments and would not look at the concept plan currently being proposed in isolation. She distributed copies of state statutes regarding restrictions on forestry activities.

Planner Michael Sudol gave a brief PowerPoint overview of the concept plan for a mixed-use development that would include townhomes, apartments, office, retail and amenities. He said that the concept included up to 351,500 square feet of floor area, up to 284 units, 1,127 vehicular parking spaces, and 126 bicycle spaces. Fifteen percent of the units would be affordable at 80 percent of the area median income, he said.

Mr. Sudol explained that the site had recently been cleared as part of a forestry permit issued by the Town in accordance with state law. The Town had the right to deny a building permit or a site plan for three years following the issuance of a forestry permit, he said. He provided an update on an airport hazard district overlay that had historically encumbered the site.

Mr. Sudol said that the applicant would request to rezone the site from Residential-1 (R-1) to Office Institutional-3 (OI-3) in order to meet density and use requirements. He reviewed Community Design Commission (CDC) and Housing Advisory Board (HAB) comments. Mr. Sudol outlined options for either a Special Use Permit (SUP) or Conditional

Zoning (CZ) process and said that a Development Agreement (DA) would be an option as well, if the project moved forward.

Mayor pro tem Anderson asked why the applicant would request OI-3 rather than mixed use, and Mr. Sudol deferred to the applicant to answer that during his presentation.

Council Member Schaevitz asked for a further explanation regarding the airport hazard overlay, and Mr. Sudol gave a brief history of the nearby Horace Williams Airport which had not fully closed. The overlay affected different portions of the site differently and prohibited any development other than stormwater facilities at the west end of the site, he said. Mr. Sudol noted that a 2015 ordinance had said that the hazard overlay would be repealed when the Horace William Airport was fully closed.

Planning Director Ben Hitchings pointed out that the Town Council could enact a new ordinance to supersede that hazard overlay zone if it chose to do so.

Council Member Parker confirmed with staff that the restriction extended approximately 150 feet from MLK into the northwest quadrant of the property.

Council Member Oates verified with staff that current regulations would allow the plan to be built, with the exception of a corner of a building, subject to Federal Aviation Administration approval. She confirmed with Mr. Sudol that the NC Department of Transportation (DOT) did not think Somerset Drive was a good location for a traffic circle but asked if there would be space for a roundabout there if the Town successfully lobbied for one.

Mr. Hitchings replied that another location farther east had been identified as a better spot, but it would have problems as well. He proposed having Town traffic engineers investigate other options. A traffic signal was always possible, if warranted, he pointed out.

Council Member Stegman confirmed with Mr. Sudol that 2025 would be the earliest the Town would receive federal funding for bus rapid transit (BRT) along MLK and that there was a chance that it might not. She asked if staff had any recommendations for how to think about the proposed concept plan, considering that.

Mr. Sudol replied that a traffic impact analysis had begun and that traffic modeling software was capable of analyzing the area with and without BRT.

Council Member Gu confirmed with Mr. Sudol that the Council had reviewed

a concept plan for the same site in 2017, but the firm that had presented that had not returned with a formal application. She also confirmed that the 2018 timber harvest there had been done in conjunction with that concept plan.

Mayor pro tem Anderson asked if the property had been registered as a tree farm, and Mr. Hitchings replied that Orange County had a Use Value Assessment Program that gave tax deferrals for natural resource uses. That property was in the Forestry Use Program and had a forest management plan that included periodic harvesting, he explained.

Mayor Hemminger confirmed with Mr. Sudol that DOT requirements for curb cuts would be 450 feet for a full access driveway and between 200-400 feet for a right in/right out on MLK. He was not certain about Estes Drive, but said he thought it was similar.

Mayor Hemminger noted that DOT had agreed to delay a multi-modal path along one side of Estes Drive until a project came in for development there.

Developer Dan Jewell, with Coulter Jewell Thames, pointed out that the current property owner was not the one who had clear-cut the lot. He said that the current concept plan validated the Central West Small Area Plan (SAP) that the Council had adopted in 2013. He provided additional detail about the project, characterizing it as one of the few, remaining places in Town where transit and land use could be brought together.

Mr. Jewell showed a preliminary site plan that indicated vertical mixed use in front, a lower level of residential in the back, and townhomes along the northern edge of the site. He described the development as a hub for surrounding neighborhoods and showed road networks, vehicular connections, a main street, greenways and gathering places. He corrected the staff's presentation, stating that the proposed floor area was 410,000 to 413,000 square feet. The applicant intended to pursue a CZ process, he said.

Mayor pro tem Anderson verified with Mr. Jewell that the applicant was suggesting OI-3 zoning because of the floor area ratio, but mixed use zoning would be a possibility as well.

Council Member Parker confirmed that the proposed heights of two buildings on the front of MLK were four and six stories, and Mr. Jewell asked for feedback from the Council on that.

Council Member Stegman confirmed with Francisco Rios, of CA Ventures, that "independent" qualifying criteria for affordable housing would involve a formula based on income while "dependent" would mean through an

external party.

Council Member Stegman noted that the applicant's letterhead said "student living" and asked if the development would be targeting students. Mr. Rios replied that they would expect students to live there, but families, young professionals, empty-nesters and others as well.

Mayor Hemminger confirmed with Mr. Jewell that he had had many conversations with adjoining property owner Witt Rummel about connecting their properties. Mr. Jewell said that he had also talked with Shadowood attorneys and would have direct conversations with the Coker Woods neighborhood as well.

Council Member Parker clarified that the site was currently zoned R-1 but was not precluded from CZ because it was under a SAP.

Rudy Juliano, a Coker Hills resident, described daily traffic congestion at the Estes Drive intersection and predicted total gridlock up to the schools if the project were built as proposed. He questioned the applicant's claim to want a transit-oriented project while proposing a project with two massive parking structures. Mr. Juliano said that he was not opposed to development at the location, but that the proposed concept would allow development to get ahead of infrastructure and traffic mitigation plans. He proposed that the applicant return with a more transit-friendly plan.

Julie McClintock, speaking for CHALT (Chapel Hill Alliance for a Livable Town), submitted a letter with 147 signatures opposing the concept plan. As a former Central West steering committee member, she did not think the proposed plan complied at all with the Central West SAP, she said. Ms. McClintock explained that her three major concerns involved traffic, stormwater, and the lack of any need for more rental units and residential development. One does not build a transit-oriented development by adding 1,200 cars in two large parking structures, she said.

Theresa Raphael-Grimm, a Huntington Drive resident, asked the Council to resist rushing to fix the current "eyesore" because doing so could make it worse. She said that six-story buildings were far beyond Central West's SAP four to five-story limit. She addressed various aspects of that SAP and provided anecdotal testimony about the current traffic situation. Ms. Raphael-Grimm presented photos of the type of development that citizens had hoped to see on the site. She pointed out that the greenspace and gathering spaces had been a central part of the SAP.

Jon Mitchell, a Huntington Drive resident, said that having retail and a multi-modal path with a destination along Estes Drive would be positive improvements. However, the concept plan was showing mainly parking garages along that area, and that would not be the pedestrian-friendly,

vibrant streetscape that had been envisioned by the Central West SAP, he pointed out. Mr. Mitchell suggested moving retail from the interior to the outside along Estes Drive.

Tobias Overath, a Chapel Hill resident, asked Mr. Sudol to clarify what he had said about a creek on nearby property.

Mr. Sudol explained that there was an intermittent stream where stormwater management was being proposed in an area which includes a 50-foot Resource Conservation District and the Jordan Buffer. He said that this was being reviewed to ensure that classifications were still up to date. If there was still an intermittent stream there, then Jordan Buffer requirements would prohibit most development in the area, Mr. Sudol said.

Council Member Parker said that the concept plan had some merit but did not quite meet the Central West SAP's guiding principles and vision statement. He noted the proposed 1,121 parking spaces, for example, and said that a pool would not serve the vision for amenity space. He pointed out that the Central West Plan had called for no more than four or five stories, and he said that having neighbors look at the side of a parking garage would not be wonderful urban design.

Council Member Parker noted that the concept was about 20 percent over the recommended square footage for apartments. He voiced objections to the proposed ingress and egress and said that the plan felt like a collection of buildings surrounded by a lot of parking. He recommended that the applicant give more attention to place-making and creating a good community space.

Mayor pro tem Anderson agreed with all that Council Member Parker had said regarding place-making and recommended that the applicant consult with an urban designer before submitting a plan. She took issue with the proposed massing and height and suggested that parking be underground, and shared, and said that it was far too much for a project on a BRT line.

Mayor pro tem Anderson said that street-sides of buildings needed to be activated, that the plan included too many apartments, and that the driveways were an issue. She pointed out that fewer than the required number of trees was being proposed and said that a stormwater pond was not an amenity space. She described the building layout as "too blockish and grid-like" and said that the pool idea seemed dated. Mayor pro tem Anderson stressed the importance of having a beautiful, high-quality project that would draw people to that location.

Council Member Schaevitz said she agreed with all that Council Members Parker and Anderson had said. She recommended that the applicant look at how Southern Village had arranged its retail, offices, and active green

gathering space.

Council Member Oates said she was fine with buildings being flush up against MLK because no one would want to hang out in a green area next to that major road. However, those buildings should include something that would benefit the community, such as a supermarket, she said. She characterized the concept plan as being far removed from what the Central West Committee had wanted, and she recommended that the applicant study the SAP.

Council Member Oates stated that connecting through Mr. Rummel's property would not provide traffic relief. There would have to be a traffic circle, or light, so that residents could get in and out of their neighborhoods, she said. The plan would create too much traffic and included too many rentals, she said. Council Member Oates suggested that the applicant work with Community Home Trust to include affordable townhomes which might serve teachers from the nearby schools.

Council Member Stegman said she agreed with much that the others said about having retail facing the street, too much parking, the need for community spaces, more commercial space, and the need for a good urban designer. She argued that the Town's first transit-oriented model development needed to be more inviting and enticing.

Council Member Stegman suggested perhaps making the main street for pedestrians only and said she liked the idea of having apartments over retail. She emphasized the need for a sustainable, green and energy-efficient project, and pointed out that the HAB's new affordable rentals guidelines recommended 60 percent of area median income, or below.

Council Member Gu stressed that the Town should not encourage clear-cutting and argued in favor of enforcing a three-year waiting period after the site had been forested. She said that the concept plan was not an example of well-designed, transit-oriented development. Such developments should try to attract residents who buy into that philosophy and should have parking ratio of only one space per residential unit.

Mr. Jewell replied that the ratio being proposed was 1.5 to 1. He said that the balance of parking was for retail, office, visitors, and so forth.

Council Member Gu stressed the importance of connectivity and said an implementation plan for connections and infrastructure should be in place before buildings and parking areas are designed. She said that the Town needed to make a commitment to actually building bike and pedestrian connections if it was serious about having transit-oriented development and to combating climate change. There was no reason to rush the

project, which, as proposed, was an apartment complex with a bus stop in front, Council Member Gu said.

Council Member Bell said she had not heard anything indicating that the Town did not have a need for more rental, so she supported that as one of the uses. She said that the applicant might need to help the Council understand how a transit-oriented development would work in Town. Some conversations had been around a purer form than might not actually be possible in Chapel Hill, she said, pointing out that the surrounding neighborhood had complained that The Bicycle Apartments ratios were too low.

Mayor Hemminger said that the Town desperately needed "middle" housing, such as townhomes and condos. She agreed that the green gathering space needed to draw people in and said that the concept did not feel very pedestrian and bike oriented. She agreed that Southern Village was a good model and agreed with putting buildings close to MLK as well.

Mayor Hemminger commented that there was a lot of parking being proposed for a transit-oriented project and there is a lot of impervious surface. She pointed out that the Town was trying to move away from all of that. She said that the project, as proposed, would not give anyone from the outside a reason to go there. She stressed the need to work with adjacent property owners regarding traffic flow, and said that much needed to be worked out with DOT.

Council Member Stegman asked about the three-year waiting period after clear-cutting that Council Members Gu and Oates had mentioned.

Mayor Hemminger explained that the Town had the ability to use that waiting period as a tool, but had to balance that with its responsibility to look for a good project.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Parker, that R-1 be adopted. The motion carried by a unanimous vote.

ADJOURNMENT

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