



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 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, June 7, 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 at the meeting with the Town Clerk to speak.
- If more than 14 people sign up for an item, Council will reduce speaking time from 3 minutes to 2 min./person.
- Please do not bring signs.

ROLL CALL

All Council Members were present, except for Mayor pro tem Stegman, who had been excused.

Present: 8 - Mayor Pam Hemminger, 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

Absent: 1 - Mayor pro tem Karen Stegman

OTHER ATTENDEES

Interim Town Manager Chris Blue, Town Attorney Ann Anderson, Assistant Planning Director Judy Johnson, Planner II Charnika Harrell, Planner II Jacob Hunt, Senior Planner Katherine Shor, Economic Development Program Coordinator Sarah Potter, Affordable Housing and Community Connections Director Sarah Viñas, Assistant to the Town Manager Ross Tompkins, Public Housing Director Faith Brodie, Housing Maintenance Manager Julian Gerner, Parks and Recreation Director Atuya Cornwell, Assistant Director of Business Management Matt Brinkley, Public Works Director Lance Norris, Transit Director Brian Litchfield, Senior Ombuds Anita Badrock, Director of Economic Development and Parking Services Dwight Bassett, Technology Solutions Director Chris Butts, Emergency Management Coordinator Kelly Drayton, Police Chief Celisa Lehew, Fire Chief Vence Harris, Planning Manager Corey Liles, Fire Management Analyst Ryan Campbell, Transportation Engineering Manager Roger Henderson, Fire Marshal Justin Matthews, Police Officer Johnnie Britt, Communications and Public Affairs Director and Town Clerk Sabrina Oliver and Deputy Town Clerk Amy Harvey.

OPENING

Mayor Hemminger called meeting to order at 7:00 p.m. She reviewed the agenda and pointed out that Item 5 had been removed at The InterFaith Council's request.

0.01 Proclamation: LGBTQ+ Pride Month.

[\[23-0508\]](#)

Council Member Anderson read a proclamation for LGBTQ+ Pride Month that praised the movement's achievements but noted that much work still remained. The proclamation noted continuing discrimination, harassment and violence toward LGBTQ+ individuals and said that proposed NC state

bills sought to discriminate against them. It stated the Town's commitment to being a welcoming and supportive place for everyone and mentioned several ways in which Chapel Hill and Carrboro had led the state in advancing equal protection and freedom under the law. The proclamation encouraged residents to participate in Small Town Pride, a week-long series of celebrations.

Mayor Hemminger gave special thanks to the Town's Employee Council for working to ensure that Chapel Hill was a safe and inclusive place to work. She wanted her son and others to be treated equally and fairly and to have the same opportunities as everyone else to be who they are, she said.

ANNOUNCEMENTS BY COUNCIL MEMBERS

0.02 Mayor Hemminger Regarding NCDOT Project U-6067.

[\[23-0509\]](#)

Mayor Hemminger commented on a letter she had written to the NC Department of Transportation regarding a project that had recently been "dropped on" the Town. She said that she and others, including representatives from UNC Health, were opposing the project and that a copy of her letter and additional information were on the Town's website.

0.03 Mayor Hemminger Regarding Air Quality Alert.

[\[23-0510\]](#)

Mayor Hemminger said that a code red air quality alert had been issued due to smoke coming from fires in Canada. It was expected to be under code orange for the next two days and the Town's Emergency Management team was encouraging everyone to limit outdoor activities and perhaps wear masks, she said. She noted that related information was available on the Town's social media channels.

0.04 Mayor Hemminger Regarding Upcoming Town Events.

[\[23-0511\]](#)

Mayor Hemminger said that the towns of Chapel Hill and Carrboro would be hosting a Juneteenth celebration at the Hargraves Center on June 17th, beginning at 10:00 a.m. The event would include live music, a kids' zone, and dedication of a new historic marker, she said.

Mayor Hemminger announced that the Council's next regular business meeting would be held in Council Chambers on June 14th at 7:00 p.m.

0.05 Council Member Parker Regarding UNC Women's Tennis.

[\[23-0512\]](#)

Council Member Parker congratulated the UNC Women's Tennis team on winning its first outdoor NCAA championship. He pointed out that the team had already won four indoor national championships and said that the UNC Doubles team had won the NCAA championship as well. UNC had once again proven that it stands for University of National Champions, he

said.

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

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

0.06 David Adams Requests to Re-examine Plan to Increase Density in Single-Family Neighborhoods.

[\[23-0513\]](#)

Colony Woods resident David Adams spoke about a petition titled, "Stop and Re-examine the Plan to Increase Density in Single-Family Neighborhoods", which included 943 signatures from people urging the Council to delay a Land Use Management Ordinance text amendment (TA). He outlined the reasons for the request to reconsider the TA and said that the Council was working on an unrealistic, expedited timeline without sufficient public engagement.

This item was received as presented.

0.07 Ed Burke Requests to Involve Entire Community In Managing "Housing Pipeline".

[\[23-0514\]](#)

Chapel Hill resident Ed Burke spoke about a May 31, 2023, letter that he had written to the Council about having a more effective approach to managing the Town's housing pipeline. He proposed getting everyone involved in creating plans for more parks and playgrounds.

This item was received as presented.

0.08 Eddie Fuller Regarding Northside Gymnasium Name Change.

[\[23-0515\]](#)

Chapel Hill native Eddie Fuller expressed opposition to changing the name of the Northside Gym. Doing so would eliminate the history of the community where he was born, he said.

This item was received as presented.

0.09 Keely Hargraves Regarding Northside Gymnasium Name Change.

[\[23-0516\]](#)

Chapel Hill native Keely Hargraves expressed opposition to changing the name of the Northside Gym, stating that no one who had grown up in Northside had been notified about it. As a member of the Hargraves family, she was pleased to hear that the gym would be lauded as a landmark, she said. However, she requested that the name remain as it was on behalf of several generations of Northside residents.

This item was received as presented.

INFORMATION

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

[\[23-0500\]](#)

This item was received as presented.

DISCUSSION

2. Consider the Final Budget and Related Items for FY 2023-24.

[\[23-0501\]](#)

Interim Town Manager Chris Blue presented the final recommended Town budget for Council consideration. It included a 5-cent tax increase for the General Fund that would raise the Town's property tax rate to 57.2 cents. Mr. Blue explained that the budget included a 5 percent pay adjustment for Town employees and prioritized core organizational needs -- such as operations, facilities, fleet, parks capital, fire capital, affordable housing, greenways and human services.

Mr. Blue said that the recommended budget would form the foundation of 5-year budget strategy for addressing the Town's backlog of unfunded needs. It would also kick-start several of the Council's strategic goals and some of its big bold ideas, he said. He noted that small adjustments had been made since he first presented the budget to the Council in May 2023. For example, he was now proposing to set \$100,000 aside to offset the impacts of a tax increase on fixed- and low-income residents, he said.

Mr. Blue recommended that the Council enact Ordinance-1, which would establish the Town budget for the FY beginning July 1, 2023, and adopt Resolution-1, which would approve FY 2023-2024 funding to agencies that the Town's Human Services Advisory Board had recommended.

Council Member Searing stated that he would vote against the budget because it lacked controls on spending on things such as out-of-town consultants and offered no commitment to basic amenities. With the money that the Town had already spent on outside consultants it could have built a splash pad, a modern skate park, and a dedicated adaptive playground, he said. He stated that the recommended budget contained one of the largest tax increases in the Town's history. Orange County residents already paid the largest average property taxes in North

Carolina, he said.

Other Council Members said they believed that the Manager had made the case that the tax increase was needed to keep the Town stable. In response to Council Member Searing's comments, Council Member Anderson said that it would not be appropriate for the Town to hire staff to perform the one-time tasks that consultants were hired to do. Other Council members pointed out that the Town had approved using \$500,000 of American Rescue Plan Act (ARPA) funds for an inclusive playground at Community Center Park. Moreover, one penny of the 5-cent increase would go toward the parks system, they pointed out.

Council Members expressed particular concern about the financial consequences of a tax increase on residents, especially those on fixed and low incomes. Council Member Berry said that she appreciated how the Manager's recommendation addressed reducing that impact on the community. Council Member Ryan said that she had hoped for a more gradual tax increase but that the proposed 5 cents would be a fairly modest monthly increase for most Town residents.

Council Member Parker emphasized the need for a cost of living pay increase if the Town wanted the kind of employees that would provide the level of service that residents expected. He pointed out that the proposed budget made a major commitment to parks and to catching up on some major deferred maintenance needs as well.

Mayor Hemminger said that she would vote for the tax increase, but with a heavy heart. In approximately three years, the Town would recognize the gains from having added more commercial to its tax base, she said, and she pointed out that sales tax revenues had continued to rise as well. However, Chapel Hill had been facing the same inflationary issues as other communities and it needed to attract and maintain great employees and take care of deferred maintenance needs, she said. She had recommended that a penny of the increase go toward parks, recreation and greenways maintenance because those areas needed to be brought up to speed and enhanced, she said.

The Mayor and Council discussed a 2022 state law that required elected officials who serve on non-profit boards to recuse themselves from decisions about government funding to those organizations. They voted (5-0) to recuse Council Members Parker, Huynh and Miller-Foushee for that reason.

A motion was made by Council Member Parker, seconded by Council Member Berry, that the Council enacted O-1 . The motion carried by the following vote:

Aye: 7 - Mayor Hemminger, Council Member Anderson, Council Member Berry, Council Member Miller-Foushee, Council Member Huynh, Council Member Parker, and Council Member Ryan

Nay: 1 - Council Member Searing

Absent: 1 - Mayor pro tem Stegman

A motion was made by Council Member Anderson, seconded by Council Member Ryan, that the Council recused Council Members Michael Parker, Tai Huynh, and Paris Miller-Foushee. The motion carried by a unanimous vote.

A motion was made by Council Member Berry, seconded by Council Member Anderson, that the Council adopted R-1. The motion carried by the following vote:

Aye: 5 - Mayor Hemminger, Council Member Anderson, Council Member Berry, Council Member Ryan, and Council Member Searing

Absent: 1 - Mayor pro tem Stegman

Recused: 3 - Council Member Miller-Foushee, Council Member Huynh, and Council Member Parker

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.

3. Close the Legislative Hearing and Consider a Conditional Zoning Application for South Creek at 4511 S. Columbia Street.

[\[23-0502\]](#)

Planner II Charnika Harrell showed the South Creek site on a map and indicated which portion of it had previously been approved as an Obey Creek development site. She pointed out that 80 acres of adjacent land was not part of the current application and that the applicant intended to abandon the Obey Creek Development Agreement.

Ms. Harrell reminded Council Members that they had asked the applicant to explore putting a pedestrian bridge or tunnel across US 15-501 at Sumac Road. The Council had also requested an increase in density, more for-sale units, more affordable units, and more commercial space (or

spaces that could become commercial over time), she said. Additionally, the Council had asked for features that would provide public access to the 80 acres of open space, more buffering along US 15-501, and a reconfiguration of the townhomes' streets, she said.

Ms. Harrell pointed out that the applicant had revised its affordable housing and greenway proposals. Fifteen percent of market-rate, for-sale units and 10 percent of market-rate rental units would be affordable, she said. She pointed out that the revised offer exceeded what the Town's Inclusionary Zoning Ordinance required.

Ms. Harrell outlined a request from the applicant to modify steep slope and resource conservation district (RCD) regulations. She noted that a request to modify landscape buffers along US 15-501 had not changed. The applicant would propose a land exchange regarding a Town-owned parcel that bisected the property, she said. She recommended that the Council close the legislative hearing, adopt Resolution A, and enact revised Ordinance A, for approval.

Lee Bowman, representing Beechwood Obey Creek LLC, provided more details regarding the proposed increase in non-residential density and other changes to the plan. These included having green space, retail opportunities and other amenities at areas near Market Street and Sumac Road. He described a proposed greenway and bridge that would connect to the nature preserve and explained how the steep slopes and RCD modification requests pertained to that.

Mr. Bowman described changes to roadway widths and the proposed increases in for-sale and rental units. There would be between 88 and 100 or more affordable units, he said. He reviewed possible options for road crossings and showed what a pedestrian bridge across US 15-501 could look like. He noted, however, that challenges associated with building either a bridge or tunnel there included a \$11-14 million cost, an OWASA water and sewer line, and NC Department of Transportation (NC-DOT) regulations.

Mr. Bowman recommended that Sumac Road serve as the primary pedestrian crossing and presented a rendering of what an at-grade pedestrian crossing there could look like. He showed renderings of the Market Street crossing as well.

Council Member Ryan said that she had thought the 80-acre parcel would be donated for public use rather than sold to a conservation group. She proposed stipulating that the land end up in a conservation easement, and the applicant's attorney agreed to that.

Council Member Parker ascertained from Earl Lewellen, a traffic engineer with Kimley Horn, that Market Street was not wide enough for a pedestrian refuge. However, timing would allow pedestrians to cross that

street in one stage, Mr. Lewellen said. Mayor Hemminger confirmed with him that an existing median probably could be lengthened.

Council Member Parker emphasized the importance of having signage that would calm traffic as it approaches the crossings, and Mayor Hemminger advocated for flashing lights that tell drivers their speed limits. She said that the warnings that included smiley and frowny faces were the most effective, and Town staff agreed to discuss that with NC-DOT. Council Member Berry stressed the need for good streetlights, especially at the Market Street crosswalk.

Council Member Parker proposed that the condo buildings have flexible ground floors that could be converted to commercial, but Council Member Anderson expressed a preference for commercial space that would revert to residential if the market did not support it. Council Member Anderson emphasized the need for "real" commercial space, not one that was made up of gyms and leasing offices.

The applicant's development outlined their phasing plan and said that they would have a better understanding of the residential-to-commercial ratio when the first phase neared completion. Both Bowman and Lewellen said they agreed to maximize retail and commercial to the extent that there was a market for it. If the market was not there, they would look toward converting it to residential, they said.

Council Members ascertained the range of unit sizes that were being proposed in each category and confirmed that the mix of affordable for-sale units would match the others but be capped at three-bedrooms. They confirmed with staff that the 80 acres would still maintain its Residential Low Density zoning status if the Obey Creek Development Agreement were abandoned. The Council verified that a proposed land swap would exchange land for a transit stop with a sliver of Town-owned land. The Council would decide whether to approve that in a separate legal process in the fall of 2023, the Town Attorney said.

Council Members said that they were pleased with the project and with the applicant's responsiveness to their concerns, and several commented on the commitment to putting the 80 acres into a conservation easement. Mayor Hemminger emphasized that the land needed to be open to the public, but Attorney Anderson pointed out that the 80 acres was not part of the current application. She would not classify the applicant's commitment as a guarantee, she said, and Mayor Hemminger confirmed with her that the Council could amend the resolution to include a condition for a good faith effort.

Ryan said she wished the commercial could be a little higher. She also asked for more pedestrian protection as the Sumac Road crossing and Mayor Hemminger said that the Town would welcome additional buffering

at the Market Street pedestrian refuge as well. Council Member Ryan and the Mayor both said that they were struggling with the placement of townhomes on US 15-501. Council Member Ryan proposed making the buffering there extra nice and Mayor Hemminger recommended at least created berms that would reduce traffic noise and create a greener vision.

The Mayor and Council expressed a desire for more commercial space, and Mayor Hemminger pointed out that such space could include offices as well as retail.

Attorney Anderson proposed an amendment to the ordinance stating that Beechwood Obey Creek LLC had agreed to make a good faith effort to conserve its approximate 80 acres east of Wilson Creek by either putting it into a conservation easement or through another mechanism, such as selling it to a third-party conservation organization. She recommended adding, "notwithstanding the foregoing, these conditions shall not be construed to be a condition upon which approval of this ordinance is based."

Mayor Hemminger said she wondered if an additional condition should be included that would support the Council's desire to enhance the pedestrian refuge at Market Street, pending NC-DOT approval.

A motion was made by Council Member Huynh, seconded by Council Member Miller-Foushee, that the Council closed the legislative hearing. The motion carried by a unanimous vote.

A motion was made by Council Member Huynh, seconded by Council Member Berry, that the Council adopted R-2. The motion carried by a unanimous vote.

A motion was made by Council Member Huynh, seconded by Council Member Berry, that the Council enacted O-2 as amended. The motion carried by a unanimous vote.

**4. Open the Legislative Hearing: Future Land Use Map
Amendment and Conditional Zoning Application for Chapel Hill
Crossing at Old Chapel Hill Road and Huse Street.**

[\[23-0503\]](#)

Senior Planner Katherine Shor introduced the Conditional Zoning (CZ) application and Future Land Use Map (FLUM) amendment for Chapel Hill Crossing, a proposed development at Old Chapel Hill Road and Huse Street that had originally been submitted as two separate projects.

Ms. Shor outlined three possible options for Council action: the Council could approve the application, which would retroactively amend the Town's Future Land Use Map (FLUM); the Council could deny the application; or the Council could proactively amend the FLUM before considering action on

the CZ request. She said that staff was recommending the third option, which would allow the project to be consistent with FLUM policies.

Ms. Shor displayed a map of the project, which was currently zoned Residential-1 and included 16 acres of land across the two sites. She outlined the property's borders and indicated an intermittent stream and a Jordan Watershed protection area. She said that the applicant had proposed Mixed-Use zoning for the Huse Street Site and Residential-6 Conditional Zoning District for the Old Chapel Hill Road (OCHR) site. The proposal was for 422 to 576 total units across the two sites, with a four-story apartment building on the OCHR site and a mix of residential and non-residential uses on the Huse Street site, she said.

Ms. Shor said that the OCHR site was consistent with the US 15-501 Focus Area/Sub Area A criteria in the Town's Future Land Use Map (FLUM). However, the Huse Street site was not consistent with the FLUM designation of low-density residential and the applicant was asking for the Comprehensive Plan to be amended at the same time as the rezoning, she said.

Ms. Shor reviewed the applicant's plan for between 57 and 73 affordable units across the two sites. Those would be rental units for households earning 80 of the area median income (AMI) for a period of 30 years, she said.

Ms. Shor said that the applicant's LUMO modification requests were for: increasing density and building heights on both sites and reducing the arterial solar setback; modifying the Steep Slopes Ordinance in order to disturb 100 percent of man-made slopes; reducing the total planting requirements to accommodate the site's shape and the applicant's plans to have buildings fronting the street; modifying the parking lot design to reduce impervious surface; reducing the required non-residential floor area to 4 percent; and waving the required set-aside of income-restricted, affordable, for-sale units. She also outlined the applicant's request for modification to Town standards regarding short-term rentals and green building requirements.

Ms. Shor said that the applicant had agreed to requirements identified in a traffic impact analysis. The applicant had also agreed to add a multi-use path that would connect the two sites and to treat for the 100-year storm on the Huse Street site, she said. She noted that areas of disagreement pertained to a staff request for a sidewalk on Pope Road and an additional landscape buffer on the Huse Street site's southern property line.

Ms. Shor said that the Planning Commission had recommended approval with comments but had recommended denial of the FLUM amendment. Staff was recommending that the Council open the legislative hearing, receive and provide comments, and continue the hearing to June 21, 2023 or some other date as decided by Council, she said.

Applicant Ernest Brown, of EB Capital Partners, as well as Tony Sease, of Civitech, explained their goal of creating a development that would feel as though it had organically grown over time. Mr. Brown said that he had worked on connectivity with the two other firms that were developing nearby projects. He had engaged Mr. Sease to work on urban planning based on the Town's Comprehensive Plan, he said.

Mr. Sease read a passage from the FLUM, which said that it was not intended to provide site-level guidance with precision and that mapped edges were not intended to be interpreted as rigid boundaries. The FLUM also stated that scenarios where focus areas should be amended required consistency with the goals and policies of the Chapel Hill 2020 Comprehensive Plan and should address significantly changed circumstances since the FLUM was adopted, he said. Mr. Sease argued that the applicant's proposal for amending the FLUM was consistent with that statement.

Mr. Brown reviewed the changes that he had made to the proposed development since the summer of 2022. In response to Council recommendations, he had put some of the parking underground, moved the building closer to the road, created more of a greenspace, and added more density, he said. He explained that he had been able to plan for multiple uses and different styles of homes when the Huse Street site became available. These included cottage courts, row houses, apartment complexes, and townhomes with flexible space on the ground floor, he said.

Mr. Brown and his team explained how the redesigned project had created greenspaces and amenities that would be open to the public. They showed various views of the layout and discussed a related pedestrian parkway. The 25-32 cottages would be 800-1400 square feet, the row houses would be 1200-1600 square feet, and the townhomes with flexible space would range from 1600 to 2800 square feet, they said. They outlined the ways in which they believed that project would achieve the Council's Complete Community goals.

Council Member Parker asked about the implications of the Huse Street site being in a protected watershed area, and Dan Jewell, a civil engineer with Thomas & Hutton, said that being below allowable maximum impervious surface limitations would mean having to be particularly careful about managing stormwater run-off. He said that the applicant was committed to managing up to 100-year storm on both sides of the property.

Council Member Parker asked about the rationale for requesting an exemption from the Town's Inclusionary Zoning Ordinance's standards regarding affordable ownership units. Mr. Brown replied that the cottages and roadhouses were already more affordable than what was being offered

in neighboring new projects, and Council Member Parker asked staff to provide information on what level of AMI the proposed units would translate to.

The Council asked about the project's consistency with other projects in the Parkline Planning process, and Mr. Brown replied that Huse Street seemed to be evolving as the area that would contain the amenities -- such as civic space, green space, small retail and urban playgrounds. The Council asked why and how the project had changed from an earlier version, and Mr. Brown said he had been trying to create a more walkable, urban feel and had put most of the parking in a garage in response to a Council comment about the former plan looking like a parking lot.

The Council asked about street activation by the parking deck, and Mr. Brown indicated several areas that would be good for retail. He showed examples of other buildings that he had developed and said that the main Huse Street road would be public and would include sidewalks and bike lanes.

Council Members asked why the applicant had not agreed to build a sidewalk on Pope Road, and Mr. Brown replied that the Huse Street project's success depended on the public walk through it, not past it. The Council asked about the height of a proposed retaining wall at the southern part of the Huse Street project, and Mr. Jewell said that there had been no definite decision about the need for that, but it would not be more than three-four feet high, if needed.

In response to questions from the Council, Mr. Brown outlined his vision for an open and unprogrammed space with playgrounds and tables and chairs, much like the Weaver Street area in Carrboro. Council Member Berry confirmed with him that his vision included having places where people could purchase food.

The Council verified that a proposed parking garage in the Huse Street development would be wrapped with a building. Council Member Parker pointed out that the main apartment structure over that parking would be 7-stories high. The Council and Mr. Brown discussed residents' comments about that 80-foot building being taller than its surrounding trees, and Mr. Brown said that the nearby trees were actually 105-114 feet tall.

Council Member Parker ascertained from Mr. Jewell that the longest horizontal dimension of the 7-story building would be 600 feet. The building would step back from all four sides and the 7-story portion in the middle was currently being drawn as 250-300 feet, said Mr. Jewell.

Mayor Hemminger commented on how the applicant was proposing a parking lot in an area where the Town wanted to have a greenway running along a creek. Mr. Brown replied that there was not yet anything on the other side of that creek but that he had an easement from the Town to

continue the greenway when something was there.

Mayor Hemminger pointed out the Town's goal had been to have developers build portions of the greenway with each parcel, and Ms. Shor noted that the applicant had agreed to add a multi-use path that would connect to the property line of the adjacent area. The Mayor emphasized the Council's desire to have people use that greenway. She said that residents had already been using a multi-modal path along OCHR. However, the Council had been hoping for a friendlier environment that was not right up against the road, she said, and she requested that the applicant and staff think about whether the current proposal was the best way for people to get around.

Mayor Hemminger pointed out that Urban Designer Brian Peterson had thought a 7-story building was a little much for the area, and she reminded Mr. Sease that he had helped the Town arrive at a 360-foot limit for buildings during the Blue Hill District redesigning process. She pointed out that the site was located at a gateway to Town. She asked about screening, and Mr. Sease described several approaches that would help screen the buildings.

Fourteen area residents commented on the project.

David Adams, Katherine Smith Vane, and Anne Hatley expressed opposition to the development based on concerns about tree-clearing, stormwater and traffic impacts. Mr. Adams said that modifying the FLUM as requested would set a terrible precedent and undermine trust in the process. Ms. Smith Vane and Ms. Hatley warned about negative impacts that the development would have on two-lane Pope Road.

Ann Rogers, Ken Shaw, Adam Vane, Debbie Baker, Dottie Eddleman and Peter Bird explained how the project would affect them personally due to the close proximity to their homes. Ms. Rogers raised concerns about stormwater run-off and Mr. Shaw said that he had sent the Town videos of flooding events that were already occurring from the Huse Street side of the property. Mr. Vane and Ms. Baker said that developing a 7-story building on the south side of Pope Road would directly violate the FLUM, and Ms. Eddleman described how such a project would damage neighbors' quality of life. Mr. Bird discussed potential impact on schools and traffic and asked the Council to have the developer return with a smaller scale project.

Susan Rice said that Council approval of a 7-story building when the FLUM states a 4-6-story maximum would send the message that the Town did not stand behind its plans. JoAnna Pomerantz gave examples of how the proposed Huse Street project did not comport with the FLUM's vision for the area. Chapel Hill Crossing was outside the approved development area in the FLUM, and Council approval would violate residents' wishes, she said.

Charles Berlin emphasized how a Complete Community pilot project at a gateway location needed to "get it right" and said that the concept plan had morphed into something that was no longer consistent with the Complete Community model. Linda Convissor said that the project would find support if it followed the Complete Community Framework. Its three main problems were its height, its lack of affordable housing, and the fact that it would expand Subarea A of the FLUM, she said.

Ed Harrison, a former Council Member, pointed out that the Pope Road area was not located in any municipality. The area could not get state or federal money for amenities and would not get a sidewalk unless the applicant built one, he said. He advised the Mayor and Council to help the Pope Road area neighborhood with public safety as much as it could.

Council comments focused on how the project had shown promise at the concept plan stage but had grown into something that was too massive at the Huse Street location and was not an appropriate Complete Community pilot project. Council Members expressed appreciation for the applicant's creativity and passion but characterized the proposed plan as too ambitious. Huse Street would never be an urban area, like Weaver Street, they said.

Council Members said that they liked the walkability and variety of housing types and that they appreciated the applicant's attempt to eliminate surface parking. Several emphasized the Town's connectivity goals and stressed the need for sidewalks along Pope Road. They asked for more details from staff on potential stormwater impacts and on the applicant's proposed 100-year storm plan. The Council was generally okay with the OCHR building, but Council Member Parker proposed turning it 90 degrees.

Council Member Searing said that the proposal's lack of a park and more green space was disappointing. Council Member Ryan cautioned against making proactive FLUM changes but pointed out that project approvals did automatically update the FLUM. She agreed with the Mayor's earlier comments about the need for the applicant to contribute to a greenway, she said.

Council Members said that the applicant's proposed affordable housing program was problematic because it lacked for-sale units and did not include housing for those making 65 percent of the area median income (AMI). Any viable proposal needed to focus heavily on 60-65 percent AMI, said Council Member Parker, and Council Members Berry and Miller Foushee talked about the need for affordable for-sale homes.

Mayor Hemminger thanked the residents who had spoken for their productive and solution-oriented comments. She said that she agreed with the Council's comments and did not understand what had led the

applicant to return with such a massive building. She wondered why the stormwater pond was not being treated as an amenity, she said, noting that it could provide a gathering space and many other opportunities. She said that the Huse Street site was perfect for a townhome/cottage court development. She pointed out that an affordable ownership model required restrictions that would keep it affordable over time.

Mayor Hemminger said that the proposal did not check the Complete Community boxes. She recommended that the applicant meet with neighbors again and return to the Council in the fall rather than on June 21st. "You've got to put the sidewalk on Pope Road," she said, pointing out that it was a safety issue. She would never ride her e-bike there without improvements, she said.

A motion was made by Council Member Parker, seconded by Council Member Berry, that the Council continued the Legislative Hearing to September 13, 2023. The motion carried by a unanimous vote.

CONTINUED DISCUSSION

5. Consider Approving Modifications to the Good Neighbor Plan [\[23-0504\]](#)

This matter was deferred.

6. Update on the Downtown Mobility Project and Affirm Next Steps. [\[23-0505\]](#)

Economic Development Program Manager Sarah Potter pointed out that the Council had approved \$500,000 in November 2022 for a two-part Streetscape Enhancement Plan. The Town had awarded a contract to Toole Design in February and the project had begun in March 2023, she said. She described several discovery and design charrettes, stakeholder sessions, and a public open house that had taken place in April and May. She recommended that the Council adopt Resolution 5, which would authorize the Town Manager to proceed with Phase II of the Streetscape Enhancement Plan.

Jared Draper, representing Toole Design, gave a PowerPoint analysis of current Downtown mobility patterns, which he said were degrading the area's sense of place. Piecemeal and uncoordinated improvements made over time had led to conflicts among users and feelings of disorganization and frustration, he said. He emphasized the importance of having safe, easy access to businesses in order to have an economically vibrant downtown.

Mr. Draper recommended that the Town establish Franklin and Rosemary Streets as primary "A" streets that would be part of a street network that could distribute pressure through a system rather than pushing everyone through one single place. The goals would include creating more pedestrian space and comfort and to reduce conflicts wherever possible,

he said.

Mr. Draper stressed the importance of breaking up the long Downtown block between Church and Roberson Streets and proposed creating wider pedestrian spaces on both of the "A" streets. Shade trees would be a large part of mobility planning and the roadway could shift in a way that would highlight and celebrate interesting places and gateways, he said.

Mr. Draper characterized Rosemary Street as a front door to the Downtown district and said that it needed a wider pedestrian space, better lighting, and more street trees. Increasing the pedestrian space there would require removing the bike infrastructure, he said, and he proposed having a high-quality, two-way separated bikeway infrastructure instead on the south side of Franklin Street. He pointed out that the two-way bikeway could include Cameron Avenue as well.

Mr. Draper showed renderings of what the proposed redesign could look like and discussed how it could create an Everywhere-to-Everywhere Greenways feel in the Downtown. The Plan would reduce some parking conflicts and maximize pedestrian space, he said. He showed options for reconfiguring parking and discussed the need to coordinate loading areas as well. Next steps in the process would be to refine the proposal based on Council comments, create a document, deliver a mobility vision, and set the foundation for the streetscape effort, he said.

Council Members were generally supportive and enthusiastic about the project. They liked the idea of having a wider pedestrian realm with more trees and they spoke favorably about the bike lane proposal. Having the two bike lanes together made sense, they said. They confirmed with Mr. Draper that much of the proposed plan had been predicated on the Town taking Franklin Street over from the state.

Council Member Miller-Foushee asked about the rationale for removing bike lanes from Rosemary Street, and Mr. Draper explained that the goal was to create a higher-quality and more comfortable pedestrian space there with more shade trees and amenities.

Council Members commented on the importance of improving bike conditions on connecting cross-streets as well, and Mr. Draper agreed that those "B" streets needed improvements as well. He said that Cameron Avenue could become a major pedestrian street that included bike lanes if its physical conditions were improved. Several Council Members pointed out that Columbia Street and Martin Luther King Jr. Boulevard should be included in the Plan since they would become part of a broader future Downtown network.

Mayor Hemminger verified that staff supported the proposal but had some

reservations about taking Franklin Street over from the NC Department of Transportation. She pointed out that the Town already did own Rosemary Street, Cameron Avenue and some of the smaller side streets. She proposed experimenting with those streets first and said that doing so would be a very productive way to spend some ARPA money.

Mayor Hemminger emphasized the importance of having a plan for making the Downtown more sustainable, welcoming, vibrant and safe. The Town had learned the hard way that it should not be done piecemeal, she said.

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

APPOINTMENTS

7. Appointments to the Board of Adjustment.

[\[23-0506\]](#)

The Council reappointed Thomas Wortman and Janice Owens to the Board of Adjustment.

8. Appointments to the Chapel Hill Public Library Advisory Board.

[\[23-0507\]](#)

The Council appointed Michael Delafield to the Chapel Hill Public Library Advisory Board.

Mayor Hemminger urged folks to apply for seats on Town advisory boards and thanked those who had so.

ADJOURNMENT

This meeting was adjourned at 11:31 p.m.