



# TOWN OF CHAPEL HILL

## Town Council Meeting Minutes - Draft

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

Mayor Pam Hemminger  
Mayor pro tem Michael Parker  
Council Member Jessica Anderson  
Council Member Allen Buansi

Council Member Hongbin Gu  
Council Member Tai Huynh  
Council Member Amy Ryan  
Council Member Karen Stegman

**Wednesday, February 24, 2021      7:00 PM      Virtual Meeting**

### Virtual Meeting Notification

Town Council members will attend and participate in this meeting remotely, through internet access, and will not physically attend. The Town will not provide a physical location for viewing the meeting.

The public is invited to attend the Zoom webinar directly online or by phone.

Register for this webinar:

<https://us02web.zoom.us/join/91912121212> After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 865 2869 6924

Llame al (919) 969-5156 para obtener interpretación en español. Inserte el código 8876452#. Después del tono, diga su nombre y oprima #. (Call (919) 969-5156 for Spanish language interpretation. Enter Code 8876452#. After the tone, say your name and press #. )

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### Roll Call

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

### Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Florentine Miller, Town Attorney Ann Anderson, Interim Communications Manager Ran Northam, Planning Director Colleen Willger, Police Chief and Executive Director for Community Safety Chris Blue, Crisis Unit Supervisor Megan Johnson, Emergency Management Coordinator Kelly Drayton, Planner II Michael Sudol, Assistant Business

Management Director Matt Brinkley, Business Management Director Amy Oland, Principal Planner Corey Liles, Senior Planner Jake Lowman, Manager of Engineering & Infrastructure Chris Roberts, Executive Director for Technology and CIO Scott Clark, Communications and Public Affairs Director/Town Clerk Sabrina Oliver, and Deputy Town Clerk Amy Harvey.

### OPENING

Mayor Hemminger opened the virtual meeting at 7:00 p.m. and announced the agenda. She said that Spanish interpreters would be present through Item 9, which was closed to public comment.

Mayor Hemminger called the roll and all Council Members replied that they were present.

### ANNOUNCEMENTS BY COUNCIL MEMBERS

0.01 Mayor Hemminger Regarding Death of Chapel Hill Firefighter. [\[21-0151\]](#)

Mayor Hemminger said that Donnie Morrisey, a Chapel Hill fire inspector since 2006, had recently passed away. She extended condolences to his family and friends and said that he would be deeply missed.

0.02 Proclamation: COVID Remembrance Day. [\[21-0152\]](#)

Mayor Hemminger pointed out that March 3, 2021, would mark one year since the first case of COVID-19 was reported in North Carolina. Since that time, more than 11,000 state residents and 500,000 people across the country had died, she said. The Town, UNC Health, Orange County and other state jurisdictions were proclaiming March 3, 2021, as COVID Remembrance Day, she said, and she urged all to continue caring for one another and showing support for front-line and essential workers.

0.03 Mayor Hemminger Regarding Food for Students Successes Video. [\[21-0153\]](#)

The Council viewed a short Celebrating Successes video about a Food for Students program that had served more than one million meals and distributed 5,000 books since July 2020. She characterized that as an incredible feat and thanked all who had worked so hard to feed so many during the pandemic. The Town would continue the program as best it could, she said.

0.04 Mayor Hemminger Regarding Wegmans Opening. [\[21-0154\]](#)

Mayor Hemminger announced that Wegmans had opened. The new store had hired 450 people from the community and was sourcing some of its produce from local farmers and growers, she said. She thanked Economic Development Officer Dwight Bassett and Town partners at Orange County for bringing the project to Chapel Hill.

0.05 Mayor Hemminger Regarding Boards and Commissions Applications. [\[21-0155\]](#)

Mayor Hemminger encouraged citizens to apply for seats on community boards and commissions. Those interested could send an email to [advisoryboards@townofchapelhill.org](mailto:advisoryboards@townofchapelhill.org) or call the number listed on the Town website, she said. She pointed out that no experience was required for most seats and that child care and transportation assistance would be available.

0.06 Mayor Hemminger Regarding Upcoming Meeting. [\[21-0156\]](#)

Mayor Hemminger said that the Council Committee on Economic Sustainability would meet virtually at 8:00 a.m. on March 5, 2021. Related information was on the Town's website calendar page, 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.

0.07 Linda Brown Regarding 101-111 Development on Erwin Road. [\[21-0157\]](#)

Linda Brown said that proposed developments at 101-111 Erwin Road would pose stormwater problems for surrounding neighbors -- especially Summerfield Crossing -- by greatly increasing the amount of impervious surface and stormwater runoff. She petitioned the Council to have the Stormwater Utility Advisory Board recommend a solution.

0.08 Savannah and Christopher Bowers Regarding 1200 and 1204 MLK Project. [\[21-0158\]](#)

The petitioners had questions about Agenda Item 9, but Mayor Hemminger repeated her earlier notice that Item 9 was now closed to public comments.

0.09 Parks, Recreation, and Greenways Commission Request Regarding Facilities Repair. [\[21-0159\]](#)

Mayor Hemminger said that a petition from the Town's Parks and Recreation Commission requesting funds for repair work was in the Council's packets.

1. Shaw Design Associates Request for Expedited Review and Fee Waiver for 1751 Dobbins Drive Project. [\[21-0128\]](#)

Heath Shaw asked for a modification that would increase the amount of allowed square footage in his conditional zoning permit. He explained that Council approval would not affect project specifications but would help to facilitate financing. He also requested expedited approval and a waiver of additional fees.

Mayor Hemminger said that staff had been meeting with Mr. Shaw and was prepared to bring a proposal for Council consideration on March 10th or a little later.

A motion was made by Mayor pro tem Parker, seconded by Council Member Anderson, that petitions 0.07, 0.09, and 1 be received and referred to the Manager and Mayor. The motion carried by a unanimous vote.

**CONSENT**

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

*Approval of the Consent Agenda*

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

2. Approve all Consent Agenda Items. [\[21-0129\]](#)

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

3. Approve a Contract Extension for Audit Services Contract for Fiscal Year 2020-21. [\[21-0130\]](#)

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

4. Approve the Annual Percent for Art Plan 2020-2021. [\[21-0131\]](#)

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

5. Adopt a Resolution of Intent to Issue Two-Thirds Bonds in April 2021. [\[21-0132\]](#)

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

6. Call a Public Hearing for Land Use Management Ordinance Text Amendments-Proposed Changes to Section 3.6.2 Historic Districts Related to Review Criteria and Section 8.4 Historic District Commission on March 24, 2021. [\[21-0133\]](#)

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

#### INFORMATION

7. Receive Upcoming Public Hearing Items and Petition Status List. [\[21-0134\]](#)

This item was received as presented.

#### DISCUSSION

8. Update on Town Efforts to Respond to the COVID-19 Crisis. (no attachment) [\[21-0135\]](#)

Emergency Management Coordinator Kelly Drayton presented changes that relaxed some aspects of the state's COVID-19 mandate. She pointed out that the mandate to wear masks would remain, and she strongly urged all to continue washing hands frequently and waiting a safe distance apart. Information and links regarding the changes could be found at [townofchapelhill.org/coronavirus](http://townofchapelhill.org/coronavirus), she said.

Ms. Drayton reported that the NC Department of Health and Human Services had released its latest iteration of a map that showed 27 counties experiencing critical levels of COVID-19 spread. However, North Carolina had been experiencing its lowest average of reported new cases and daily hospitalizations since November 2020, and all key metrics were trending downward, she said.

Ms. Drayton said that two-million vaccines had been administered in the state, with 12.8 percent of NC residents having received at least one dose. More than half of those vaccinated were 65 and older. The state would now begin vaccinating educators and remaining essential workers, she said. She mentioned that some Walgreens stores had begun receiving a small number of vaccines. Complete information could be found at [orangecountync.gov/getyourshot](http://orangecountync.gov/getyourshot), she said.

Ms. Drayton said that staff hoped to complete a final version of the Town's Long Term Recovery Plan by late March 2021. She reported that the Food Bank was continuing weekly operations and that the Emergency Housing Assistance Program had administered more than \$1.1 million to help Chapel Hill households in need. Ms. Drayton also provided details on plans to reinforce community standards during an upcoming UNC v. Duke men's basketball game.

Mayor Hemminger said that there was no data to suggest doing anything other than what the governor had proposed but that the Town would react if that started to change. She said that local leaders had been meeting to discuss expediting vaccinations for educators and that Orange County's healthcare workers had been reaching out to vulnerable communities to ensure that they had access to vaccines.

This item was received as presented.

9. Consider an Application for Conditional Zoning for 1200 & 1204 Martin Luther King Jr. Blvd. from Residential-4 (R-4) and Neighborhood Commercial (NC) to Office/Institutional-2-Conditional Zoning District (OI-2-CZD) and Neighborhood Commercial Conditional Zoning District (NC-CZD) (Project #19-065). [\[21-0136\]](#)

Planner Michael Sudol gave a PowerPoint presentation on a Conditional Zoning request for a 13.9-acre site at 1200 and 1204 Martin Luther King Jr. Boulevard that was currently zoned Residential 4 and Neighborhood Commercial. The applicant, Stackhouse Properties, was requesting a rezoning to Office Institutional 2, for a self-storage and mobile home park, and Neighborhood Commercial for a gas station, he said.

Mr. Sudol outlined changes to the application since the last public hearing. The applicant had requested flexibility regarding a driveway and had created a relocation plan on the site that includes 10 new units, he said. He noted that the applicant had committed to keeping existing mobile home units on site for 15 years and to extend the option for existing lease holders to convert to annual leases from 30 to 60 days of entitlement.

Mr. Sudol said that three advisory boards had voted in favor of the rezoning, with conditions, and two (the Community Design Commission and the Planning Commission) had recommended denial. He asked the Council to consider adopting or denying the Resolution of Consistency, enacting or denying the Conditional Zoning (revised Ordinance A), and adopting or denying revocation of the existing Special-Use Permit (SUP).

Developer Dan Jewell, of Coulter Jewell Thames, said that the project had been a 2.5-year process that had begun as an effort to preserve as much of the existing mobile home park (MHP) community as was practical. When Stackhouse Properties approached him with a plan that would keep most of the residents in place, he had been optimistic that the opportunity to not displace that community would outweigh Town concerns about the self-storage facility, he said.

Mr. Jewell noted that the applicant had worked with the Town to create a

plan that would keep all of the existing mobile homes on the site and also make room for more. He listed several added benefits and proposed improvements and pointed out that there had been many meetings with residents over the past two-and-a-half years. The Council currently had an opportunity to bring residents' uncertainty to an end, he said.

Bill Brian, an attorney with Morningstar Law, said that the applicant had made offers that went far beyond anything that could legally be done to protect the MHP. He said that approval would give tenants more protections than those afforded to any other MHP in North Carolina, as far as they knew. Mr. Brian stated that the applicant had taken those steps to reassure everyone involved that voting in favor would protect Tarheel MHP residents.

Council Member Ryan asked why Stipulation 26 had recently been inserted and what change that represented. Interim Planning Director Judy Johnson replied that staff had felt the addition would ensure that the Town Manager would review the strategy behind any plan to displace residents during the 15-year period.

Council Member Ryan asked why such displacement would happen when there was supposed to be a guarantee that it would not. The Town's legal staff explained that the applicant had proposed 10 additional units. The stipulation had been put in to address any potential downsizing from that proposed maximum 83 to 73 units, they said.

Council Member Ryan asked that the language be clarified so that it did not appear that the 73 units were imperiled. Mayor Hemminger asked when there had been a switch from 73 to 83 units. Where would the additional 10 units go, the Mayor asked.

Mr. Jewell replied that 83 pads had been approved in the 1979 Special-Use Permit and that Stackhouse Properties had consistently reserved the right to have up to that number. Eighty-three would allow the possibility of adding smaller mobile homes in the future, he said.

Mayor pro tem Parker confirmed that units that were currently in the RCD would remain there and that the applicant would not install any new units in the RCD. He expressed concern about the possibility of a future requirement that mobile homes be below a certain size and wanted to make sure that no tenants would be forced to reduce the size of their homes.

Mr. Jewell replied that he had never thought of that and it was not the applicant's intent.

Mayor pro tem Parker confirmed that 16 mobile homes had been moved

from the portion of the site that would be developed for storage, and Mr. Jewell explained how each of those had been accommodated.

Mayor pro tem Parker said that he wanted to ensure that a provision against short-term rentals would not give MHP residents fewer rights than other homeowners. Town Attorney Ann Anderson recommended clarifying that in the agreement.

Mayor Hemminger suggested putting the word "dedicated" before "STRs", assuming that doing so would be compatible with the underlying zoning. She said that there was a precedent for that with a townhouse project on Homestead Road that prohibited dedicated STRs.

Mayor pro tem Parker questioned a stipulation for a \$15,000 contribution to the BRT stop. He confirmed with Transit Director Brian Litchfield that the current estimate for a BRT station at such a location was about \$585,000. Transit would likely recommend that an adjacent developer pay 10 to 20 percent of that cost, Mr. Litchfield said.

Mr. Jewell replied that Town staff had put \$15,000 in the resolution and that was what the applicant could and would do.

Council Member Gu asked about legal requirements for adding new information after a public hearing had been closed, and Attorney Anderson said that any significant element could warrant a reopening. Ms. Anderson and Council Member Gu discussed how the restrictive covenants had been proposed as an additional condition at the last public hearing but the document itself had not been presented.

Attorney Brian said that details of the covenants had all been discussed at public meetings and that the changes had been made in response to Council questions or comments. The applicant had submitted the covenants for staff review weeks ago, had been working with staff on those ever since, and there should be nothing new, he said.

Ms. Anderson said that the covenants mirrored and enforced existing conditions and ordinance changes had clarified, not expanded, limitations on the project. Nothing had been made more permissive than before, and the changes did not materially alter the project, she said.

Council Member Gu asked if the developer thought the process had been fair to the public and if the presentation to advisory boards had been accurate and respectful of the review process.

Mr. Brian replied that the applicant had followed the process as prescribed by the Town and had gone well above the letter of the law by holding multiple community meetings and public hearings. He thought the

process had been the fairest to the public that he had ever seen in any community in North Carolina, he said.

Council Members verified with staff that the size of the self-storage building would be about 134,000 square feet. They also confirmed that a proposed fence would comply with Town code but would not be chain-link. They verified that existing impervious surface was 185,732 square feet and that 271,416 square feet was being proposed.

Mayor Hemminger asked about the possibility of returning to 73 units, but Mr. Jewell replied that the applicant would like to keep it at 83. The Mayor confirmed that no new sites would be in the RCD, and that the applicant was also committed to building a playground.

Council Member Anderson said that the project did not meet the Town's land use, affordable housing, or environmental goals. The covenants and conditional uses did not protect residents from being priced out or removed before 15 years, she said. She said that Tarheel MHP residents had been used as pawns in a land use game and that she refused to be manipulated or threatened into a decision.

Council Member Stegman said that the Town had put in many measures to protect Tarheel MHP residents. In the future, the Council needed to do all it could to find a better solution than displacement support, she said.

Council Member Ryan said that the applicant had been willing to evict MHP residents if the project were not approved. She said that placing a storage facility the size of a football field right on a future BRT route did not make sense considering the Town's plans for the future. The proposal would leave tenants vulnerable to displacement and was not good land use for the Town, she said.

Council Member Gu said that the storage facility would have a significant negative impact on Tarheel MHP residents and other citizens of the Town. The proposed rezoning would significantly increase the value of the land, and the protective covenants for residents could be challenged in court and easily struck down, she said.

Mayor pro tem Parker said that the Council had found itself having to approve sub-optimal land use in order to preserve a neighborhood. He did not like being bullied and it was disingenuous to say that building the storage facility was the only way to preserve the MHP, he said. Threatening to evict people with six month's notice was hardly making preservation of their homes and neighborhood the first priority, he said.

Council Member Buansi agreed that the proposal contradicted the Town's Future Land-Use Map and was not in keeping with its climate change

goals. He pointed out that affordable housing, however, was a Town priority as well. Since the applicant had threatened to sell the property and let the buyer displace the 73 households if the Town did not approve the application, protecting residents was the superseding principle for him, he said.

All Council Members commented on the need to work with Orange County to develop a relocation strategy for residents facing displacement. Mayor Hemminger said that the Council felt torn by the very tough decision. She said she would choose to keep MHP residents in the community rather than pushing them out with nowhere to go, especially during a pandemic, she said.

The Council voted 5-3 on the Resolution of Consistency as well as revised Ordinance A, with Council Members Anderson, Ryan and Gu voting nay. Since the vote did not reach a two-thirds majority, the item is scheduled to return for a second reading on March 10, 2021.

Council Member Gu posed the idea of having a moratorium on evictions. She proposed opening that up for public comment and actively seeking solutions from professionals in the community. Attorneys at UNC's School of Law and its School of Government were eager to help with that, she said.

Mayor Hemminger replied that the Town Attorney could investigate that idea, but the hearing on the Tarheel MHP could not be reopened. Attorney Anderson said that any proposed moratorium would be a completely separate legal proceeding and would not dovetail, legally or procedurally, with the current application.

A motion was made by Mayor pro tem Parker, seconded by Council Member Stegman, that R-6 be adopted. The motion carried by the following vote:

**Aye:** 5 - Mayor Hemminger, Mayor pro tem Parker, Council Member Buansi, Council Member Stegman, and Council Member Huynh

**Nay:** 3 - Council Member Anderson, Council Member Gu, and Council Member Ryan

A motion was made by Council Member Huynh, seconded by Council Member Stegman, that O-1 be enacted as amended. The motion failed by the following vote and will return for a second reading:

**Aye:** 5 - Mayor Hemminger, Mayor pro tem Parker, Council Member Buansi, Council Member Stegman, and Council Member Huynh

**Nay:** 3 - Council Member Anderson, Council Member Gu, and Council Member Ryan

**10.** Initial Budget Public Forum on the Annual Budget, Capital Program, Use of Grants and Related Items, and Potential Legislative Requests. [\[21-0137\]](#)

Assistant Director of Business Management Matt Brinkley gave a PowerPoint presentation on the Town's FY 2201-2022 budget. He said that the Operating Budget included funds for Police and Fire protection, Public Works operations, Parks and Recreation, Library Services, Planning, Zoning Inspections, Administrative and Legal Services, Affordable Housing, and Pay-As-You-Go. The Capital Program was a plan for investment in capital projects over the next 15 years, he said.

Mr. Brinkley said that the Community Development Block Grant (CDBG) award from the federal government in FY 2020-2021 had been \$417,591. An initial public forum had been held on November 4, 2020, and the application due date for FY 2021-2022 funding was January 14, 2021, he said. He explained that a CDBG Review Committee was currently looking at applications. Staff would present a preliminary plan for comment on April 7th and Council approval of that and the HOME Program was scheduled for May 5, 2021, he said.

Mr. Brinkley said that federal HOME Program funds would be allocated to the Orange County HOME Consortium. The deadline for completing applications for that was February 26th and the HOME Program Review Committee would make recommendations to local officials in April, he said. The Annual Action Plan and a Five-Year Consolidated Plan would be submitted to HUD by May 15, 2021, he said.

Mr. Brinkley said that the FY 2022 amount of Housing Capital Funds Program was not yet known but was estimated at \$891,521. A final recommended plan would be presented for Council consideration in April 2021. He said that federal public transportation grants were estimated to be \$1.9 million. The level of state funding and the amount of federal planning grants available through the Metropolitan Planning Organization were still unknown, he said.

Mr. Brinkley said that the Downtown Service District had designated a 7.0 cent tax to be used for improvements and that estimated FY 2022 funding was \$388,000, a \$6,000 increase over the current year. He noted that the amount was subject to change, however.

Mr. Brinkley said that Council Members would meet with the Town's legislative delegation regarding proposals for the 2020-2021 session before the short session begins in May. The deadline for filing bills was March 3rd and proposals from citizens would be considered at an upcoming

Council meeting, he said. He reviewed the budget calendar and said that adoption of the FY 2021-2022 budget was slated for June 9, 2021.

The public could make comments to the Mayor and Council by letter or email and additional information could be found at [townofchapelhill.org/budget](http://townofchapelhill.org/budget), Mr. Brinkley said.

This item was received as presented.

**11.** Consider Amending the Criminal Justice Debt Program and Enacting a Budget Ordinance Amendment. [\[21-0138\]](#)

Emma Bruckenstein, Criminal Justice Debt Relief Program Committee chair, provided four recommendations for Council consideration: 1) Expand the program to allow Carrboro residents to participate and incorporate \$7,500 from Carrboro to be used by its residents; 2) Remove a restriction that prevents an applicant from applying more than once a year, in some circumstances; 3) Modify eligibility requirements to allow community members to apply regardless of their criminal history, with certain exceptions; and 4) Expand the program to pay court debts due outside Orange County for Town residents.

Council Member Stegman explained where and how the language had been improved to clarify requirements and procedures, and Ms. Bruckenstein pointed out that a requirement regarding partial payments was no longer included.

Council Member Anderson asked for examples of non-violent felonies, and Ms. Bruckenstein mentioned drug offences, larceny, and property crimes. She said that violent felonies were those that had an element of physical harm.

Council Member Gu confirmed with Ms. Bruckenstein that, as proposed, someone who had committed a violent physical crime would be able to apply for funding (after five years) for charges unrelated to that felony. Ms. Bruckenstein said that the Committee believed that was in line with its charge to help people re-enter the community and to combat some of the inequities of the criminal justice system.

Council Member Gu asked if there was any data on tendencies to repeat violent crimes. Ms. Bruckenstein said that there was good information on how resources such as the Debt Relief Program helped to prevent that.

Committee Member Corey Root commented that offsetting the racial inequities inherent in the criminal justice system was a part of the reason for establishing the Criminal Justice Debt Relief Program. It was to help people make a clean start and rebuild their lives, she said.

Council Member Gu asked for more data on whether or not the funds actually did help with that. She had concerns about applying it to those with violent felony convictions, she said.

Ms. Bruckenstein said that the Committee's role was to help people who were truly in need. Every applicant had to show financial need and explain how s/he was trying to overcome societal barriers, she said. She explained that the Committee was not recommending that everyone who applied should receive funding; it was seeking to remove a barrier that some applicants faced.

Council Member Ryan confirmed with Attorney Anderson that the revisions Council Member Stegman had described would be summarized in the resolution. "However, the Council should decide if substantive changes to the program are what they understood them to be," Ms. Anderson said, and showed the resolution on the screen.

A motion was made by Council Member Stegman, seconded by Council Member Buansi, that R-9 be adopted as amended. The motion carried by the following vote:

**Aye:** 7 - Mayor Hemminger, Mayor pro tem Parker, Council Member Anderson, Council Member Buansi, Council Member Stegman, Council Member Huynh, and Council Member Ryan

**Nay:** 1 - Council Member Gu

At the end of the meeting, a motion was made by Mayor pro tem Parker, seconded by Council Member Stegman, that O-2 be enacted. The motion carried by a unanimous vote.

**12. Consider a Land Use Management Ordinance Text Amendment** [\[21-0139\]](#)  
- Proposed Changes to Section 3.11 for Townhomes in the Blue Hill District.

Planner Cory Liles gave a PowerPoint presentation on proposed changes to the Land Use Management Ordinance (LUMO) regarding townhomes in the Blue Hill District (BHD). He said that the proposal would change existing townhome standards regarding non-residential use and minimum floor/land/lot width. He noted development opportunities for small infill sites, a broader variety of housing types, and more options for housing prices.

Mr. Liles noted that staff had outlined the steps that would be needed in order to study the feasibility of encouraging or requiring accessory dwelling units (ADUs) in townhomes. He showed examples of townhomes

and said that the stacked type, which were common in other parts of the country, would present ADU opportunities and could be joined together with many possible architectural styles.

Mr. Liles discussed building scale. He recommended letting the parcel configuration drive building size and avoiding regulations that become too prescriptive. He noted the possibility of wrapping and screening a parking deck with townhomes, but added that doing so would not be a typical approach.

Mr. Liles recommended that the Council adopt three text amendments that would: 1) exempt small townhomes from the non-residential requirement; 2) reduce the non-residential requirement for medium townhome projects; and 3) adjust lot requirements to better reflect the possible size for townhomes.

Mr. Liles recommended that the Council adopt the Resolution of Consistency and enact Ordinance A for approval. Next steps could include outreach to the development community regarding new standards, he said. Staff would report on any discussion or proposal of townhome projects during its semiannual BHD update to Council, said Mr. Liles.

Council Member Ryan confirmed with Mr. Liles that subdividing a larger site for townhomes would be possible but might not be the best opportunity from an economic development perspective. Council Members asked for more information about limiting townhomes geographically and on the implications of removing the minimum parking requirement.

Julie McClintock, a Chapel Hill resident, said that the absence of shared parking in the BHD was a big problem. She recommended being cautious about building townhomes in areas, such as the south side of Elliott Road, where they could push retail businesses out.

Susanna Dancy, a Chapel Hill resident, said that eliminating parking minimums would not mean eliminating parking. It would give developers more flexibility in how much parking they require, she said.

Council Member Ryan proposed that staff determine a way to limit development of parcels with commercial retail on them.

Mayor Hemminger ascertained that the majority of Council Members would like to defer voting and have staff return with more information. She spoke in favor of having more townhomes in the community overall. Anything staff could do to make that middle housing option more likely would be helpful, she said.

The Council continued the Public Hearing by consensus to a future date with

an additional public notice.

13. Continue the Public Hearing: Conditional Zoning Application for Columbia Street Annex, 1150 S. Columbia Street, from Residential-2 (R-2) to Mixed Use-Village-Conditional Zoning District (MU-V-CZD). [\[21-0140\]](#)

Senior Planner Jake Lowman gave a PowerPoint presentation on changes to a Conditional Zoning application for Columbia Street Annex that included: 1) a new condition requiring the developer to hire professionals to analyze current stream conditions, and 2) a requirement for a plan to remove all non-native invasive plants within the stream buffer and have the homeowner's association be responsible for ongoing maintenance.

Mr. Lowman noted new information related to traffic. This included street-lighting along South Columbia Street and a payment-in-lieu for signal upgrades and crosswalks at the intersection of NC 54. He presented a chart that listed advisory board comments and pointed out that the Planning Commission had submitted a revised letter of support for the project.

Mr. Lowman asked the Council to comment on Agenda Items 13 and 14 and to possibly move to close both public hearings and consider their enactment on March 24, 2021.

Architect Phil Szostak recapped comments from the last Council meeting regarding RCD encroachment, building scale, pedestrian safety, parking allocation, and options for reducing parking spaces. He said that he had met with the Town's urban designer regarding ideas for changing the building. He also described how changing a stream determination from intermittent to perennial (based on one tenth of a point) had caused the issue regarding the RCD.

Mr. Szostak outlined design changes that he and Town staff had arrived at and presented a more open design with public pedestrian access between buildings with open space behind the development. He indicated where building height had been reduced and discussed the proposed location of crosswalks, sidewalks and the bike paths.

Mr. Szostak said that 69 parking spaces were being allocated for 60 units. There would be space for car services, provisions for two EV charging stations, and conduit to every parking space, he said. He explained that a price reduction would be offered to those who buy a unit without a parking space.

Mayor pro tem Parker asked staff about the implications of the applicant's stormwater proposal. Senior Engineer Ernest Odei-Larbi said that the

applicant had stated that nitrogen and phosphorus would remain below Jordan Lake regulations after development but staff had not yet received that data. Mayor pro tem Parker confirmed with him that it would be reasonable to stipulate a numerical target in the regulations.

The Mayor and Council verified that the applicant would keep the same number of units, or fewer, with the new design, and that one more affordable unit would be added if the total number of units increased to 60. They confirmed that the project would contain only condos, no apartments. In response to an inquiry from Council, Mr. Lowman showed the proposed locations for three signalized pedestrian crossings along South Columbia Street. He pointed out, however, that final locations would need NC Department of Transportation (DOT) approval.

The Council confirmed with the applicant that not having a car would likely reduce the purchase price by \$30,000. They ascertained from staff that pedestrians would control the crossing signal by starting a blinking light. They verified with Mr. Odei-Larbi that staff would make sure that stormwater runoff did not exceed pre-development conditions for one-, two- and three-year storms. Mayor Hemminger confirmed that the applicant was committed to having a solar ready roof.

Kimberly Brewer, a Chapel Hill resident, said she had remaining concerns about the proposed crosswalk at the Purefoy/Columbia intersection, since there was a blind curve just north of that location. She asked if there would be a flashing warning sign. In addition, the two crosswalks could create traffic-flow problems, she said, and asked how that would be addressed.

Ms. Brewer also asked if an existing bus stop at Purefoy and Columbia Streets would be removed when the proposed BRT station came on line. She said that the applicant's plan to monitor stream damage after the project had been built would greatly undermine the Town's RCD ordinance and its stream protections.

Sam Eberts, a Chapel Hill resident, said that neighbors were concerned about the Council making an irrevocable decision with no way to fix it if it failed. Any increase in traffic along South Columbia would lead to the Westwood Neighborhood being a cut-through to Town, he said. He proposed reducing the number of parking spaces and adding a restriction against allowing retail at the location.

John Rees, a Chapel Hill resident, shared a live video of himself standing at the bus stop location in order to illustrate that it was currently a very dark place with no sidewalks. The proposed project would activate the space and make it much safer, he said.



Susanna Dancy, Community Design Commission (CDC) chair but speaking only for herself, said that she strongly supported the improved project. The plan included things the CDC always asked for but rarely got -- such as permeability, human scale massing, and engagement with the street -- she said. She said that she could not think of a better location for higher intensity use.

Andrew Buchanan, a Chapel Hill resident, asked for assurance that the proposed condos would not be turned into apartments, and Mr. Szostak replied that he would be happy to stipulate that.

Julie McClintock, a Chapel Hill resident, agreed that the project had improved but said that people having to stop at a blinking crosswalk would create a public-safety hazard. Additionally, she did not have much confidence that the stream restoration would work, given all the exemptions from RCD regulations, she said. She recommended that the Council keep the public hearing open so the public could have a chance to respond to the new information.

Martin Johnson, a Chapel Hill resident who lives in the neighborhood, expressed support for the project. He said that the Columbia Street Annex represented everything the Council had said it wanted to support.

The Mayor and Council said that they appreciated the changes and the applicant's responsiveness to community and Council concerns. They liked the housing choice, the affordable housing plan, the approach to parking, the pedestrian crossing improvements, and the thoughtful design, they said.

Mayor Hemminger praised the terracing plan and said it would be good if people could actually get down to the stream. Council Member Ryan noted that there might be opportunities to create an amenity back there. Council Member Stegman confirmed that the proposed number of bicycle spaces had increased and that there would be indoor bike storage at plaza level.

Council Member Ryan said that having a BRT stop south of the NC 54 entrance/exit ramp was a horrible idea and she was strongly against that moving forward.

Council Member Anderson said she wished the intersection could be figured out before the project began, but she acknowledged that the Town did not have control over what the NC-DOT would do. Council Member Buansi said he hoped the blind curve problem could be addressed, and other Council Members stressed the importance of having strong stipulations regarding RCD incursion.

Council Member Gu confirmed that the developer and staff would return on March 14th with metrics regarding stream repair. She inquired about having a traffic review one year after completion, but Mayor Hemminger recommended bringing that up again when the Council voted on the project.

Mayor Hemminger proposed stipulating "no dedicated STRs", and Council Member Ryan encouraged the applicant to try and maintain the character of the area by adding large canopy trees.

The Council voted unanimously to close the public hearings on Agenda Items 13 and 14 and to schedule final consideration on March 24, 2021.

A motion was made by Mayor pro tem Parker, seconded by Council Member Stegman, to close the public hearings regarding the Conditional Zoning Applications for Columbia Street Annex and the Request to Close a Portion of an Unmaintained and Unimproved Monroe Street Public Right-of-Way and receive comment for an additional 24-hours. The motion carried by a unanimous vote.

14. Close the Public Hearing to Consider a Request to Close a Portion of an Unmaintained and Unimproved Monroe Street Public Right-of-Way. [\[21-0141\]](#)

#### APPOINTMENTS

15. Appointments to the Historic District Commission. [\[21-0142\]](#)

The Council appointed Anne Perl De Pal to the Historic District Commission.

#### ADJOURNMENT

This meeting was adjourned at 11:48 p.m.