



TOWN OF CHAPEL HILL

Town Council Meeting Minutes - Draft

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

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

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

Wednesday, April 19, 2023 7:00 PM RM 110 | Council Chamber

Language Access Statement

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

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

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In-Person Meeting Notification

View the Meeting

- View and participate in the Council Chamber.
- Live stream the meeting - <https://chapelhill.legistar.com/Calendar.aspx>
- View on cable television channel at Chapel Hill Gov-TV (townofchapelhill.org/GovTV)
- The Town of Chapel Hill wants to know more about who participates in its programs and processes, including Town Council meetings.
- Participate in a voluntary demographic survey before viewing online or in person - <https://www.townofchapelhill.org/demosurvey>

Parking

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

Entry and COVID-19 Protocols

- Entrance on the ground floor.
- Visitors and employees will self-screen. Do not enter if you have these symptoms: Fever, chills, cough, sore throat, shortness of breath, loss of taste or smell, headache, muscle pain

Speakers

- Sign up with the Town Clerk to speak.
- Individuals may speak for 3 minutes maximum, unless more than 14 people sign up for an item. Council may reduce time to 2 min./person.
- Please do not bring signs.

ROLL CALL

Mayor Hemminger called the meeting to order at 7:00 p.m. and reviewed the agenda. All Council Members were present.

Present: 9 - Mayor Pam Hemminger, Mayor pro tem Karen Stegman, Council Member Jessica Anderson, Council Member Camille Berry, Council Member Paris Miller-Foushee, Council Member Tai Huynh, Council Member Michael Parker, Council Member Amy Ryan, and Council Member Adam Searing

OTHER ATTENDEES

Interim Town Manager Chris Blue, Deputy Town Manager Mary Jane Nirdlinger, Deputy Town Manager Loryn Clark, Town Attorney Ann Anderson, Planning Director Britany Waddell, Assistant Planning Director Judy Johnson, Planning Manager Corey Liles, Senior Planner Tas Lagoo, Planner II Jacob Hunt, Transportation Manager Bergen Watterson, Business Management Director Amy Oland, Affordable Housing and Community Connections Director Sarah Viñas, Community Development Program Manager Megan Culp, Community Arts and Culture Executive Director Susan Brown, Parks and Recreation Director Atuya Cornwell, Senior Project Manager Sarah Poulton, Police Officer David Shick, Communications Manager Ran Northam, and Assistant Town Clerk Brenton Hodge.

OPENING

0.01 Proclamation: Sexual Assault Awareness Month. [\[23-0342\]](#)

Mayor pro tem Stegman read a proclamation for Sexual Assault Awareness Month that described activities of the Orange County Rape Crisis Center as well as the Orange County Domestic Violence and Sex Assault Response Committee. The proclamation provided information and statistics about the prevalence of sexual assault in the United States. It proclaimed April 2023 as Sexual Assault Awareness Month in Chapel Hill and encouraged everyone to speak out against such violence and to support prevention efforts.

0.02 Proclamation: April is for the Earth. [\[23-0343\]](#)

Mayor Hemminger read proclamations for April is for the Earth and for National Native Plant Month. She said that Earth Day had been expanded in 2021 into April is for the Earth, which would be a month-long event focused on protecting and enhancing the environment and local ecology. April was also National Native Plant Month, she said, and she pointed out that native plants play an important environmental role. Information on both events could be found on the Orange County Visitors Center's and the Town's webpages, she said.

ANNOUNCEMENTS BY COUNCIL MEMBERS

0.03 Mayor Hemminger Regarding Grant Update from Congresswoman Foushee. [\[23-0344\]](#)

Mayor Hemminger said that U.S. Congresswoman Valerie Foushee had recently inform the Town that the U.S. Senate Appropriations Committee had proposed that three Chapel Hill projects receive federal funding. Those projects were the Jay Street development, Ephesus Church Road sidewalks, and Chapel Hill Transit bus stops, she said.

0.04 Mayor Hemminger Regarding Joint Planning Hearing. [\[23-0345\]](#)

Mayor Hemminger said that Council Members would meet with their counterparts from Carrboro and Orange County on April 20th for a joint planning meeting regarding a parcel of land owned by Mt. Carmel Baptist Church. The meeting would take place at 7:00 p.m. at the Whitted Human Services Building in Hillsborough, she said.

0.05 Mayor Hemminger Regarding Upcoming Meetings. [\[23-0346\]](#)

Mayor Hemminger announced that the Town would be holding a public information meeting on April 25th regarding a proposal for condominiums at 157 East Rosemary Street. The Council would hold a regular business meeting at Town Hall on April 26, 2023, she said.

0.06 Council Member Foushee-Miller Regarding Orange County Remembrance Coalition Ceremony. [\[23-0347\]](#)

Council Member Miller-Foushee invited the community to remember and honor five local men (Washington Morrow, Wright Malone, Daniel Morrow, Thomas Jefferson Morrow and Cyrus Guy) who had been victims of racial terror lynchings in 1869. She said that a ceremony organized in partnership with the Equal Justice Initiative would take place on April 29th at 1:00 p.m. at the Orange County Courthouse in Hillsborough and that additional information was available at OCCRCoalition.org.

0.07 Council Member Foushee-Miller Regarding Eid al-Fitr. [\[23-0348\]](#)

Council Member Miller-Foushee pointed out that the Muslim community was in the midst of Eid al-Fitr, a joyous three-day celebration of breaking

the Ramadan fast. She hoped that Ramadan had been a rewarding and spiritual time of reflection, renewal, gratitude, mercy, forgiveness and love for those who had observed it, she said.

PUBLIC COMMENT FOR ITEMS NOT ON PRINTED AGENDA AND PETITIONS FROM THE PUBLIC AND COUNCIL MEMBERS

Petitions and other similar requests submitted by the public, whether written or oral, are heard at the beginning of each regular meeting. Except in the case of urgency and unanimous vote of the Council members present, petitions will not be acted upon at the time presented. After receiving a petition, the Council shall, by simple motion, dispose of it as follows: consideration at a future regular Council meeting; referral to another board or committee for study and report; referral to the Town Manager for investigation and report; receive for information. See the Status of Petitions to Council webpage to track the petition. Receiving or referring of a petition does not constitute approval, agreement, or consent.

1. Regina Merritt Request to Share Information about the Disabled American Veterans Local Chapter. [\[23-0309\]](#)

This item was received as presented.

2. Transportation and Connectivity Advisory Board Request for Support Regarding GoTriangle CRX Bus Route Changes. [\[23-0310\]](#)

This item was received as presented.

3. Thomas Henkel Request to Exclude 200 S. Elliott Rd. Development in the Blue Hill District. [\[23-0311\]](#)

A motion was made by Council Member Anderson, seconded by Council Member Miller-Foushee, that the Council received and referred the petition to the Manager and Mayor. The motion carried by a unanimous vote.

3.01 Joseph Patterson III Request to Add Stop Signs at Intersection of North St and Henderson St. [\[23-0349\]](#)

A motion was made by Council Member Anderson, seconded by Council Member Berry, that the Council received and referred the petition 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 Berry, that R-1 be adopted as amended without item 7, which approved the Consent Agenda. The motion carried by a unanimous vote.

4. Approve all Consent Agenda Items. [\[23-0312\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
5. Approve the Miscellaneous Budget Ordinance Amendment to Adjust Various Fund Budgets for FY 2022-23. [\[23-0313\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
6. Recognize Proceeds from the \$8.25 Million Installment Purchase Contract for the Replacement of Transit Buses. [\[23-0314\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
7. Approve the Recommended Funding Plan for Tanyard Branch Trace (Jay Street) Development. [\[23-0315\]](#)
This item was deferred to a future meeting.
8. Authorizes the Town Manager to Negotiate and Execute a Sole Source Contract to Purchase an Autonomous Paint Machine and Supplies for the Parks and Recreation Department. [\[23-0316\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
9. Continue the Legislative Hearing and Defer Considering the Chapel Hill Zoning Atlas for the 101 East Rosemary Street Conditional Zoning Application to April 26, 2023. [\[23-0317\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
10. Call a Legislative Hearing to Consider Incorporating the Connected Roads Plan as a Component of the Town's Comprehensive Plan on May 10, 2023. [\[23-0318\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
11. Call A Legislative Hearing for Land Use Management Ordinance Text Amendments - Proposed Changes to Articles 1, 3, 4, 5, 6, 7, and Appendix A Related to Updates to Setback and Height Exceptions, Townhouses, and Refining Missing Middle Housing Types on May 24, 2023. [\[23-0319\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.

INFORMATION

12. Receive Upcoming Public Hearing Items and Petition Status List. [\[23-0320\]](#)
This item was received as presented.
13. Receive the Schools Adequate Public Facilities Ordinance (SAPFO) 2023 Annual Technical Advisory Committee Report. [\[23-0321\]](#)
This item was received as presented.

DISCUSSION

14. Consider American Rescue Plan Act (ARPA) Funding for Parks, Greenways, Bikeshare and Community-Based Budgeting Pilot. [\[23-0322\]](#)

Director of Business Management Amy Oland pointed out that Town projects receiving American Rescue Plan Act (ARPA) funds had to be under contract by December 31, 2024, and the money allotted to them must be spent by December 31, 2026. She said that the Town had allocated all but \$1.5 million of those funds and that staff was recommending dividing the balance as follows: \$500,000 for skate park repairs, \$500,000 for Bolin Creek Greenway Extension design, and \$50,000 for a bikeshare program.

Parks and Recreation Director Atuya Cornwell said that \$500,000 would address many of the concerns that skate park users had expressed in a 2022 survey. If funded, a public engagement process would determine whether users preferred steel or concrete and whether a bowl feature should be included, he said.

Transportation Planning Manager Bergen Watterson explained that the Bolin Creek Greenway extension project would provide continuous off-road connectivity between Downtown Carrboro and the Chapel Hill Community Center. The estimated cost of design was about \$510,000 and total construction would cost an estimated of \$3.2 million, she said. Staff hoped to have an approved contractor by June 2023, she said, and she emphasized the importance of coordinating the project with NC Department of Transportation's (NC-DOT) road improvements.

Senior Project Manager Sarah Poulton discussed a bikeshare program that staff had been developing for four years with the University of North Carolina at Chapel Hill (UNC-CH) and the Town of Carrboro. UNC-CH had signed a contract with a provider, which was willing to extend into Chapel Hill, but the Town might need to contribute funds, she said. She recommended reallocating \$50,000 of Orange Water and Sewer Authority's (OWASA) \$58,744 in unused ARPA funds to the bikeshare program.

The Council confirmed with Mr. Cornwell that a Cedar Falls Park tennis

courts project was facing an approximate \$900,000 shortfall. He said that about \$1 million had been set aside for that project, and he pointed out that the Town had not received a hoped-for grant. Part of the reason that grant was not approved was the Town's lack of a Parks and Recreation Master Plan update, he said. He added that the currently projected cost of such an update was about \$300,000.

The Council confirmed with staff that the bikeshare program would begin operating on UNC's campus the following day. However, the number of available bikes was currently limited, Ms. Watterson said.

Ms. Poulton said that the Town would discuss how to quickly allocate the remaining \$11,483 in ARPA funds in fall 2023 or in early 2024.

Someone from the public confirmed with Ms. Poulton that the cost of bikeshare was \$1 to unlock the bike and then 25 cents per minute. There would be monthly memberships that would be less expensive than paying by ride, Ms. Poulton said.

Council Member Searing expressed disappointment over the allocated amount for the skate park and said that many communities pay \$1-1.5 million for their facilities. He said that the consensus among professional riders, leaders in the skateboard community, and Parks Committee members was that concrete was preferable to steel. He presented photos of concrete skate parks in other towns and proposed that Chapel Hill begin with a half-size concrete park and then build a full one when funds become available.

Council Member Anderson said that she would prefer to spend ARPA money on tennis or pickleball courts or greenways to building half of a skate park. Council Member Berry said that the skate park project would be an excellent opportunity for a public/private partnership (PPP). She pointed out that the Council had discussed a possible PPP for pickleball, and she suggested considering that for the tennis courts as well.

Mayor Hemminger agreed that many cities receive private donations to help with their parks and recreation budgets. She pointed out that the Council had proposed a penny increase on the tax rate to help with a long list of outstanding needs. She was flabbergasted to learn that redoing six tennis courts would cost almost \$2 million, she said. She proposed looking into moving those courts to a more stable part of the Cedar Falls property.

Mayor Hemminger noted the need to finish the Parks and Recreation Master Plan and emphasized the importance of moving approved projects along due to the tight ARPA schedule. She recommended moving forward with staff's recommendations and then hoping that the public would support A Penny for Parks Recreation and Greenways in the fall.

A motion was made by Council Member Parker, seconded by Council Member Huynh, that the Council enacted O-5. The motion carried by a unanimous vote.

15. Public Forum: Use of 2023-2024 Community Development Block Grant Funds. [\[23-0323\]](#)

Community Development Program Manager Megan Culp opened the second of two public forums regarding FY 2023-2024 Community Development Block Grant (CDBG) funding. She explained that the US Department of Housing and Urban Development (HUD) had categorized the Town as an entitlement community and said that requirements for projects in the Town's CDBG plan must: 1) serve households earning less than 80 percent of the area median income (AMI); 2) support Town plans and goals.

Ms. Culp outlined staff's recommended FY 2023-2024 CDBG action plan, which totaled \$629,892, \$419,225 of which was the CDBG allocation. The additional amount would consist of \$7,338 in program income and \$203,329 in repurposed funds from last year, she said.

Ms. Culp said that the CDBG Application Review Committee (ARC) had recommended the following projects and amounts: Community Home Trust (\$70,000); EmPOWERment, Inc. (\$240,000); Community Empowerment Fund (\$36,000); Rebuilding Together of the Triangle (\$119,258); and Transplanting Traditions Community Farm Growers School (\$15,338).

With regard to Public Service Activities, which was capped at 15 percent of the total allocated budget, the ARC had recommended: the Town of Chapel Hill (\$20,000 for its Summer Youth Program); Inter-Faith Council for Social Service (\$31,984 for homeless case management); and Refugee Community Partnership (\$12,000 for crisis case management).

Ms. Culp noted that the Exchange Club Family Center's request for approximately \$4,000 had not been included in the recommendations. The ARC thought highly of that program but had funded that in the past and had focused the current year's recommendation on the Town's five-year consolidated plan's priorities, she said.

Ms. Culp asked for Council and community feedback on the ARC's recommendations. She would return on May 10th with a final plan that would need to be turned into HUD by the May 17, 2023, deadline, she said.

The Mayor and Council expressed support for the ARC's recommended list of recipients. The proposed plan stretched the money and offered a lot in many ways, Mayor Hemminger said.

This item was received as presented.

16. Receive the 2023 Library Task Force Final Report and Authorize the Manager to Pursue a Library Funding Agreement with Orange County. [\[23-0324\]](#)

Chapel Hill Public Library (CHPL) Director Susan Brown said that a Library Task Force (TF) had been formed in 2021 in response to a petition from the Town for a review of funding for municipal library services and a request from Orange County for a cost/benefit analysis of interoperability. With the aid of the Dispute Settlement Center, the TF had created a funding rationale and checklist based on the guiding principles of thoughtfulness, equitability and sustainability, she said.

After reaching out and analyzing processes in other NC municipal libraries, the TF had unanimously agreed upon a formula that would account for the percentage of County residents living in Chapel Hill and the County's annual financial contribution, said Ms. Brown. She noted that the TF had recommended a memo of understanding between the Town and County, a phased approach that would incrementally increase funding, and an agreement that would last for at least six years, beginning in FY 2024.

Ms. Brown said that the TF had used the same framework to address interoperability and had concluded that a shared data base and catalog would not yield cost savings. The TF had not identified any benefit to library users of either system and had observed that none of the other NC libraries studies were interoperable, she said. Therefore, the TF had not recommended pursuing any interoperability beyond offering free cards to all, she said.

Ms. Brown pointed out that the TF had expressed strong interest in a joint promotional campaign to let Orange County residents know the benefits of both systems. It had also proposed making periodic reports to County Commissioners and to the Council, she said. She recommended that the Council adopt Resolution-7, which would receive the TF's report and authorize the Town Manager to pursue an agreement with Orange County.

Mayor Hemminger thanked Ms. Brown and the TF for the time, effort and thoughtfulness that they had put into the investigation. Council Members verified that the item was on the County Commissioners' May 2023 agenda, and Mayor Hemminger noted that the TF had asked the Council to send the Commissioners a letter of support.

Council Member Anderson, a TF member, praised Ms. Brown for her work and advocacy. She said that the outcome felt productive and fair and that there was a renewed sense of energy around collaboration and better communication. She encouraged the Council to send the letter of support and she moved R-7, amended to include sending that.

- A motion was made by Council Member Anderson, seconded by Mayor pro tem Stegman, that the Council adopted R-7 as amended. The motion carried by a unanimous vote.
17. Open a Public Hearing and Consider Action on the Annexation Boundary Agreement between the Towns of Chapel Hill and Carrboro. [\[23-0325\]](#)

Assistant Planning Director Judy Johnson explained that a 20-year annexation boundary agreement between the towns of Chapel Hill and Carrboro had lapsed. Staff was recommending that the agreement be renewed along with an associated resolution for the Smith Level Road entranceway, she said. She showed the area on a map and explained that nothing had changed since 1995, when both towns adopted the agreement. Both towns had currently agreed that Smith Level Road should remain as the two-lane boundary, she said.

Ms. Johnson said that the Town of Carrboro had voted for approval and that the Planning Commission had recommended that the Council do so as well. She recommended that the Council open the hearing, receive comments, and consider enacting Ordinance-A (which would authorize the Mayor to sign the boundary agreement) and adopting Resolution-9 (which would support the principles of entranceway protection).

A motion was made by Council Member Miller-Foushee, seconded by Council Member Berry, that the Council enacted O-6. The motion carried by a unanimous vote.

A motion was made by Council Member Miller-Foushee, seconded by Council Member Berry, that the Council adopted R-8. The motion carried by a unanimous vote.

18. Open a Legislative Hearing to Adopt Shaping Our Future: A Transportation and Land Use Initiative as an Amendment to the Town's Comprehensive Plan, Chapel Hill 2020. [\[23-0326\]](#)

Transit Planning Manager Caroline Dwyer provided background information on Shaping Our Future: A Transportation and Land Use Initiative (SOF), a unified transportation and land use plan focused on transit-oriented development (TOD) opportunities in the north-west bus rapid transit (BS-BRT) corridor. She said that the SOF's main components of foundations, vision and implementation established a policy framework for TOD in Chapel Hill and helped to implement the Council's Complete strategy.

Ms. Dwyer described how SOF was aligned and consistent with several Town plans and strategies and said that it had not been changed since

the Council accepted it in February 2023. She reviewed the effects of adopting SOF into the Chapel Hill 2020 Comprehensive Plan (Comp Plan) and discussed how doing so would support the Complete Community strategy. She said that the Planning Commission had recommended adoption.

Ms. Dwyer recommended that the Council open the legislative hearing to adopt SOF as part of the Comp Plan, receive comments, and continue the hearing to May 10, 2023.

Council Member Searing said that he supported SOF but had noticed that a paragraph recommending elimination of SF zoning restrictions in neighborhoods across Town had been included despite his objection to it.

Ms. Dwyer replied that the paragraph referred to TOD focus areas, which extend 1/2-mile on each side of the NS-BRT corridor. The SOF would not be a Townwide initiative and areas such as Historic Districts and Neighborhood Conservation Districts would not be affected, she said.

Council Member Berry expressed support for maintaining the paragraph. The goal was to give access to as many people as possible and the 1/2-mile area was not unreasonable, she said.

Council Member Anderson confirmed with Ms. Dwyer that there was no evidence anywhere in the country that prioritizing single-family housing on a TOD corridor was a best practice.

A motion was made by Council Member Parker, seconded by Council Member Huynh, that the Council continued the Legislative Hearing to May 10, 2023. The motion carried by a unanimous vote.

19. Open a Public Hearing for the Adoption of the Complete Community Strategy - Update to Chapel Hill 2020. [\[23-0327\]](#)

Planning Director Britany Waddell said that the Complete Community Framework (CCF) laid out the Town's aspirations for a connected, equitable and environmentally sustainable community. The Council had approved it in December 2022 and staff had been working with consultant teams ever since to develop its goals, she said.

Ms. Waddell pointed out that NC law required the Town to maintain a comprehensive land use plan that included strategic objectives. She said that the CCF would not replace that plan and she pointed out that many CCF elements had already been prioritized in the Chapel Hill 2020 Comprehensive Plan (Comp Plan). The current goal was to incorporate the CCF into the Comp Plan so that it could inform regulatory processes and get desired outcomes, she said.

Ms. Johnson then explained the goal of adding a CCF amendment to the Comp Plan. She discussed how the Comp Plan's vision was implemented through regulatory documents. The CCF was being included as a visionary document that wove Comp Plan components together, she said. She presented a graphic showing fundamental elements of the CCF, with place at the center and other elements (such as social equity, assets, design attributes, programs and amenities) radiating out from that.

Ms. Johnson gave examples of how the CCF would conform with Comp Plan goals through Everywhere-to-Everywhere Greenways and a Natural Areas Map. Staff would return to the Council with proposed amendments to the CCF in the near future, she said. She recommended that the Council open the Public hearing, receive comments, and continue the hearing to May 10, 2023.

Council Members confirmed with staff that the Town's existing Mobility Plan included school walksheds and that many of the facilities being proposed included schools. They ascertained that Town departments and advisory boards had been conferring on a natural areas plan.

In response to a question about the intent of the Natural Areas Map, Ms. Johnson said that stormwater engineers and transportation planners had different perspectives on that but were collaborating to reach a conclusion. The Council confirmed with her that the Rural Buffer was outside the Town's jurisdiction and would not be affected by Town plans.

Council Member Parker asked if staff intended to cull some of the Comp Plan's internal conflicts and contradictions in order to make it more consistent. Ms. Waddell replied that both the Comp Plan and the Land Use Management Ordinance should be routinely updated and that she hoped the Town budget would support doing that.

Anne Brubaker, a Chapel Hill resident, expressed opposition to the proposal, which she said would not achieve the diversity that the Town wanted and would invite lawsuits. She declared that people who had the funds to buy and tear down existing properties for greater density would destroy green areas and build high-priced projects that would squeeze out "missing middle" residents.

Council Members spoke enthusiastically about the CCF initiative and thanked staff members for their hard work. Council Member Ryan recommended giving staff whatever additional resources they needed.

Council Member Ryan said she was glad to hear that a natural areas plan was being considered a work in progress because the amount of GIS data that it would include would be challenging. She said that protecting the Town's natural areas should be a major part of the plan and she noted the Council's interest in strengthening tree protection rules and figuring out

tree preservation goals.

With regard to Everywhere-to-Everywhere Greenways, Council Member Ryan spoke in favor of having a map that showed destinations, such as schools, and the links to those. She hoped that the design manual would at least go through some advisory boards and that the Council would be able to address its policy aspects, she said. She requested that affordable housing areas be included in diagrams. She emphasized the need for a Parks and Recreation Master Plan and requested that future focus area maps include information that consultant Rod Stevens had provided.

Council Member Parker stressed the importance of understanding how Everywhere-to-Everywhere Greenways would relate to schools and other destinations. It would never be the only way that people would get around Town and should be recognized as part of a total system that included transit and other bike and pedestrian infrastructure, he said. He expressed hope that a future Council agenda would include looking holistically at how all Town plans would eventually be linked together.

Council Member Anderson said that she agreed with her colleagues' comments but wanted to elevate the need for a conversation with the Chapel Hill-Carrboro School Board about helping residents understand what the plans would mean for them. She pointed out that people were not currently able to reliably use the school bus system and said that solving such a basic problem would be very motivating. She also proposed finding a way to connect Affordable Housing to the Comp Plan and emphasized the need to find funds for a Parks and Recreation Master Plan.

Council Member Searing encouraged staff to investigate how other communities were using natural trail materials, which cost much less and connect areas quickly. Council Member Berry stressed the importance of using a diversity/ equity/inclusivity lens that includes the importance of safety and shelter. Council Member Miller-Foushee said that having a map that showed people how to get from one destination to another within the Town's ecosystem would be crucial.

A motion was made by Council Member Anderson, seconded by Council Member Huynh, that the Council continued the Legislative Hearing to May 10, 2023. The motion carried by a unanimous vote.

ZONING ATLAS AMENDMENT(S)

Zoning Atlas Amendment: The Zoning Atlas Amendment, to change the zoning designation on this property, is Legislative. The Council receives and considers public comment on the merits of the proposed rezoning, including opinions, when making Legislative decisions.

20. Open the Legislative Hearing: Conditional Zoning Application for Barbee Chapel Apartments at 5101 Barbee Chapel Road.

[\[23-0328\]](#)

Senior Planner Tas Lagoo introduced a Conditional Zoning application for Barbee Chapel Apartments, a proposed project that would include 350 rental units made up of flats and townhomes, 31 of which would be affordable. The site was located in Subarea A of the NC 54 corridor, where multi-family residential was a primary land use, townhomes was a secondary use, and typical heights were up to six stories, he said. He said that the applicant was requesting to rezone the property from Residential-2 to Residential-6-Conditional Zoning District.

Mr. Lagoo explained that the applicant was asking for several modifications to dimensional regulations. He showed a list of those and said that staff had found them to be reasonable. The application had been before Town advisory boards and commissions, he said, and he displayed their recommendations. He recommended that the Council open the legislative hearing, receive and provide comments, and continue the hearing to May 24, 2023.

Michael Skena, regional director for Toll Brothers Apartment Living, gave a PowerPoint presentation on changes to their application since June 2023. Those included revisions -- regarding greenspace, connectivity, housing type and street design -- were in response to Council, advisory board and staff comments, he said. He outlined how the current plan was consistent with the Town's Future Land Use Map and its Comp Plan.

Mr. Skena indicated a proposed pedestrian crossing at Barbee Chapel Road. He presented a diagram that showed open spaces, pollinator gardens, and a central green area on the site. The goal was to create a neighborhood that people would feel proud to live in and next to, he said.

Mr. Skena explained said that the current proposal was for 342 units (24 townhomes) and parking that would be 1.4 spaces per unit. Three of the buildings would be townhomes and two would be four-story and five-story buildings that would house apartments, he said. He said that 10 percent (31) of 310 market rate units would be affordable and split between those making 65 percent and 80 percent of the area median income (AMI). He said that Toll Brothers would accept vouchers for the affordable units, which would be distributed throughout the development.

Council Member Huynh confirmed that the applicant would commit to accepting vouchers for all of the units. He also verified that the proposed green area was about 60 x 140 feet. The townhomes would have three bedrooms and the affordable units would be apartments, Mr. Skena said.

Council Members asked how far below 65 percent AMI the applicant was willing to go, and Mr. Skena replied that it typically depended on the

applicant pool. Toll Brothers was committing to having half of the affordable rentals be for people who make up to 65 percent of the AMI and the rest at 65-80 percent of AMI, he said. He added that they were not committing to lower levels.

When asked why Toll Brothers was not able to meet the Town's 15 percent affordable housing requirement, Mr. Skena said that rising building costs had prevented them from being able to support additional units. Council Member Berry pointed out that the Town's Housing Advisory Board had proposed perhaps allowing 10 percent affordable if the units were for 65 percent AMI and below.

The Council recommended that the applicant make the development more family-friendly by including more three-bedroom apartments and creating better play areas for children. They confirmed that 70 percent of the land would be impervious surface with only 24 of the approximate 495 parking spaces being under townhouses. After verifying that the applicant intended to provide stormwater management for the 25-year storm, they explained that the Town was in the process of extending that to 50 or 100 years.

The Council confirmed that the applicant intended to have a painted pedestrian crosswalk at its southern entrance. That would include a pedestrian refuge area and flashing red beacons, Mr. Skena said. Mayor Hemminger asked about the request for reduced buffers, and he replied that there already was an enhanced one to the north and that having a larger buffer would push everything south and squeeze the middle. Mayor Hemminger commented, though, that people in the apartments would not want to be looking at a car wash wall.

Henry Lister, a Chapel Hill resident, discussed how past Town Council's had tried to maintain that entryway portion of NC 54 as a rural area with a lot of space between the road and buildings. He said that entryway protection should be central to the proposed project, which was huge and would not match other nearby developments and residences.

Frank Herlant, one of the site's current landowners, described how the area had changed over the years and said that he and the others thought that Hillmont's proposal for multi-family apartments would be the best use of their land. He praised the Toll Brothers team for listening to suggestions and said that the neighborhood had chosen them because of their focus on low-income housing and building safe neighborhoods.

Council Members expressed disappointment over the percentage of affordable housing being offered and suggested that the applicant work with staff on improving that. Several suggested that the applicant provide some three-bedroom apartments and better amenities for children. They pointed out that making those changes would attract families rather than

students.

The Council pondered how much affordable housing the Town should require of developers who offer middle income housing, and they asked for more information from staff about that. Mayor Hemminger pointed out that the Town desperately needed affordable housing for families as well as individuals, and she encouraged the applicant talk with staff about those opportunities.

The Council raised concerns about the amount of surface parking/impervious surface and recommended that the applicant find a way to put more parking under buildings and free up more greenspace. They did not see the need for such a high parking ratio, they said. They pointed out that the Planning Commission had recommended reducing parking fees and unbundling parking from rents.

Mr. Senka noted that changing the parking plan could lead to more expensive units, but Council Members pointed out that doing so could make stormwater control less expensive as well. The Council proposed that the applicant move its stormwater standard from the 25-year to the 100-year storm.

The Council pointed out that having taller buildings could free up more greenspace and natural area, and Mayor Hemminger said that she had no problem with five rather than four stories if that meant tucking parking under a building. She was happy that the applicant was helping to figure out the connectivity piece along the NC 54 corridor, which included many amenities and good transit options, she said.

A motion was made by Council Member Huynh, seconded by Council Member Berry, that the Council continued the Legislative Hearing to May 24, 2023. The motion carried by a unanimous vote.

21. Open the Legislative Hearing: Conditional Zoning Application for South Creek at 4511 S. Columbia Street.

[\[23-0329\]](#)

Planner Jacob Hunt gave a PowerPoint presentation on a Conditional Zoning application for South Creek, a 43-acre, six-lot site located west of Wilson Creek. The site had been zoned for low density residential development under a prior development agreement (DA), he said. He pointed out that the Town owned one of the lots, which was approximately 2.43 acres, and that the Council would need to authorize an exchange of that land before taking action on the rezoning request.

Mr. Hunt said that the DA included 80 acres of land east of Wilson Creek and that Jordan Buffer and Research Conservation Districts (RCDs) were on the site as well. He said that the applicant was proposing to abandon that DA (which had primarily been for commercial development) and to

create a mixed-use district with 688 dwelling units that would be a combination of single-family townhomes and multi-family apartments. He said that 83 for sale units were required but the applicant was proposing 73 plus 15 rental units.

Mr. Hunt presented visuals that showed the proposed areas for recreational space and buildings with non-residential uses. He said that both on- and off-street parking were being proposed. He indicated the location of three access points and a potential multiuse path and said that staff had been working with the applicant on locating a bus rapid transit (BRT) station. The developer was requesting a reduction in the required non-residential floor area, a buffer modification, and an increase in RCD and steep slope disturbance, he said.

Mr. Hunt said that most Town advisory boards had recommended approval with conditions, but the Planning Commission had recommended denial. Staff was recommending that the Council open the legislative hearing, receive and provide comments, and continue the hearing to May 24, 2023, he said.

Stephen Dubb, principal with Beechwood Homes, provided background information on his firm and on the South Creek project. He pointed out that Beechwood Homes had presented a for sale senior living concept in 2021. However, feedback from the Town had led to the current proposal for missing middle housing, he said.

Lee Bowman, the local representative for Beechwood Homes, displayed a list of advisory board comments and Beechwood's responses to those. He described how the project's diverse mix of for sale housing consisting of condos and apartments would accommodate a variety of income levels and lifestyles.

Mr. Bowman said that there would be 27 studios as well as 256 one-bedroom, 204 two-bedroom and 39 three-bedroom apartments. The townhouses, which would be interspersed throughout the development, would include 45 two-bedroom, 30 three-bedroom, and 27 four-bedroom units, he said. He commented on how the proposed combination of units would enable a variety of income levels and lifestyles at South Creek.

Mr. Bowman said that 15 of the rental apartments and 30 of the condominiums would be offered at 65 AMI, or less, and that 30 condominiums and 13 townhomes would be at 80 percent AMI, or less. Beechwood Homes was also offering 1,000 square feet of affordable office space in addition to those 88 units, he said.

Br. Bowman discussed greenways, sidewalks, trails and transit connections. He showed photos of a proposed public realm that included open and inclusive spaces for all and children's play areas. He said that the 80-acre Wilson Creek area would be preserved through a conservation

easement. Beechwood Homes planned to commemorate an incident that had occurred at the Watts Motel during the 1960s civil rights movement, he said.

The Council confirmed that the applicant was not quite meeting the Town's for sale affordable housing requirement but hoped to make that up with rental units. However, they were open to further conversations with the Council about the right mix, Mr. Bowman said.

The Council verified that the 1,000 square feet of affordable office space would be for Community Home Trust. They also verified that the NC Department of Transportation (NC DOT) was opposed to allowing a direct connection to Southern Village across NC Highway 15-501 at Sumac Road.

The Council ascertained that a series of three condominium buildings would be four stories. The five-story building would be on a lower grade so the height would be essentially the same as the four-story ones, Mr. Bowman said. He added that Beechwood Homes was looking at the Planning Commission's request for more density and thinking they could fit about 70 more units on the property if they added a story to some of the buildings.

The Council confirmed that the affordable units would be evenly distributed throughout the project. They asked about the applicant's request to reduce the commercial portion from 25 to 2 percent, and Mr. Bowman said that 30,000 to 40,000 square feet made sense in a primarily residential neighborhood, but that Beechwood was not foreclosing the idea of including more. He pointed out that mixed-use village zoning required only 25 percent commercial.

Jon Mitchell, Planning Commission (PC) chair, explained that the PC's vote for denial (5-3) had been based on the following concerns: the need for a Highway 15-501 pedestrian crossing so that the project could work in conjunction with neighboring Southern Village to be a complete, walkable, mixed-use neighborhood; the need for higher density; the need for more analysis on whether preserving all 80 acres made sense; reducing some of the internal road network; unbundling parking from condominium rents; and reducing parking in several locations.

Mayor Hemminger thanked the PC for its helpful report and presentation. She and several Council Members said that the project was on the right track but could not reach its potential until the connectivity was resolved. Mayor Hemminger thanked the applicant for listening and trying to provide missing middle housing, which she noted was a huge Town need.

Council Member Ryan said that she agreed with the PC's recommendations. The applicant needed to think about how a six-year-old would cross Highway 15-501 to attend school at Southern

Village and needed to pull out all the stops in talking with NC-DOT about that, she said. She said that BRT buses coming from a nearby park and ride lot would not be able to get into South Creek as it was currently configured.

Mr. Bowman described a proposed bus route, but Council Member Ryan insisted that the applicant needed to try harder to have buses enter at a more central location. Mr. Bowman said that Town staff and NC-DOT had been working on routing and Richard Adams, a traffic engineer with Kimley-Horn, explained the rationale behind NC DOT's traffic recommendation. Mr. Bowman pointed out that the intersections at Sumac Road and Market Street would have pedestrian signals.

Several other Council Members commented as well on how the traffic proposal would thwart the Town's NS-BRT route and defeat the purpose of its Complete Community strategy. Mayor pro tem Stegman proposed exploring a tunnel under Highway 15-501. Council Member Berry commented, though, that she lived close to another signalized intersection along Highway 15-501 and felt very safe crossing there due to the flashing lights and pedestrian refuge.

The Council expressed support for making the Wilson Creek Preserve into a Town amenity that would be managed and protected in perpetuity. Mayor pro tem Stegman and Council Member Miller-Foushee asked for more information about that parcel and the opportunities for building on or preserving it. Mayor Hemminger commented that she thought the 80 acres was made up of undevelopable wetlands and that the NC Botanical Garden, Triangle Conservancy and others could help with maintaining it.

The Mayor and Council urged the applicant to rethink a proposed walkway that was too close to Highway 15-501 and to provide more buffering in that area. The Council commented on the need for more commercial space and said they would rather see a day care facility, coffee shops, co-working areas and restaurants than the proposed club house and pool. Mayor Hemminger pointed out the need to provide reasons for Southern Village residents to want to visit South Creek.

Several Council Members asked for more density. They proposed taller buildings, less parking, and more greenspace. Council Member Huynh recommended that the applicant either greatly reducing the parking or keep the same amount but increase the number of housing units.

The Mayor and Council agreed with the PC's comments about the number of roads and said they strongly recommended that the applicant reduce some of its proposed network.

Council Member Parker pointed out that the Town needed more affordable

ownership opportunities and proposed that the applicant reconfigure the balance of affordable units among its for sale and retail units. Council Members Huynh and Berry said that 15 percent affordable ownership units was a must for them. Several Council Members said that they did not understand the proposal to offer affordable office space to Community Home Trust in lieu of affordable units and wanted more information about that.

Mayor Hemminger said that she would like, at some point, to know how much a tunnel under Highway 15-501 would cost. However, she did not think that one developer would bear that entire cost, she said. She thanked the developer for working toward a missing middle project that would fill a Town need.

A motion was made by Council Member Berry, seconded by Council Member Huynh, that the Council continued the Legislative Hearing to May 24, 2023. The motion carried by a unanimous vote.

ADJOURNMENT

This meeting was adjourned at 11:30 p.m.