



# TOWN OF CHAPEL HILL

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

## Town Council

### Meeting Minutes - Draft

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 Rachel Schaevitz  
Council Member Karen Stegman

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**Wednesday, January 8, 2020**

**7:00 PM**

**RM 110 | Council Chamber**

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### Roll Call

**Present:** 9 - Mayor Pam Hemminger, Mayor pro tem Michael Parker, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Rachel Schaevitz, Council Member Karen Stegman, Council Member Jessica Anderson, Council Member Tai Huynh, and Council Member Amy Ryan

### Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Police Officer Rick Fahrer, Fire Inspector Greg Peeler, Communications Specialist Mark Losey, Interim Planning Director Judy Johnson, LUMO Project Manager Alisa Duffey Rogers, Principal Planner Corey Liles, Senior Engineering Coordinator Michael Wright, Senior Planner Anya Grahn, Executive Director for Housing and Community Loryn Clark, Assistant Director for Housing and Community Sarah Vinas, Urban Designer Brian Peterson, and Deputy Town Clerk Amy Harvey.

### OPENING

0.01 Tree of the Year Awards.

[\[20-0024\]](#)

Mayor Hemminger opened the meeting at 7:00 p.m. and mentioned that it was the first official meeting for new Council Members Huyhn and Ryan. She then announced the winners of a Tree of the Year contest, which had been conducted by her office and the Community Tree Committee. A shag-bark hickory "Mama Tree" had been the winner and runners up were a Japanese maple "Survivor Tree" and a willow "Meeting Tree", she said, adding that pictures and stories could be seen on the Town's website.

0.02 Proclamation: Robert Dowling Day.

[\[20-0025\]](#)

Mayor Hemminger read a proclamation honoring Robert Dowling, executive director of Community Home Trust, who was retiring after 22 years as an advocate for affordable housing. She read highlights of Mr. Dowling's distinguished career and noted the many policies and programs he had helped develop. The Council proclaimed January 11, 2020 to be Robert Dowling Day, she said.

Mr. Dowling said that he could not have accomplished his goals without the good, supportive relationship Community Home Trusts and its predecessors have had with the Town. He encouraged Town officials to continue leading the quest for more affordable housing.

### 0.03 Proclamation: National Mentoring Month.

[\[20-0026\]](#)

Council Member Buansi read a proclamation about how mentors strengthen individuals, communities, states and nations by promoting healthy relationships and communication. He declared January 2020 to be National Mentoring Month in Chapel Hill and encouraged all to take the opportunity to celebrate, elevate, and encourage mentoring.

Atrayus Goode, president and CEO of Mentor North Carolina, shared his personal experience of having had a mentor when he was in middle school. He noted the critical importance of children being able to see people, who look like them, in influential positions.

## **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. Parks, Greenways, and Recreation Commission Request for Park Maintenance Funding.

[\[20-0007\]](#)

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

2. Beth Waldron Request Regarding Revising the Deer Management Program.

[\[20-0008\]](#)

Beth Waldron, a Chapel Hill resident, asked for a ban on hunting within Town limits. She described not feeling safe in her home as a result of the Town's current Deer Management Program and said that 581 people had signed her petition.

A motion was made by Council Member Anderson, seconded by Council

Member Schaevitz, that this Petition be received and referred to the Mayor and Town Manager. The motion carried by a unanimous vote.

**3. Renuka Soll Request for an Improved Petition Process.**

[\[20-0009\]](#)

Renuka Soll, a Chapel Hill resident, asked the Council to improve the Town's petitioning process. She proposed mailing monthly updates to petitioners and responding to inquiries within two days unless there are extenuating circumstances.

Town Manager Maurice Jones said that staff had discussed doing some of what was being proposed. A new staff position might be able to take on that responsibility, he said.

A motion was made by Council Member Anderson, seconded by Council Member Buansi, that this Petition be received and referred to the Mayor and Town Manager. The motion carried by a unanimous vote.

**4. Jeff Mallett Request for Ordinance Review.**

[\[20-0010\]](#)

Jeff Mallett, owner of a rental house on Pritchard Avenue, explained that two of the six residents of that house had been given 30 days to vacate because of the 2001 ordinance that limited the number of unrelated persons to four. Mr. Mallett argued that the rule was arbitrary and asked that the two be allowed to remain until the end of the academic year. He made a similar request regarding a fifth resident at his Cameron Court property.

A motion was made by Council Member Anderson, seconded by Council Member Schaevitz, that this Petition be received and referred to the Mayor and Town Manager. The motion carried by a unanimous vote.

**4.01 Abel Hastings and Larry Reid Regarding Greene Tract.**

[\[20-0027\]](#)

Abel Hastings and Larry Reid noted that a letter to the Town from Neighbors United Around the Greene Tract was asking the Council to include them in discussions regarding a shared vision for that property. That petition also asked the Council to adopt a resolution authorizing a comprehensive environmental study of the Greene Tract and a connectivity/access study of it and the surrounding area, Mr. Hastings said.

Mayor Hemminger replied that the issue was on the Council's January 22nd agenda and the Greene Tract would be one of the topics before the Assembly of Governments on January 28, 2020. Mayor Hemminger said the Council appreciated when groups collaborate to make things happen.

This item was received as presented.

**4.02 Neal Bench Regarding Park Maintenance.**

[\[20-0028\]](#)

Neal Bench, a Chapel Hill resident, spoke in favor of a Parks and Recreation petition that requested increased maintenance of Town tennis courts. He referred to a letter he had previously written to the Town regarding the need for maintenance at Town-owned parks and recreation facilities.

This item was received as presented.

4.03 Tyler Stox Regarding Petition #2.

[\[20-0029\]](#)

Tyler Stox, a junior at the University of North Carolina-Chapel Hill, commented on the Town's Deer Management Program, Item 2. As a licensed archer, he had been hunting in Town for three years and felt that the archery program was necessary due to the excessive number of deer, he said. Mr. Stox proposed that the Town revise the program by setting limits on tree stand height and requiring safety courses for hunters.

This item was received as presented.

4.04 Carl Schuler Regarding Advisory Board Attendance Policy.

[\[20-0030\]](#)

Carl Schuler, a Chapel Hill resident, proposed that the Council revise the Town's policy on advisory boards to allow work as an acceptable excuse for not attending a meeting.

The Council agreed to treat the request as a petition.

A motion was made by Council Member Schaevitz, seconded by Council Member Anderson, that this Petition be received and referred to the Mayor and Town Manager. The motion carried by a unanimous vote.

4.05 Northwood Ravin Request for Limited SUP Review for Carraway Village SUP Modification.

[\[20-0031\]](#)

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

4.06 Larry Reid Regarding Nighttime Pedestrian Safety.

[\[20-0032\]](#)

Larry Reid expressed concerns about the safety of people walking and jogging at night while wearing dark clothing with no reflectors.

Mayor Hemminger replied that the Town could work on an awareness program.

This item was received as presented.

## **ANNOUNCEMENTS BY COUNCIL MEMBERS**

4.07 Mayor Hemminger Regarding Announcement of Council Member Schaevitz's Departure.

[\[20-0033\]](#)

Mayor Hemminger announced that Council Member Shaevitz would leave the Council in February because she and her family would be moving overseas. The Council would work out the specifics of filling that seat during its upcoming retreat, she said.

Council Member Schaevitz explained that the decision had been a difficult one and that she had bittersweet feelings about it. Serving the Town had been an honor, she said, adding that she was grateful for that opportunity and for the community support she had received in recent days.

#### 4.08 Mayor Hemminger Regarding Refund from Drop in Tax-Exempt Bond Rates.

[\[20-0034\]](#)

Mayor Hemminger said that a recent drop in tax-exempt bond rates had opened an opportunity for the Town to save \$850,000 in order to apply to other projects over the next 10 years. She thanked the Town's Business Development Department, especially its director Amy Oland, for researching the issue.

#### 4.09 Mayor Hemminger Regarding Council Committee on Economic Sustainability Meeting.

[\[20-0035\]](#)

Mayor Hemminger said that the Council Committee on Economic Sustainability would meet on January 10th at 8:00 a.m. in the Chapel Hill Public Library to discuss new information regarding the Chapel Hill North Market Study.

#### 4.10 Mayor Hemminger Regarding Conditional Zoning Public Information Meeting.

[\[20-0036\]](#)

Mayor Hemminger announced a public information meeting regarding conditional zoning on January 14th at 5:30 p.m. in the Chapel Hill Public Library.

#### 4.11 Mayor Hemminger Regarding Short Term Rental Task Force Meeting.

[\[20-0037\]](#)

Mayor Hemminger said that the Short Term Rental Task Force would meet on January 15th at 4:30 p.m. in the Chapel Hill Public Library.

#### 4.12 Mayor Hemminger Regarding Calendar Change for February Meetings.

[\[20-0038\]](#)

Mayor Hemminger pointed out that two Council meetings were being swapped. The work session would be on February 12th and the regular business meeting would be on February 19th. She said that the consent agenda had been revised and the Council would need a revised resolution.

#### 4.13 Council Member Anderson Regarding Just Mercy Screening at the Chelsea Theater.

[\[20-0039\]](#)

Council Member Anderson said that a special screening regarding the legal defense of an individual who had been wrongfully convicted and put on death row would be held at the Chelsea Theater at 6:30 p.m. on January 13th.

#### 4.14 Mayor Hemminger Regarding Upcoming Events.

[\[20-0040\]](#)

Mayor Hemminger recommended that residents check the Town's website for the many events that would be held around Martin Luther King Jr. Day. These would include a screening of "Wilmington on Fire" (about an 1898 uprising in Wilmington, NC) at the Chapel Hill Public Library, she said.

#### 4.15 Council Member Huynh Regarding Panel of Living Governors.

[\[20-0041\]](#)

Council Member Huynh announced that a panel of NC governors would hold a discussion at UNC's Institute of Politics at 7:00 p.m. on January 16th. Tickets were available through the Carolina Performing Arts Center, he said.

#### 4.16 Council Member Buansi Regarding NAACP Rally.

[\[20-0042\]](#)

Council Member Buansi announced that a NAACP rally would convene at the Peace and Justice Plaza at 9:00 a.m. on January 20th. It would then move to First Baptist Church, where the keynote speaker would be Gene Nichol, he said.

#### 4.17 Council Member Parker Regarding MLK Day Banquet at Friday Center.

[\[20-0043\]](#)

Mayor pro tem Parker announced a Martin Luther King Day banquet at the Friday Center on January 19th, beginning at 6:00 p.m. He said that the keynote speaker would be NC Supreme Court Justice Cheri Beasley.

## 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 Schaevitz, seconded by Council Member Buansi, that R-2 as amended be adopted, which approved Item #7 on the Consent Agenda. Item #6 was deferred to January 22, 2020. The motion carried by a unanimous vote.

#### 5. Approve all Consent Agenda Items.

[\[20-0011\]](#)

#### 6. Approve On-Street Parking Regulations in the Burch Kove Neighborhood.

[\[20-0012\]](#)

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7. Continue the Public Hearing for Land Use Management Ordinance Text Amendment - Proposed Changes to Articles 3 and 4 Pertaining to Conditional Zoning to February 12, 2020. [\[20-0013\]](#)

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

### INFORMATION

8. Receive Upcoming Public Hearing Items and Petition Status List. [\[20-0014\]](#)

This item was received as presented.

9. Receive Minutes from the Orange County/Chapel Hill Work Group October 11, 2019 Meeting. [\[20-0015\]](#)

This item was received as presented.

### DISCUSSION

10. Charting Our Future - Consider Changes to Draft Focus Area Maps and Principles. [\[20-0016\]](#)

Land Use Management Ordinance (LUMO) Project Manager Alisa Duffey Rogers gave a PowerPoint presentation on changes to draft focus area maps and principles. She said that the Planning Commission had recommended approval, with the condition that additional discussions regarding affordable housing, climate change, transportation and economic realities be held during the next phase of the LUMO rewriting process. She summarized what staff had learned through community engagement efforts and noted areas of ongoing discussions.

Ms. Duffey Rogers said that draft focus area maps had once shown both land use and height mapped onto parcels, but the Council had discussed separating those elements in order to create a less prescriptive way of depicting character types within focus areas. She discussed four major changes to an example map for the North 15-501 focus area. She also described an emerging vision for North and South Martin Luther King Jr. Boulevard and the Downtown area.

Ms. Duffey Rogers said that a final version of the focus area maps would go to the Council Committee on Sustainability in February 2020. The Council would deliberate on March 4th and the adoption process for the Future Land Use Maps would begin then if the Council concurred, she said. She recommended that the Council adopt Resolution 3, authorizing the Town Manager to make the proposed changes to the September 5, 2019 draft focus area maps and principles.

Council Member Anderson confirmed that staff was currently discussing height in terms of stories and would translate that to feet during the

LUMO rewriting process.

Council Member Stegman said she would propose some language changes before the Council's final vote.

Neal Bench, a Planning Commission (PC) member but speaking as a resident, emphasized the importance of having wide, clear and shaded walking paths. He said that buildings should allow for canopy trees on both sides of the sidewalks.

John Rees, representing the PC, voiced support for the proposed changes and said that having a strong, forward-thinking Future Land Use Map (FLUM) was critical for meeting climate change demands. Transportation should be a primary focus, and land use planning and transportation go hand in hand, he said. Mr. Rees discussed the Town's AH needs and the relationship between those and transportation planning.

Josh Levenson, a Chapel Hill resident, requested more time for the public to see the full plan and provide feedback. He said that input from him and others had not been included in the current presentation.

Council Member Ryan praised the new maps and said that extending Downtown up South Columbia and into Martin Luther King Jr. Blvd would create a more vibrant Downtown while taking pressure off adjacent historic neighborhoods.

Mayor Hemminger pointed out that there would be more opportunities for public input before the FLUM's possible adoption in June.

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

- 11.** Open the Public Hearing and Consider a Request to Close a Portion of the Public Right-of-Way on Glen Lennox Drive between Flemington Road and Fordham Boulevard.

[\[20-0017\]](#)

Senior Engineering Coordinator Mike Wright introduced a request to close a portion of a public right-of-way (ROW) on Glen Lennox Drive. He showed the area on a map and discussed safety concerns that had led NC Department of Transportation and the Town to remove a median, shorten a crosswalk, and install protected bike lanes there. The ROW was no longer needed, and the request was to turn it back to the property owner, he said.

Mr. Wright pointed out that the Town would no longer need to maintain the ROW property after approving the change. He recommended that the Council open the public hearing, receive comments, close the public hearing, and adopt Resolution 4, closing a portion of the ROW. The



Council could also defer action to its January 22, 2020 meeting, Mr. Wright pointed out.

Mayor Hemminger said that the Town was looking forward to having better connectivity and multi-modal options in the area.

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

**12. Open the Public Hearing: Land Use Management Ordinance  
Text Amendment for Proposed Changes to Section 3.11  
Regarding Massing Standards in the Blue Hill District.**

[\[20-0018\]](#)

Principal Planner Corey Liles explained that the proposed text amendment (TA) would introduce modifications to the LUMO regarding massing standards in the Blue Hills District (BHD). This was in response to a March 14, 2018 petition from the Council, he said. He gave a quick overview of the process to date and noted that the Council had adopted a small TA in June 2018. Mr. Liles recommended that the Council open the public hearing, receive comments, and continue the public hearing to February 19, 2020.

Tony Sease, a project consultant with Civitech Inc., gave a PowerPoint presentation on measures taken to address the Town's concerns about massing. He summarized a market analysis by Noell Consulting that had identified development potential for sites across the district. The goal had been to find ways to incentivize or encourage additional commercial re-development, not just residential, he said.

Mr. Sease presented four key findings of the Noell analysis and recommended text amendments that included a core package related to maximum building dimensions. He also presented possible standalone recommendations that could address how un-built areas relate to pedestrian connectivity. Those additions could exempt townhomes from the minimum non-residential percentage component, reduce on-site parking for mixed use, and reduce structured parking setbacks, he said. Mr. Sease then discussed the proposed TA in detail.

The Council confirmed that Mr. Sease's proposal would shift the burden of determining the minimum parking requirement from the Town to developers. Doing so would free the market to find ways to establish shared parking agreements, he said. The Council also confirmed that Town staff was working on increasing the commercial requirement in areas other than "missing middle" townhome and row-house housing.

Council members discussed frontages and pass throughs and whether or

not ground-level retail space would be mandated in structured parking along different types of street frontages. They clarified with Mr. Sease that nothing in his recommendations would alter the current parking requirements for the "missing middle". They established that large luxury townhomes would be possible, but that market analysts believed that would not occur due to the greater need for smaller ones.

Mr. Sease verified that large lots could hold any number of uses (hotels, residential/for sale, residential/for rent, or a combinations of those) and a developer could only avoid including commercial in such projects by building one residential unit over another. Council Members stressed the importance of having regulations to prevent building a six-story building by stacking one three-floor townhouse over another.

The Council ascertained that Mr. Sease thought a 30-foot minimum separation between buildings was appropriate within the context of the BHD. They confirmed that he did not believe the proposed uses would unduly constrain economic feasibility. Some Council Members expressed concern about creating a canyon-like feel in the 30-foot space between tall buildings. They proposed researching ways to allow light penetration. One Council Member proposed looking for ways to incentivize micro-townhome development.

Mr. Bench spoke in favor of less massing and of allowing as much vegetation and tree canopy as possible. He proposed creating a gorgeous, green place that would include opening up Booker Creek in the area.

Julie McClintock, speaking for CHALT, Chapel Hill Alliance for a Livable Town, expressed support for the proposed diminished footprint and suggested that 3D images be provided to show options. She proposed that height be addressed as an option, noting that higher than 4-story buildings with solar would not reach the carbon neutral standard. With regard to the townhome proposal, Ms. McClintock stressed the importance of getting something in return for abandoning the 10 percent commercial component there. She also said that the space between buildings should be based on the buildings' footprints.

Ken Brooks, a Chapel Hill resident, agreed with what Ms. McClintock had said and proposed that the Council set a 3-story limit, with the exception of 4 stories in the Downtown. He asked the Council to remain conscious of keeping a human environment where people could still see the sky.

Katherine Leith, a Chapel Hill resident, suggested that the Council utilize expertise at UNC and other places with regard to maximizing, conserving, and reusing water. She recommended having the smallest footprint possible, that roofs be built for solar panels and include gardens, and that

there be permeable surfaces in all areas. Ms. Leith also proposed that only fire-proof construction materials be used and that green areas be maximized.

Buffie Webber, a Chapel Hill resident, recommended that the two sides of Elliott Road mirror each other. This would be a good design and would not negate being able to build housing there, she said.

Council Members stressed their desire to capture "missing middle" housing and requested more information and advice on how to get the size townhomes they wanted. They talked about requiring more commercial development in the other zones and said they agreed with public comments about shade, green elements, and improving Booker Creek.

The Council asked for more explicit ideas on how to use "leftover" spaces in a way that would help create an attractive environment. They requested more specifics on the space between buildings and how that could be combined with creating a circulation route in some areas. They noted the need for a public parking solution in the BHD and discussed the implications of pulling parking garages forward on some frontages.

Council Members expressed concern about a standalone deck having no activation along its ground floor and said that including language related to that would be important. They encouraged planners to think about creating a welcoming feel at pedestrian level and asked for more clarity regarding possible price points for townhomes in the area. The Council discussed their wish for commercial buildings in the larger footprints and their desire to avoid having more apartment buildings in the BHD.

The Council thanked Mr. Sease for his work and Mayor Hemminger pointed out that staff would provide responses to questions at the next public hearing. She asked staff to bring back a definition of "stacked" townhomes and said that the Council had been learning a lot. The Town was continuing to change the code in order to get the balance of what it wanted in the BHD, Mayor Hemminger said.

A motion was made by Council Member Anderson, seconded by Mayor pro tem Parker, to continue the Public Hearing to February 19, 2020. The motion carried by a unanimous vote.

- 13.** Open the Public Hearing: Land Use Management Ordinance  
Text Amendment - Proposed Changes to Sections 8.3 and 8.4  
Regarding Advisory Board Officer Term Limits; Consider  
Enacting LUMO and other Town Code Amendments Regarding  
Term Limits for Town Advisory Board Officers.

[\[20-0019\]](#)

Senior Planner Anya Grahn said that some Town boards and commissions

had reported having difficulty filling officer positions and providing opportunities for officers to grow into the chair role. She introduced three related TAs for amending the LUMO and one for amending the Code of Ordinances.

Ms. Grahn explained that the proposed text amendments would remove specific text language about terms and that they would update other language to reflect a policy that had been adopted in November 2019. She said that a public hearing was required for the TAs but not for the Code of Ordinances change. She recommended that the Council open the public hearing, receive public comment, adopt Resolution 5, enact Ordinance 2, and consider enacting Ordinance 3.

The Council closed the public hearing by consensus.

A motion was made by Council Member Huynh, seconded by Council Member Stegman, that R-5 be adopted. The motion carried by a unanimous vote.

A motion was made by Mayor pro tem Parker, seconded by Council Member Anderson, that O-2 be enacted. The motion carried by a unanimous vote.

A motion was made by Mayor pro tem Parker, seconded by Council Member Anderson, that O-3 be enacted as amended. The motion carried by a unanimous vote.

### **CONCEPT PLAN REVIEW(S)**

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

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

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

- 14.** Concept Plan Review: Phi Gamma Delta, 108 West Cameron Avenue.

[\[20-0020\]](#)

Ms. Grahn presented a concept plan for the Phi Delta Gamma fraternity

house located at the northwest corner of Cameron Avenue and Columbia Street. She explained that the applicant had exceeded the floor area limitation when enclosing a back porch and removing an existing parking pad. The applicant was seeking OI-3/Conditional Zoning in order to bring the site into compliance, she said, noting that a concept plan review was required for all Conditional Zoning applications.

Mr. Grahn showed a view of existing conditions and indicated where the porch and parking area changes had been made. She summarized the Community Design Commission's comments and recommended that the Council adopt Resolution 7, transmitting its comments to the applicant.

Council Members clarified that OI-3/CZ would essentially legitimize work that had already been done but would not entitle the applicant to future property changes without coming back to the Council. They confirmed with staff that trying to achieve the goal by going through the University's land use designation would be a much longer process for the applicant.

Attorney Kevin Hornik, with Brough Law Firm, explained that the project had triggered a LUMO violation when it created additional floor area during renovation. Rezoning to CZ would correct that situation by allowing the applicant more floor area, he said.

Council Members confirmed that the current SUP required between 8-12 on-site parking spaces and that the applicant had replaced those with a grass lawn and had leased 20 parking spaces from the Mt. Olive Masonic Lodge.

The Council ascertained from Ms. Grahn that Town staff had discovered the code violation. She was not aware of any other examples where the Town had granted a rezoning after a code violation, Ms. Grahn said.

Council Members discussed how other violators had been required to remove structures and how approving the request could open the door for other Historic District properties to do the same. They confirmed with staff that the applicant would need to remove a glass enclosure and restore the parking pad if the Council did not approve the rezoning. Ms. Grahn pointed out that the Council was only being asked for feedback on a concept plan and that any similar applications would be reviewed on a case-by-case basis.

She noted that the applicant would have to come back through the process and amend the CZ if it wanted to build anything else on the property.

Mayor Hemminger pointed out that the Town did prefer grass to parking pads and congestion. However, the Council was not happy about the violation and was not open to any additional building on the site, she

said.

In response to a question from Council, Town Attorney Ralph Karpinos said that staff could look into possibly fining the applicant. Interim Planning Director Judy Johnson pointed out that the fee for changing to OI-3/Conditional Zoning would be approximately \$8,000.

R-7 was adopted by consensus.

**15. Concept Plan Review: 408 Hillsborough Street Alterations.**

[\[20-0021\]](#)

Ms. Grahn introduced a Conditional Zoning request for a 1.37-acre site at 408 Hillsborough Street that was currently zoned Residential 2/Franklin Rosemary Historic District. The applicant was proposing to rezone the property to OI-1/Conditional Zoning in order to rehabilitate existing mid-century modern buildings and make site improvements that include relocating a dumpster and changing the parking lot, she said.

Ms. Grahn showed a site plan, described existing conditions, and reviewed the Historic District Commission's comments. She recommended that the Council provide feedback and then adopt Resolution 8, transmitting its comments to the applicant.

Architect Philip Szostak said that the project did not easily fit into any box. It had been built in 1965, was a non-conforming use, and rebuilding it would be nearly impossible if something happened to it, he said. Mr. Szostak emphasized that he was not proposing to add anything that a SUP would be required to remove some impervious surface when he rebuilt the parking lot. His goal was to renovate the building over the coming summer, and he was hoping to avoid the longer SUP modification process, he said.

Mayor Hemminger confirmed with staff that the project would not qualify for a change to the SUP modification process that the Council had previously made for another project. The staff said because the current project was a non-conforming use for multi-family use in a Residential-2 zoning district, it would need to go through a process to change the parking lot even though the change was minor.

Bill Camp, a North Boundary Street resident, proposed that the applicant seek a Board of Adjustment variance instead. If the zoning were changed, someone could put up a five-story office building there in the future, he said. Mr. Camp encouraged the Council to exercise its right to refuse zoning changes and to find other ways to help applicants reach their goals.

Mr. Levenson, a Chapel Hill resident, said that he objected to rezoning a site to Office Institutional that looked like a great space for affordable

housing.

Council Members confirmed with staff that any zoning change could be confined to the site and would not grant the applicant any additional rights. They verified that the project did not fit as easily into other zones, but Ms. Johnson assured them that staff would do a full review when the project came in as a formal application and would attempt to fit it into a residential zoning district.

The Council confirmed with Mr. Karpinos that the property would not automatically revert to R-2 if the project were demolished for some reason. However, the applicant would not be able to do anything other than what the CZ permit allowed, he said. With regard to seeking a variance, Mr. Karpinos explained that the standard involved showing hardship, which did not fit this situation.

The Council asked staff to find the clearest and fastest solution to the request.

R-8 was adopted by consensus.

## **APPOINTMENTS**

**16.** Appointments to the Community Policing Advisory Committee.

[\[20-0022\]](#)

The Council appointed Joseph Adileh and Yuwsuf Bell to the Community Policing Advisory Committee.

**17.** Appointment to the Transportation and Connectivity Advisory Board.

[\[20-0023\]](#)

The Council appointed Heather Brutz to the Transportation and Connectivity Advisory Board.

## **ADJOURNMENT**

The meeting was adjourned at 10:28 p.m.