



TOWN OF CHAPEL HILL

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

Town Council

Meeting Minutes - Final

Mayor Pam Hemminger
Mayor pro tem Jessica Anderson
Council Member Donna Bell
Council Member Allen Buansi
Council Member Hongbin Gu

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

Wednesday, October 17, 2018

7:00 PM

RM 110 | Council Chamber

Roll Call

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

Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Planning and Development Services Director Ben Hitchings, Operations Manager Judy Johnson, Fire Inspector Donnie Morrissey, Deputy Town Clerk Amy Harvey

OPENING

Proclamation: Reduce Single Use Plastics Month.

[\[18-0851\]](#)

Mayor Hemminger opened the meeting at 7:00 pm and read a proclamation that encouraged Orange County citizens to use better environmental practices. She pointed out that single-use plastics were not recyclable and that even plastic bags remained in the environment indefinitely. She said that October 2018 was Reduce Single Use Plastics Month and that March 2019 would be Skip the Straw Month in Chapel Hill. Several local restaurants had already switched to paper straws and many citizens were using their own recyclable grocery bags, Mayor Hemminger pointed out.

Muriel Williman, representing Orange County Solid Waste Management (SWM), expressed delight that the Council was taking the "proud and bold" step that she had been teaching about and hoping for for 20 years, she said. Ms. Williman stressed the importance of addressing the proliferation of plastics in the environment and said that SWM would support individuals and community groups in that effort.

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.

PUBLIC COMMENT - ITEMS NOT ON PRINTED AGENDA

- a. Corey Williams of US Small Business Administration Office of Disaster Assistance. [\[18-0852\]](#)

Corey Williams, a public information officer with the U.S. Small Business Administration's Office of Disaster Assistance presented information on what was being done to help businesses in Town recover from recent hurricane damage. He said that the Federal Emergency Management Administration (FEMA) had added Orange County to a declaration that allowed businesses, homeowners, renters and non-profits to be eligible for disaster assistance.

Mr. Williams outlined the steps for citizens to register for assistance by contacting disasterassistance.gov or calling FEMA at 1-800-621-3362 and discussed deadlines. He said that businesses and homeowners could borrow up to \$2 million and \$200,000, respectively, and provided additional details about those loans. Mr. Williams said that homeowners and renters could also borrow up to \$40,000 for personal property losses and that non-profits could apply for up to \$2 million.

Mayor Hemminger said she was grateful that Orange County had been included and pointed out that information would be available on the Town's website.

ANNOUNCEMENTS BY COUNCIL MEMBERS

- a. Mayor Hemminger Regarding Tanyard Branch Trail New Bridge Art Ribbon Cutting. [\[18-0853\]](#)

Mayor Hemminger said that a ribbon-cutting ceremony for a new art installation along the pedestrian bridge at Tanyard Branch Trail would occur at 9:30 am on Saturday at Umstead Park.

- b. Mayor Hemminger Regarding North-South Bus Rapid Transit Open Houses. [\[18-0854\]](#)

Mayor Hemminger announced that the Bus Rapid Transit open houses would be held on Monday, from 5:00 to 7:00 pm, and Tuesday from 11:00 am to 1:00 pm. She encouraged citizens to check the website for other times and locations.

c. Mayor Hemminger Regarding Dunkin Donuts Drive-thru Public Information Meeting.

[\[18-0855\]](#)

Mayor Hemminger said that a public information meeting regarding the addition of a Dunkin Donuts drive-through on Franklin Street would be held on October 25, 2018 at 5:15 pm at Town Hall.

d. Council Member Anderson Regarding Early Voting.

[\[18-0856\]](#)

Mayor pro tem Anderson reminded citizens that early, mid-term voting had begun and urged citizens to bring family, friends and neighbors to voting places and drive others who need a ride to the polls.

Mayor Hemminger mentioned that the Town had an affordable housing bond referendum on the ballot. She pointed out that it was at the end, following six statewide amendments.

CONSENT

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

Approval of the Consent Agenda

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

1. Approve all Consent Agenda Items.

[\[18-0820\]](#)

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

2. Award a Bid and Authorize the Town Manager to Execute a Contract for the Hillsborough Street Reconstruction Project.

[\[18-0821\]](#)

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

2.1 Amend the 2018 Council Calendar.

[\[18-0840\]](#)

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

DISCUSSION

3. Open the Public Hearing: Application for Land Use Management Ordinance Text Amendment -Self-Storage Facility, Conditioned, and Floor Area Ratio Adjustment for Office/Institutional-2 (OI-2)

[\[18-0822\]](#)

Zoning District. ** Reissued from 10/10/18 **

Judy Johnson, operations manager with the Planning Department, gave a PowerPoint overview of the proposed text amendment. She discussed allowing conditioned self-storage as a special use in the Office Institutional (OI-2) zoning district and showed where those districts were sprinkled throughout Town. She explained that making the proposed change in floor area ratio for the Vilcom Property on Weaver Dairy Road would create a new standard in the Land Use Management Ordinance (LUMO) that would allow the change in all OI-2 districts.

Ms. Johnson explained the applicant's proposal to increase the floor area ratio from 0.264 to 0.290 would allow some progression in intensity. Staff was in the process of researching what the Town's floor area ratio had originally been based on in 1991 and hoped to present more complete information when the item returned in November, 2018, she said.

Ms. Johnson explained that enacting the change would require a public process and would increase the development potential of OI-2 properties. She recommended that the Council open the public hearing, hear public comments, and then recess the hearing to November 28, 2018 for Council action.

Council Member Parker confirmed with Ms. Johnson that any application would require a special use permit (SUP), regardless of its square footage, and could be addressed through a Special Use Permit (SUP), Conditional Zoning (CZ), or Development Agreement (DA) process.

Council Member Oates asked about the "negative activities" mentioned in the staff memo.

Ms. Johnson explained that some members of the public had expressed concern about noise, aesthetics, lighting and the fact that a storage facility might be less engaged with the street than other properties would be.

Dixon Pitt, the applicant, explained the objective of turning a third building at the Vilcom Center on Weaver Dairy Road into a storage facility that would look from the outside like the other two office buildings on that site. He described existing conditions, showed views from the road, discussed proposed elevations, and displayed renderings to show how the finished building would look.

Council Member Oates asked how the concept addressed a Planning Commission (PC) request that the applicant consider making changes that would allow the building to be converted to other uses in the future.

Mr. Pitt replied that it was difficult to envision what the building could be turned into. He pointed out that the interior would not be built like a

residential or office building and would be difficult to retrofit for such uses later.

Council Member Oates asked about installing glass in the glass-less areas that would be designed to look like windows.

Mr. Pitt replied that having real windows could harm the storage units. It would not make sense to do that at the current time, but he could not answer with regard to 20 years into the future, he said.

Ms. Gu expressed concern about having a blank wall facing multi-family townhouses to the north. She asked if there was a way to make the window insets on that side of the building look more like real windows.

Mr. Pitt replied that the goal of having a required "Type D" buffer at that location was to prevent those residents from seeing the building at all.

Council Member Gu advocated for having the surface of the building look more like an office or institution, since that was the zone in which the storage was being proposed.

Mr. Pitt replied said that he would look at the possibility of putting actual glass windows at the rear of the building.

Council Member Anderson confirmed with Ms. Johnson that the text amendment would apply to all properties zoned OI-2, not just the specific project being shown. She questioned the wisdom of changing the floor area ratio for all of those parcels if Vilcom was the only one that wanted additional floor area. Couldn't the Council just make the change as part of Vilcon's SUP process, she asked.

Ms. Johnson replied that the floor area ratio was not something the Town had allowed as a modification to regulations. She agreed to bring back a response to Mayor pro tem Anderson's thoughts and concerns on November 28, 2018.

Council Member Gu verified that the additional floor area ratio would not only apply to storage space and could be used to expand buildings zoned OI-2 for other uses as well.

Council Member Parker said that he did not object to the change but would like to hear a better rationale for the number, which was not necessarily a good solution for the entire Town. He also asked staff to re-look at whether the 200-foot setback could be an intervening piece of property. Otherwise, it would imply a very large lot, which might not be the case elsewhere, he said.

Council Member Stegman also requested more information on how the floor area numbers had been determined and she recommended finding a

balance regarding setback restrictions.

Mayor pro tem Anderson argued that changing the LUMO based on one project was not the right approach. She wondered how the LUMO rewrite would come into play as the Council looked at comprehensive uses across Town, she said.

Council Member Oates pointed out that citizens often complain about light intrusion and said that not having windows on the back side seemed fine with her. She shared others' concerns about changing the floor area ratio for all of OI-2 across town. However, she said that it seemed like a good use for the Vilcom parcel.

Council Member Buansi asked staff to bring back more information on the history of floor area ratio changes and the rationale for the current ratio.

Mayor Hemminger pointed out that the Council had had in depth discussions about self-storage and having the first floors activated when close to the street. She asked for more information about the 200-foot buffer and regulations regarding ground floor self-storage that is not close to the street. She suggested finding out what other communities were doing with regard to floor area ratio in OI-2 districts. Mayor Hemminger said that she was fine with the proposed project but not with making the change in OI-2 districts throughout Town.

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

4. Consider Authorizing the Town Manager to Act on the Council Committee on Boards and Commissions Recommendations and Call a Public Hearing to Amend Subsections of Articles 8.3 and 8.4 in the Land Use Management Ordinance.

[\[18-0823\]](#)

Town Manager Maurice Jones said that the Council had considered changing aspects of the Town's advisory board process during a September 2018 meeting. Those changes would include alignment, length of term, attendance, and the Historic District Commission's (HDC) resident seat on the Community Design Commission (CDC), he said. Mr. Jones explained that Resolution 3, which would authorize staff to call a public hearing for November 14, 2018, conduct the advisory board review process required for LUMO text amendments, and return with a proposed amendment to the policy and relevant sections of the Town Code.

Council Member Oates confirmed with Mr. Jones that there would be a chance to notify the Cemeteries Board that it was being terminated and to encourage those members to participate in the public hearing, if they chose. She asked if boards with fewer than nine members would have problems reaching a quorum if those who left were not replaced, and Mr.

Jones agreed to look into that.

Council Member Buansi said that he would like members of the Cemetery Advisory Board to have a chance to comment during the public hearing process.

Mayor Hemminger pointed out that the Cemetery Board had only two current members and that the Town traditionally had trouble filling those seats. She also mentioned a letter from HDC members that asked for their membership to be changed from ten to nine because of tie situations. That change would go into effect in June, Mayor Hemminger said, and the Council agreed to amend the resolution accordingly.

Mayor pro tem Anderson confirmed with Mayor Hemminger that removing a member with poor attendance was automatic and no longer needed Council approval. With regard to CDC changes, she confirmed with Mr. Jones that place-making would be included in green design.

Council Member Stegman verified that extenuating circumstances would be considered and a process would be followed before any board member would be asked to leave.

Mayor Hemminger pointed out that the Council was not voting to make any changes, but only to clarify the amendment's language before taking it to Town boards.

A motion was made by Council Member Parker, seconded by Council Member Buansi, that R-3 be adopted as amended. The motion carried by a unanimous vote.

CONCEPT PLAN REVIEWS

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.

5. Concept Plan Review: Obey Meadows Subdivision, 1609 US
15-501 S.

[\[18-0824\]](#)

Director of Planning and Development Services Ben Hitchings gave a brief PowerPoint description of a proposal to subdivide four lots into 11 new ones for 12 single-family homes, with one lot having two smaller affordable homes on it. In a PowerPoint presentation, he showed the location on Highway 15-501 and noted that the land was located outside the Town's jurisdictional boundary but within its extraterritorial jurisdiction.

Mr. Hitchings showed the proposed boundaries for Obey Meadows, discussed its topography, and described the applicant's proposal to create a road and a cul de sac. He said that existing zoning was Residential/Low Density 1.

Mr. Hitchings said that the CDC had expressed concern about stormwater runoff, had recommended that the applicant provide a walking trail, and had suggested clustering the homes on one portion of the site. The CDC had also recommended limiting tree clearing, and adjusting the road's location to line up with a driveway on the other side of Highway 15-501, he said.

Mr. Hitchings noted that the Housing Advisory Board (HAB) had suggested that the applicant check with Community Home Trust regarding affordable housing (AH) needs and had proposed using three- or four-bedroom units rather than two-bedrooms. Mr. Hitchings recommended that the Council adopt Resolution A, transmitting comments to applicant.

Council Member Parker confirmed with Mr. Hitchings that clustering would depend on the soil's ability to perk and on how small the lots could be.

Mayor Hemminger asked how far the site was from where the Town's Mobility and Connectivity Plan ended.

Mr. Hitchings showed a multi-use trail on both sides of Highway 15-501 that extended almost to the area in question. He said that the Town envisioned completely extending it to that area.

Mayor Hemminger pointed out that a parcel the Town hoped to be considering for AH was across the street from the proposed Obey Meadows subdivision. She asked staff to bring back more information about bus service to that area.

Wendi Ramsden, a landscape architect with Coulter Jewell Thames, provided details about the project and pointed out that the land included three highland areas and two valleys, with no flat land. She said that 14 of Obey Meadows's nearly 34 acres were in a Resource Conservation District (RCD) zone and could not be developed.

Ms. Ramsden showed pictures of the frontage, which included a concrete median, and said she had been told that access would need to be right-in/right-out. However, the applicant intended to work with the NC Department of Transportation (DOT) to reach an agreement on a left-in entry drive, she said. Ms. Ramsden noted that a proposed road might cross a small creek. She said that septic fields could handle three- and four-bedroom homes, but it was not yet known what size the houses would be.

Ms. Ramsden showed a proposed layout. Based on the zoning, 16-17 homes could be built there, but having to use septic fields would limit that number, she said. The Community Home Trust had said that each AH home would need its lot and had proposed having one larger home, she said.

Ms. Ramsden pointed out two modification requests, pertaining to lot width/frontage and to the active recreation space requirement, and explained the reasons for those requests. Regarding Council Member Parker's question about septic systems, she described problems with the terrain and explained why having a cul de sac with five or six homes on it and the other homes spread out was the best plan.

Council Member Oates asked about price-points for homes, but Ms. Ramsden said that the applicant, who was not a builder, planned to subdivide and sell the lots to individual builders for each home. Eight of the 11 lots would accommodate four-bedroom homes, and three would accommodate three-bedrooms, she said.

Council Member Buansi ascertained from Ms. Ramsden that the Community Home Trust had recommended that the affordable homes be single-family, detached houses like the others. However, they probably would not be as large as the other homes, Ms. Ramsden said.

Council Member Stegman verified with Ms. Ramsden that the possibility of an AH duplex had not been ruled out after feedback from the Community Home Trust.

Council Member Gu confirmed with Ms. Ramsden that the applicant had not yet worked out how many trees would be cut down but had done a tree survey, which was included under "existing conditions" in a packet that the applicant had submitted to the Planning Department.

Council Member Gu asked about stormwater considerations, and Ms. Ramsden replied that an analysis had not yet begun. However, the applicant did understand his responsibility to mitigate any disturbance, she said.

Council Member Parker confirmed that, without a cut in the median, access

to the site would require driving past it on Highway 15-501 and making a U-turn to come back, as others in the neighborhood were currently doing.

Council Member Schaevitz asked if the plan was to mimic the South Grove neighborhood in some way, but Ms. Ramsden replied that it was too early in the process to know how the houses would look. Council Member Schaevitz confirmed with her that being able to have the active recreation component waived would enable the applicant to leave more trees and maintain more pervious surface.

Mayor pro tem Anderson verified that the applicant's current request was for feedback on waiving the recreation requirement and that the applicant was not suggesting a payment in lieu.

Jacques EL Chayeb, a Wave Road property owner, said that his neighborhood of about 20 homes was approximately 200 feet from the property line of the proposed project. He explained that those from his neighborhood as well must make the U-turn on Highway 15-501 when driving to their homes. That is a major safety problem, he said, adding that he had seen many cars stuck in the mud at that location and that the area was too narrow for a fire truck to make the turn. Mr. El Chayeb stressed the importance of having the DOT build a "junction crossover lane," which would alleviate the problem, he said.

Mayor Hemminger asked Mr. El Chayeb to leave his contact information so the Council could pass his comments on to staff and the DOT.

Council Member Schaevitz expressed concern about having one house so close to Highway 15-501 and asked for more information about that distance and what the buffer might be like.

Council Member Buansi agreed with the Community Home Trust's view of the importance of AH residence feeling integrated into their neighborhood. Having two smaller houses on one lot might cause them to feel unequal, he said, and he strongly recommended putting the AH house on its own lot.

Council Member Parker asked staff to bring back information on how the Town could ensure that the AH building standards would be similar to the other homes and integrated into the community.

Council Member Oates said that she was less concerned than other Council members about the AH homes looking like the other houses. Two townhomes might meet the requirements for safe, affordable homes, she said. She expressed concern about the potential house near Highway 15-501, however, and predicted that it would be difficult to sell. She would not want that to be the affordable unit, and it might be better to have a different use for that area, she said.

Mayor pro tem Anderson expressed strong interest in seeing price points.

Mayor Hemminger said she agreed with many of the CDC's comments. She understood the active recreation request and thought that a greenway might be considered a Parks and Recreation amenity, she said. She spoke in favor of some kind of mobility connection, such as multi-modal path, and pointed out that adding one would cause the area in the front of Obey Meadows to be looked at differently.

Mayor Hemminger recommended yielding to the Community Home Trust's opinion regarding AH. She pointed out that the lots were different shapes and sizes and would have different builders, so the look and feel of every house would likely be different anyway. The site's slopes and streams posed challenges but were also great amenities, she pointed out. Mayor Hemminger said, in summary, that the Council was concerned about the one house being too close to Highway 15-501, wanted to know what the buffering would look like, and wanted the developer to be careful about clear-cutting trees, especially on steep slopes

A motion was made by Mayor pro tem Anderson, seconded by Council Member Parker, that R-4 be adopted. The motion carried by a unanimous vote.

6. Concept Plan Review: 101-111 Erwin Road Mixed-Use Development.

[\[18-0825\]](#)

Mr. Hitchings gave a brief PowerPoint overview of a concept plan for a multi-family residential development with 140 dwelling units and a 5-story, 50-room expansion of a nearby hotel. The area was currently zoned Residential 3C and Residential 2, he said, noting other zoning near the area ranged from Residential 2 to Residential 4. Mr. Hitchings showed the site on a map and listed comments, concerns, and requests from the CDC and the HAB. The proposed project would necessitate a rezoning, he said, and he recommended that the Council adopt Resolution A, transmitting comments to applicant.

Mayor pro tem Anderson confirmed with Mr. Hitchings that previous agreements that the CDC had referenced pertained to a situation in 2009 in which the Town and applicant had negotiated to provide an \$85,000 payment in lieu for AH. She confirmed with him that a concept plan the Council had seen about a year prior had planned for the multi-family units to be more toward the edge of the northern parcel.

Mayor Hemminger asked if the concept plan the Council had seen had been 48 or 54 townhomes, and Mr. Hitchings proposed that the applicant address such specifics.

Land Development Consultant Scott Radway provided background information on the concept plan. He said that it had previously made it

through to a development application but that the applicant had then become frustrated with the process and removed the application. That concept had been for a combination of townhomes and single-family units, split about evenly along the 5.5 acres near the pond and did not include the hotel property, he said.

Mayor Hemminger confirmed that the applicant had volunteered an AH unit even though the Town had not required it at that time. However, five years later, when the hotel was under construction, the Town had decided that it was not a good place for AH and accepted a payment in lieu instead, she explained.

Mr. Radway described the current concept plan for multi-family home ownership and a hotel expansion. He said that the project's primary goals were to expand the hotel, assure high-quality development, and build multi-family next to the hotel. After several failed proposals from others, the applicants had decided to do it themselves, he said. He described a development that would provide AH, be the same scale as its neighbors, solve drainage and flooding problems, and complete the Erwin Road infrastructure with bike lanes and sidewalks.

Mr. Radway discussed development plans for surrounding properties and described the area as a reasonably complex corridor with a good mix of uses. He said that the developer would try to resolve the area's flooding issues in the design. He reviewed the concept plan review process and displayed pictures showing how the plan had changed three times. It had become greener around the edges and more compact in the center, and the trade-off had been a four-story building rather than three stories, he said. Mr. Radway said that parking would be the maximum allowable and that some would be underneath a third of the dwelling units.

Council Member Parker confirmed with Mr. Radway that the applicant probably would ask for 0.8 parking spaces per hotel unit when the Town required a minimum of 0.9 spaces.

Council Member Oates asked where additional cars would go when the hotel filled up and where hotel staff would park.

Mr. Radway replied that staff had only been required to park elsewhere twice in 10 years of operation. He pointed out that a traffic study would be done in conjunction with a formal application.

Council Member Oates confirmed with Mr. Radway that the hotel had provided employees with a shuttle to and from University Place the couple of times that parking had filled up.

Council Member Buansi verified with Mr. Radway that the hotel's height would be about 46 feet, including a six-foot parapet wall at the top, and that the two residential buildings would be about 55 feet tall. Mr. Radway

added, however, that one building would be about 42 feet relative to the existing road surface and the other would be about 42 feet from grade up, with parking below.

Council Member Stegman confirmed with Mr. Radway that the total amount of impervious surface for the entire 17 acres would be below 35 percent. She also confirmed that the applicant could reduce surface parking if another level were added to the parking deck.

Council Member Gu asked for clarification of the the difference between the first and second concept plans, and Mr. Radway explained that the second plan was the one that the CDC had seen in August and had proposed changing. He reviewed several of the CDC's recommended changes and showed how the design had become more compact in the center as a result. He believed that the current concept had been squeezed about as much as possible while still having comfortable open space within the design, he said.

Mr. Radway commented that a DA or CZ process would be preferable because it would allow more discussion about design and trade-offs.

Harvey Krasny, an area resident, said that 578 residual units with an estimated 1,200 vehicles already existed in that small area on Erwin Road. He pointed out that the neighborhood was exclusively residential, with the exception of the hotel, which had several restrictions on it that were not intended to be altered.

Mr. Krasny submitted a handout that included a Town-authorized traffic study by a previous developer. That study had found that the level of service in the main connector would fail with more development, he said. He stated that the hotel had been a good neighbor but that it was now asking to change the zoning and combine properties in order to eliminate stipulations in its existing SUP. He provided background on the Town's interactions with the developer since 2003 and asked the Council to not rezone the land.

Linda Brown, a Summerfield Crossing resident, spoke about inappropriate scale and density and said that the proposed project would be seven times the density of the surrounding communities. Traffic at intersections already was at D and F levels, she said. Ms. Brown noted Summerfield Crossing's severe stormwater problem and said that the impact of more impervious surface could not be known without appropriate studies.

Rebecca Smith, Windhover HOA president, agreed with the previous speakers and said that everyone she had spoken with at Windhover Drive opposed the density, traffic, runoff, and demolition of trees. She expressed concern about reduced property values and said that a four- or five-story building would not be in character with the neighborhood.

Emily Johnson, a Windhover Drive resident, described traffic problems on Erwin Road and Highway 15-501 and said that cutting trees would add stormwater runoff to areas that were already failing.

Xiao Y Yang, discussed how the beautiful natural area and wildlife behind his house would disappear if the project were approved. It would all be replaced by a five-story building facing his home, he said.

Pamela Tekumalla, a manager at Booker Creek Townhomes, talked about the potential for worsening flooding and traffic issues and mentioned light pollution from the proposed development. A four-story building would decrease the value of homes and reduce the quality of life, she said.

Michael H. Hoppe, Windhover Drive resident, read from a letter that he had sent to the Town regarding current traffic problems and said that the onslaught of new development would make the situation worse. Mr. Hoppe asked to see any traffic impact analyses (TIAs) that had been done for that part of Town.

Mayor Hemminger explained that the Town did not do TIAs at the concept plan stage, but did do them at application time. She was not sure when the last study had been done on Highway 15-501, but did have the data sheet from Mr. Kransy, she said.

J.P. Shen, a Windhover Drive resident, discussed traffic problems and the potential impact on the environment and ecosystem if the project were developed. He said that the applicant's proposal was inconsistent with the Marriot's promise to the Council and neighborhood in 2003 that the building would not be taller than 45 feet. The Council had voted (9-1) against small changes in 2006 and now the applicant was proposing many more, he said.

Anne McGrath, a Summerfield Crossing resident, read a statement that described the homes and streets in the area and said the property proposed development would have a profound impact on the surrounding community with towering buildings that were not respectful to the area. In addition to height, density stormwater, and traffic concerns, Ms. McGrath said that trash collection and disposal was planned to be located in back near the neighboring community even though Marriott had been required in 2003 to put it near the front. Ms. McGrath said that neighbors wanted the property to be developed in harmony with its surrounding communities.

Jaden Mu, an Oxford road resident and sixth-grader at Smith Middle School, said that his family had moved to Chapel Hill a couple of years prior because they wanted to be close to trees and wildlife. He described all of the animals that he had only previously seen on TV and expressed fear about losing them. It would be cruel to take away their natural habitat, said Mr. Mu.

Yunjun Mu, speaking as well for Mark and Elizabeth Evans of Old Oxford Road, said that the concept had been improved but that neighbors did not think the proposed development belonged at that location. Mr. Jun said that no one was looking at the cumulative effect of approving projects. He also pointed out that the busy intersections also affected communities that were not within the notification boundary. A five-story complex sitting next to one- and two-story homes was an anomaly and the Town needed to plan for systematic, organic growth, he said.

John Figueirido, a Chapel Hill resident, explained that he was not in the notification zone but was speaking for himself and a number of families who were concerned about the development. The core issues were scale and density, traffic problems, impervious surface and flooding, environmental harm, and the visual impact, he said. Mr. Figueirido said that density had increased with each iteration of a concept that was fundamentally too dense, and he suggested that Concept 4 have 24 units and conform to its neighborhood.

Julie McClintock, representing CHALT (Chapel Hill Alliance for a Livable Town), said that it would set a bad precedent if this proposal were to upend the conditional use zoning permit process. She addressed traffic concerns and said that the Council had a moral responsibility to figure out what to do about Highway 15-501 before approving any more development.

Ms. McClintock said that the concept plan review process was deeply flawed and needed to be fixed. She discussed potential flooding issues and asked how many times developers have promised solutions that had not worked. A Booker Creek Study had recommended \$30 million worth of improvements and the Town had only been able to afford \$5 million of them, she pointed out, and she asked the Council to consider stormwater issues up front.

Lindsay Garrison, a Kirkwood resident, said that the proposed concept was so far out of scale that it was misleading regarding the density that would be there. The project would dwarf nearby neighborhoods and change the quality of those residents' lives, she said.

Xilong Zhao, a Windhover resident, agreed with points that others had made and said that the proposed concept plan ignored impacts on local environment, air pollution, noise, traffic, school capacity, and more. He said that having actual numbers to look at would be very important.

Martha Hauptman, a Kirkwood resident, said that she had moved to the "The Southern Part of Heaven" 10 years prior because of the Town's forest and open spaces and woods, but was now only seeing more and more buildings and traffic in the area. Having 198 parking spaces for residents, plus hotel parking, would mean many more cars, she said.

Council Member Bell said she wondered what the Council had said that had led the applicant to take the project in its current direction. She had been on the previous Council and could not recall any comments that would have supported the proposal, she said.

Council Member Bell said she was having a hard time seeing how the current concept fit in at that location and was concerned about traffic. She was not sure what the redevelopment of the Marriott and development of the property behind it had to do with each other and wanted to know if the hotel addition would happen without additional housing, she said. Council Member Bell said that the prior concept had been more tolerable regarding scale and that the proposed project was not a good fit for Highway 15-501.

Mr. Parker agreed that the project was not a bad project but was out of scale and did not fit at the location. Having two entrances with people trying to make left turns into the property, particularly when traffic is busy, would create a nightmare, he said.

Mayor pro tem Anderson agreed with Council Members Bell and Parker, and noted the Council's obligation to respect people and places that already exist. There would be a place for increased density over time that is realistic vis a vis existing infrastructure, but the proposed concept plan did not represent what that would look like, she said. Ms. Anderson also noted her confusion on the connection between the hotel and residential structure stating that it seemed like a "bait and switch."

Council Member Oates expressed concern about rezoning families out of the Town and said she wanted to see projects that attract families. Even though the proposal was for condos, it was an apartment style building and too dense for the area, she said. She advocated for finding out what type of housing the Town needed, especially AH. Council Member Oates asked for more information about the pond, pointing out that building over a spring-fed pond could lead to mold problems. She also mentioned traffic issues and wondered if two-bedroom AH units were what the Town really needed for families.

Council Member Schaevitz agreed with others regarding scale and said she did not see value in adding more multifamily housing at that site. However, she was not opposed to other types of development in that area, she said. She pointed out that the Town was addressing flooding at Eastgate by being very careful and thoughtful about development it could control.

Council Member Buansi agreed with what others had said about scale and traffic. He said that he liked the neighborhood's diversity and was concerned that the proposed project would upset its harmonious nature.

Council Member Stegman said that the Town needed a mix of housing types for different people at different stages of life and that there was a great mix in the neighborhood being discussed. Density did have a place in Town but the degree being proposed was not appropriate for the property, she said. She mentioned traffic and stormwater issues and said she would like to see a project that was more in scale with Kirkwood and Summerfield Crossing.

Council Member Gu agreed with others Council members' comments and said she did not see a need for the project, from a marketing standpoint. She pointed out that density needed to be in the right place and maintain a community's characteristics. The Council needed to have a more holistic understanding of the cumulative impacts of development and a comprehensive evaluation of how much traffic Highway 15-501 could handle, she said.

Mayor Hemminger agreed with what Council members had said and talked about "the missing middle" of townhomes and condos that the Town needed. She had recently learned that Chapel Hill was over capacity for hotels, she said. Mayor Hemminger expressed reluctance to open up an already approved SUP to add more density. She encouraged the applicant to think differently and said that the previous proposal had a lot of merit. Mayor Hemminger proposed that the Town look at possibilities for mitigating stormwater on the property prior to any development there.

Mr. Radway thanked the Mayor and Council for their comments, observations, and direction. He asked if the applicant would have to wait another nine months before it could return with a better concept plan.

Mayor Hemminger replied that the Council was hearing what he was saying but was also hearing about wearing out a neighborhood that was constantly having to come back too soon. The Town hoped to find a balance that would make the process work better for all, she said.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Schaevitz, that R-5 be adopted. The motion carried by a unanimous vote.

APPOINTMENTS

7. Appointments to the Historic District Commission.

[\[18-0826\]](#)

The council appointed David Schwartz to the Historic District Commission.

ADJOURNMENT

The meeting adjourned at 10:44 p.m.