



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 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, November 29, 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>
- Spectrum is replacing 1998 encoder that transmits programming to cable channel 18. It remains offline until complete.
- 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. Blvd.
- 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 Speakers

- Entrance on the ground floor.
- Sign up at the meeting starting at 6:30 PM 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

- Present:** 8 - Mayor Pam Hemminger, Council Member Karen Stegman, Council Member Jessica Anderson, Council Member Camille Berry, Council Member Paris Miller-Foushee, Council Member Michael Parker, Council Member Amy Ryan, and Council Member Adam Searing
- Absent:** 1 - Council Member Tai Huynh

OTHER ATTENDEES

Town Manager Chris Blue, Deputy Town Manager Mary Jane Nirdlinger, Deputy Town Manager Loryn Clark, Town Attorney Ann Anderson, Affordable Housing and Community Connections Director Sarah Viñas, Executive Director of Strategic Communications Susan Brown, Business Management Director Amy Oland, Planning Director Britany Waddell, Assistant Planning Director Judy Johnson, Planning Manager Corey Liles, Planner II Jacob Hunt, Planner II Charnika Harrell, Principal Planner of Historic Preservation Anya Grahn-Federmack, Senior Planner Tas Lagoo, Fire Marshal Chris Covington, Police Officer Steven Bradley, Affordable Housing Manager Emily Holt, Deputy Town Clerk Amy Harvey, and Assistant Town Clerk Brenton Hodge.

OPENING

Mayor Hemminger called the meeting to order at 7:00 p.m. and reviewed the agenda. Council Member Huynh was absent, excused.

ANNOUNCEMENTS BY COUNCIL MEMBERS

0.01 Proclamation: Extra Mile Day Food Distribution Services.

[\[23-0839\]](#)

Mayor Hemminger read a proclamation that honored and thanked Public Housing employees for running a weekly food distribution program since 2012. The proclamation described how the program had expanded during the COVID-19 pandemic to include mask distribution, voter registration, and safety information distribution. The Council recognized Public Housing Director Faith Brody and her staff for always going the extra mile, Mayor Hemminger said. The Mayor also expressed gratitude to the Food Bank of Central and Eastern North Carolina and the many volunteers who had helped at the Town's food distribution site.

0.02 Mayor Hemminger Regarding Downtown Tree Lighting.

[\[23-0840\]](#)

Mayor Hemminger said that the annual Christmas tree lighting ceremony would take place at 6:00 p.m. on December 3rd in front of University Baptist Church. The event would include a fundraiser for the International

Justice Mission, she said.

0.03 Mayor Hemminger Regarding 'Coffee With a Cop'.

[\[23-0841\]](#)

Mayor Hemminger said that a Guardians of the Hill meeting at the Sheraton on December 4, 2023, from 9:00 to 11:00 a.m. would offer an opportunity for community members to meet with their neighborhood officers.

0.04 Mayor Hemminger Regarding North-South Bus Rapid Transit System Area Joint Open House.

[\[23-0842\]](#)

Mayor Hemminger said that members of four Town advisory boards would hold a joint open house on Bus Rapid Transit station areas on December 5th from 5:30 to 7:30 p.m. at the Public Library.

0.05 Mayor Hemminger Regarding the Holiday Parade.

[\[23-0843\]](#)

Mayor Hemminger noted that the Chapel Hill/Carrboro Holiday Parade would begin at 10:00 a.m. on December 9th on Franklin Street. There would be no vehicles in the parade, she pointed out.

0.06 Mayor Hemminger Regarding Organizational Meeting.

[\[23-0844\]](#)

Mayor Hemminger said that the Council would meet on December 18th at 7:00 for an organizational meeting to swear in a new Mayor and new Council Members.

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

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

0.07 Mayor Hemminger Requests Making Changes to our Existing Development Ordinances and Approval Practices.

[\[23-0845\]](#)

Mayor Hemminger explained her petition that asked to allow commercial as a use in Residential 6 and higher zones. The petition proposed changing the wording regarding residential units to "up to" so that developers would not have to return to the process when the number of

units in a project fluctuated due to market conditions or other factors, she said. She said that her petition also requested that the Town enact a 100-year stormwater standard.

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

CONSENT

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

Approval of the Consent Agenda

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

1. Approve all Consent Agenda Items. [\[23-0814\]](#)

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

2. Authorize the Town Manager to Enter into a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) and Accept Federal Funds for Design and Construction of the West Cameron Avenue Protected Bike Lanes. [\[23-0815\]](#)

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

3. Support for the Orange County Board of Commissioners Proceeding with Design Consultant Services for Developing a Master Plan for the Greene Tract. [\[23-0816\]](#)

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

4. Appreciate the Current and Past Justice in Action Committee Members and Dissolve this Committee. [\[23-0817\]](#)

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

DISCUSSION

5. Close the Legislative Hearing and Consider an Application for Conditional Zoning Modification - Homestead Gardens at 2200 Homestead Road [\[23-0818\]](#)

Principal Planner Anya Grahn-Federmack outlined a proposed modification

to regulations that would allow on-street parking to be counted toward the off-street parking requirements at Homestead Gardens. A condition of approval clarified that the parking shown in the plans would not be binding and could be revised prior to the applicant's final plans application, she said. She recommended that the Council receive public comment, close the legislative hearing, adopt Resolution 5, and enact Ordinance 2, for approval.

Nancy Oates, a former Community Home Trust board member, recommended that the Council amend the proposed stipulation so that it states unequivocally that streets would be public. Doing that was an equity issue because having private streets meant requiring people of modest means to pay for repair, maintenance and snow removal, she said.

A motion was made by Council Member Anderson, seconded by Mayor pro tem Stegman, that the Council closed the legislative hearing. The motion carried by a unanimous vote.

A motion was made by Council Member Anderson, seconded by Mayor pro tem Stegman, that the Council adopt R-5. The motion carried by a unanimous vote.

A motion was made by Council Member Anderson, seconded by Mayor pro tem Stegman, that the Council enact O-2. The motion carried by a unanimous vote.

6. FY 2023 Annual Comprehensive Financial Report Results.

[\[23-0819\]](#)

Kerry Dunlap, representing Martin Starnes and Associates, summarized the Town's FY 2023 Annual Comprehensive Financial Plan audit results. The Town had received a clean, unmodified opinion on its financial statement and auditors had found no material weaknesses, she said. She mentioned that the Town's available fund balance had decreased in 2023 but that it remained close to the average.

Director of Business Management Amy Oland pointed out that the Town had also received a Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association (GFOA) for its FY 2022 report and that staff believed it would do so for FY 2023 as well. She said that Chapel Hill had maintained its AAA bond rating and had continued to receive the GFOA Distinguished Budget Presentation Award.

Ms. Oland discussed the Council's financial policies and reviewed the status of Town funds. She said that the FY 2023 results had been positive for the four Enterprise Funds, with an additional \$386,000 for Transit, \$673,000 for Parking, \$223,000 for Housing, and \$742,000 for

Stormwater. She provided details on each of those funds.

Ms. Oland also reviewed FY 2023 results for the General Fund, Debt Funds, Capital Projects Ordinance Fund, American Rescue Plan Fund, and Other Post-Employment Benefits (OPEB) Liability. She pointed out that the General Fund balance had been down \$471,000 as of June 30, 2023, due to a planned use of funds from the prior years' excesses.

Ms. Oland said that there had been significant personnel savings and much higher revenues than projected during the COVID-19 pandemic in FY 2021 and FY 2022, specifically in the area of sales tax. She said that Excess Fund Balance had been lower in FY 2023 and probably would be even lower again in 2024. The Town would ideally close out the year with more of a break-even result than one that shows \$1 million or so in Excess Fund Balance, she said.

Council Member Berry confirmed with Ms. Oland that American Rescue Plan Act funds needed to be contractually obligated by December 31, 2024, and spent by December 31, 2026.

This item was received as presented.

7. Consider Approving the Proposed Affordable Housing Loan Fund (AHLF).

[\[23-0820\]](#)

Director of Affordable Housing and Community Connections Sarah Viñas presented an update on the Town's Affordable Housing Loan Fund (AHLF). The AHLF was a critical tool for preserving existing and creating new affordable housing (AH) that would leverage substantial private resources and institutional partnerships in a way the Town had never done before, she said.

Ms. Viñas explained that the AHLF was a dedicated pool of public and private loan funds for AH projects. It was typically managed by a third-party fund administrator and could leverage substantial resources from financial institutions, she said. She pointed out that UNC Health had contributed \$5 million to establish a Chapel Hill AHLF and said that staff had been working toward a process for launching it since receiving that contribution.

Ms. Viñas said that staff had selected Self-Help to administer the funds and had identified funding sources for the Town's contribution. She explained that the Town would need to establish a \$20 million loan fund in order to have a notable impact. The \$5 million from UNC Health, combined with about \$700,000 from Town resources, would allow the fund administrator to leverage an estimated \$14.3 million from educational institutions, community foundations, private banks, and investors, she said.

Ms. Viñas said that a \$20 million loan fund could support the preservation and development of about 600 units of AH. She outlined two loan products that staff was proposing to offer. She said that loan amounts would range from \$500,000 to \$7 million and that terms would be more favorable for non-profit developers.

Ms. Viñas recommended that the Town contribute \$715,000 from General Fund and AH Fund money to complement UNC Health's contribution and go toward establishing a \$20 million AHLF. She said that next steps would include an anticipated first loan closing by December 2024 and full funding within five years. She asked the Council to receive the update and consider approving the funds. Staff would provide updates during its quarterly reporting to Council, she said.

Mayor Hemminger congratulated Ms. Viñas and her team on their great work. The Council confirmed that she had identified \$160,000 in General Fund and \$550,000 in the AH Fund for the Town's contribution. The Council also confirmed that Self-Help would oversee the AHLF once the Town had established clear parameters.

A motion was made by Mayor pro tem Stegman, seconded by Council Member Miller-Foushee, that the Council adopt R-7. The motion carried by a unanimous vote.

8. Consider Approving and Authorizing a Real Property Exchange Between the Town of Chapel Hill and Beechwood Obey Creek, LLC at 4511 S. Columbia Street. (re-issued)

[\[23-0821\]](#)

Town Manager Chris Blue reviewed how the Council had approved Conditional Zoning (CZ) for a narrow parcel that bisected a development called South Creek in June 2023. A condition of that CZ was to exchange the parcel for a strip of land that was needed to construct a bus rapid transit stop, he said. He said that the Council needed to authorize the land exchange by December 5, 2023, to prevent the zoning from reverting back to Residential Low Density. Mr. Blue reminded Council Members that the project offered 815 dwelling units, including a significant amount of AH.

TC Morphis, a Chapel Hill attorney, said that Beechwood Obey Creek, LLC intended to preserve the land east of Wilson Creek in perpetuity and had sent the Town a letter to that effect from a third-party conservation organization. The applicant intended to make that land available and open to the public, he said.

Council Member Ryan thanked the developer for honoring its commitment to preserve the site and she confirmed that they would pursue

preservation through another source if the current plan failed.

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

ZONING ATLAS AMENDMENT(S)

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

9. Open the Legislative Hearing and Consider a Conditional Zoning Application for 157 East Rosemary Street.

[\[23-0822\]](#)

Don Tise, of Tise-Keister Architects, presented a conditional zoning application on behalf of Ballentine Associates and TJ Capital II, LLC for a 12-story apartment building on a 1/3-acre site at 157 East Rosemary Street. He said that the project would meet the criteria for the Town's new Residential-Community Priority-Conditional Zoning District (R-CP-CZD), which the Council had established to incentivize AH.

Mr. Tise characterized 157 East Rosemary Street as an underutilized commercial property and said that about 90 percent of his firm's work was to renovate structures into AH. The proposed 157-foot building would provide a live/work/play environment without infringing upon the existing historic neighborhoods and it checked every box in the Town's Comprehensive Plan, he said.

Mr. Tise explained that the height was required due to the small size of the footprint. The project would include 56 condominium units, 14 of which would be affordable at 80 percent of the area median income (AMI), he said. He pointed out that having AH in the Downtown had been a long-time Council priority. He described Class A sustainable, high-quality construction and said that the project would meet the Town's 100-year stormwater standard.

Mr. Tise presented an area map and indicated where other recently-approved projects were located nearby. He showed renderings of the building and floor plans and said that there would be 22 underground parking spaces. The plan included approximately 3,000 square feet of retail/restaurant, bicycle parking, and indoor/outdoor spaces, he said.

Mr. Tise explained where the affordable units would be located. He compared the proposed building to others in the Downtown's new innovation district. He said that his team had met with neighbors and was committed to financing additional landscaping and vegetative screening.

Planner II Jacob Hunt pointed out that the property was currently zoned Town Center-3. He said that the proposed plan met several of the Town's Complete Community goals. However, the building would be twice as tall as the Future Land Use Map anticipated, he said. He noted that the parking ratio was low and that there was limited space for onsite landscape screening.

Mr. Hunt recommended that the Council receive public comment, close the legislative hearing, and consider approving Resolution 9 and enacting Ordinance 3. He reminded the Council that projects applying for R-CP-CZD could be heard and voted on at the same meeting.

Council Member Parker asked if any portion of the AH could be lowered to 65 percent of AMI and the applicant agreed to entertain the idea. It would depend on what the rest of the package looked like, said Mr. Tise.

Council Member Parker asked about the potential for lowering the market rate unit prices, if necessary, but the applicant expressed confidence that a high-quality building at that location would support the projected price points.

Council Member Berry asked about making all the units fully electric, and Mr. Tise replied that 95 percent of the building would be electric, with the exception of restaurant cooking and residential stove tops.

Joshua Goodsell, owner of the Gathering Place, said that his business was slated to make \$1.5 million in its first year of operation at the 157 East Rosemary Street location. It would continue to generate revenue for the Town if allowed to stay there, he said.

Michelle Lotker, Mr. Goodsell's fiancé, described the large and unique community that the Gathering Place had built and asked the Council to consider what it would lose if that were turned into "another soulless, high-rise building".

Meredith Lewis, a Gathering Place employee, said that the Gathering Place provided a sense of stability, security and social connection. Niko Martini described the Gathering Place as a haven for diversity, inclusivity and cultural richness that supported local breweries and contributed significantly to the local economy.

Monica McCarty, speaking for seven other people as well as Phi Mu collegians and alumnae, reminded the Council that Phi Mu's 98-year-old sorority house on Henderson Street was one of only 40 Chapel Hill homes that had been recognized by Preservation Chapel Hill as being historically and architecturally significant. She provided detailed reasons why the proposed development did not align with the Town's vision for development on the north side of East Rosemary Street.

Ms. McCarty argued that the proposed modifications exceeded R-CP-CZD zoning in every category. The structure would be seven feet taller than UNC's water tower and that was not appropriate next to the Town's National historic districts, she said. She said that Phi Mu was concerned about the project's enormous height and mass, the increase in traffic and loss of privacy that it would cause, and its incompatibility with the Town's historic district.

Fifty-six units on 1/3-acre was roughly equivalent to 165 units per acre and only Manhattan's upper west side would compare, Ms. McCarty said. She said that Town approval would mean heading down a path toward overdevelopment and accelerating the trend of gentrification.

Ms. McCarty said that the applicant's proposal did not adhere to several of the Town's guiding land use principles. It would not preserve and strengthen the neighborhood, or protect the historic district from potential adverse impacts, or provide proper mitigation for scale, massing, traffic and noise, she said. She said that the project would not provide appropriate transitions between land uses and buildings of different scale and would overwhelm the public space rather than stepping back to frame it.

Ms. McCarty said that the 14 affordable units at 80 percent AMI would be unaffordable to many. None of those units would be designed for families and all of them would be concentrated at the bottom half of the building, she said. She said that the proposed parking, which would provide .39 spaces per unit, would force residents to seek parking off site.

Erica Lacey, a UNC student and Phi Mu member, provided historical background on the Phi Mu house and described how much it meant to the women who live there. She said that Phi Mu had purchased and restored the property in 1965 and had recently renovated its private courtyard. The proposed development did not reflect an understanding of the historical context of that house or of local community character, she said.

R.L. Adams, a Chapel Hill resident and attorney, said that he opposed the project and supported the previous speakers' comments.

Angus Covington, a recent UNC graduate who works in the building next to the site, expressed support for the project because it would add to the Downtown housing stock. He characterized others' comments regarding historic districts as predictable and talked about historical white privilege.

Brian Daniels, Historic District Commission chair, said that the HDC had unanimously approved a recommendation for denial based on the following reasons: the development would violate land use principles; the proposed design was inconsistent with the Town's Land Use Management Ordinance (LUMO) regarding setbacks; and the design was not congruent with the character of neighboring historic structures. He read a letter that

expanded upon each of those objections.

Tom Heffner, past president of Preservation Chapel Hill, expressed that organization's strong opposition to the project, which he said would stand in stark contrast to the character and charm of the Franklin-Rosemary Historic District and threatened to overshadow the architectural heritage and sense of place that defined that area. The lack of congruity with adjoining residential properties was a serious cause for concern, he said.

Chapel Hill attorney LeAnn Nease Brown, speaking for five other people as well, said that the Council would need to amend the Town's Comprehensive Plan to allow a 157-foot structure in the area. The Council had not intended with the R-CP-CZD zone to ignore LUMO provisions that protected other areas, she said.

Ms. Brown stated that the applicant apparently believed that the nearby wet lab building constituted changed conditions that warrant a change in zoning. However, the Town's Future Land Use Map distinguished between the north and south sides of East Rosemary Street and approving a building on the south side was not a changed condition regarding the north side, she said.

Ms. Brown read Section 4.4.5 of the LUMO, which addressed when and why the Town could rezone, and listed multiple ways in which the current application did not comply. She said that the R-CPZ-ZZD zone was intended to support and encourage quality AH, not to carry a non-compliant development into approval.

Tom Wiltberger, a local realtor and co-owner of a Downtown-based business, said that the project would round out the mixed-use flavor of that section of Rosemary Street. He said that adding density to the Downtown had been a Town priority and that achieving it meant building taller structures. The Town needed more diverse housing in the Downtown, which consisted mostly of extremely expensive historic homes and student housing, he said.

Coulter Depree, owner of True Restaurant, said that he had purchased his building because of its charm and that it was hard to imagine the proposed structure 100 feet across from it. He suggested that the Council present a long-term plan for Downtown that tells developers what it wants.

Sally Shuping Russell, a Rosemary Street resident, described her dynamic, mixed-use neighborhood and said that the historic district was not an area where only wealthy people lived. She characterized the neighborhood as an amalgamation of people and said that the block in question was the heart and soul of Chapel Hill.

Andrew King, a Chapel Hill resident, said that the proposal was not for a

soulless corporate building but for homes for people who live and work in Town. Going higher was the only way to add density to the Downtown, he said, and he urged the Council to not "let the perfect be the enemy of the necessary".

Council Members agreed that there was much to like about the project but said that it was too tall for the proposed location. They also commented on the lack of step-backs and said that the building would require too many variances. Several encouraged the applicant to look at other locations in Town and Mayor Hemminger mentioned one on the south side of Rosemary Street.

Mayor-elect Anderson said she hoped the Gathering Place would remain in Town when the lot it was on was eventually redeveloped. She pointed out that the Town had successfully helped other businesses in similar situations to relocate.

Some Council Members spoke about the site being a good location for housing. Some pointed out that obtaining the adjacent parcel would provide more options. The Council proposed that staff look at a nearby parking lot and determine why it was considered to be within the historic district.

Council Member Berry commented that holding onto "charm" and "character" meant different things to different people and could sound exclusive to those outside the group. She did not want the Town to remain homogenous for the sake of heritage, she said.

Mayor Hemminger pointed out that the Town did have a plan for Downtown that included having more density. The Council made what it wanted known and had gotten two life sciences buildings and was now looking at how it all fits together, she said.

A motion was made by Council Member Anderson, 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 Anderson, seconded by Council Member Miller-Foushee, that the Council adopt R-10. The motion carried by the following vote:

Aye: 7 - Mayor Hemminger, Council Member Stegman, Council Member Anderson, Council Member Miller-Foushee, Council Member Parker, Council Member Ryan, and Council Member Searing

Nay: 1 - Council Member Berry

Absent: 1 - Council Member Huynh

10. Close the Legislative Hearing and Consider a Conditional Zoning Application for Chapel Hill Life Sciences Center at 306 West Franklin Street.

[\[23-0823\]](#)

Casey Angel, representing Longfellow Real Estate Partners, described his firm's continuing efforts to work with the Town's Downtown businesses, surrounding community and other stakeholders regarding the Chapel Hill Life Sciences Center project at 306 West Franklin Street. He discussed ongoing meetings with the Town's urban designer and staff, talked about Longfellow's plans to activate space, and described the community benefits that the project would provide.

Michael Stevenson, an architect with Perkins Eastman, said that the development plan followed specific design principles that were written into the Town's ordinance. He showed updated renderings of views from Franklin Street and indicated how the buildings would be broken up to mitigate mass and relate to surrounding areas. He discussed building materials, the pedestrian experience, and showed the continuous ground-level flow of the project. He indicated where the green spaces and service area would be and described the proposed frontages.

Mr. Stevenson said that the applicant had met with the adjacent Bicycle Chain property owner and had discussed how the buildings would relate to each other. Longfellow would pay to resurface and restripe an area between the two sites to allow for two-way traffic, he said.

Planner Tas Lagoo said that staff believed the project fulfilled Complete Community objectives. The applicant and staff had agreed to include strong and binding design requirements in the ordinance, he said. He noted a condition regarding the applicant's commitment to try and provide affordable commercial space.

Mr. Lagoo said that Longfellow would require its tenants to report to the Town regarding hazardous chemicals. He said that the Council would receive a report on Town biosafety efforts in its November information packet. He recommended that the Council close the legislative hearing, adopt Resolution 11, and enact Ordinance 4, for approval.

In response to a question from Council about integrating community comments into the project, Mr. Angel said that Longfellow typically brings in local artists and showcases their art. They would strive to create a welcoming place and would bring the Northside Neighborhood into that in a tangible way, he said.

In response to other questions from the Mayor and Council, Mr. Lagoo explained that the design requirements pertained to elements such as

ADA compliance, public accessibility, massing and step-backs, size of green spaces, building footprint, façade and transparency, and parking. Design of the greenspace and the specific layout of walkways, landscaping and park space within the open spaces could change, he pointed out.

Planning Director Britany Waddell commented that much of the layout had been vetted during staff's technical review. The applicant would have to go through an additional technical review if it wanted to change anything, she said.

Council Member Parker confirmed with the applicant that they would comply with all federal bio-safety requirements and would require its tenants to report annually to the NC Department of Public Safety. Mr. Lagoo pointed out that the proposed ordinance was more restrictive than a typical conditional zoning project would require.

Council Member Ryan confirmed that the applicant intended to build green spaces in an area along Rosemary Street that was being shown as vacant on the plan. She asked for a document that would ensure that mutual understanding, and Mr. Lagoo replied that the ordinance required open spaces along both Rosemary Street and Franklin Street frontages. He proposed including an amended diagram that indicated that.

Council Member Ryan verified with Mr. Lagoo that the Town did not have a good legal framework for stopping a development based purely on design-related concerns. However, the Town's urban designer and staff believed that they had captured the most critical design elements in the ordinance and that the design principles were a way to add detail, said Mr. Lagoo.

Council Member Ryan asked about streetscape, and Mr. Lagoo explained that the Town's Economic Development team had been spearheading an effort to provide new downtown standards. He said that the ordinance committed the applicant to follow whatever streetscape standards were in place when they come for their next set of approvals. Council Member Ryan said that she hoped those discussions would include improving upon minimal sidewalk standards.

Council Member Ryan expressed concern about Rosemary Street activation plans and stressed the Council's desire to have a variety of businesses that would draw people into them. Mr. Angel replied that activation was Longfellow's goal as well and he described welcoming areas of nooks and crannies with chairs, tables and benches along the area. Council Member Ryan and Mr. Lagoo discussed tweaking a requirement regarding transparency in order to set a minimum standard for exceptions.

In response to questions about shade structures, Mr. Angel commented that the north side of the building would be inherently shady. Mayor Hemminger emphasized, though, that she wanted overhangs and street

trees guaranteed in the language regarding the Rosemary Street frontage as well as that on Franklin Street. She also confirmed with the applicant that there would be outdoor spaces at the building's upper setbacks.

Council Member Berry asked about bringing the Farmers Market to the area, and Mr. Angel replied that Longfellow would need to look at scale. However, Longfellow did include those in many of their projects, he said.

Jim Rumfelt, owner of the Bicycle Chain, thanked Town staff for considering the development's potential impact on his property and for organizing a meeting between him and the developer. He said that Longfellow had proposed parking changes to the driveway easement and had committed to resurfacing the area between their two properties. It was a good project and the people at Longfellow had been good to work with, he said.

Evana Goulden, a Chapel Hill resident, said that she especially liked the plan for a cut-through between Franklin and Rosemary Streets and was excited about the project. Rosemary Street was currently underutilized but had the potential to be a great street, she said.

Aaron Nelson, CEO of the Chamber for a Greater Chapel Hill-Carrboro, commented on the potential that the project offered for positioning Chapel Hill as a leader in innovation. He discussed the value of having new workers Downtown and noted the annual tax revenue and sales receipts that the project would bring. He pointed out that only 26 percent of the estimated 1,000 new jobs that the project would bring would require advanced degrees.

Scott Maitland, owner of Top of the Hill restaurant, strongly supported the project and encouraged the Council to think of the Downtown as one, big, mixed-use bubble and not insist on mixed use in every project. Darin Campbell, a Chapel Hill resident, also said that he supported the project and agreed that allowing the Life Sciences Center to maximize lab space was more important than mixed use.

Mayor Hemminger summarized Council Members' requests. They had asked for additional stipulations that would update the bubble diagram to show greenspace; they had requested that a minimum transparency standard be included; and they wanted the applicant to address frontages and overhangs, she said. She mentioned that the Town had recently received a request regarding affordable commercial reporting.

The majority of Council Members expressed enthusiasm for the project. Mayor-elect Anderson said that it would be a game-changer for Downtown and thanked Mayor Hemminger for championing the project and for making sure that it happened.

Council Member Ryan emphasized the importance of activating the Rosemary Street side and suggested that the developer talk with EmPOWERment, Inc. about ways to do that.

Council Member Berry proposed that the Council ask future developers of such tall buildings to contribute more toward the fire and safety services that such buildings require.

Council Member Searing cited recent news articles about unfilled and vacant lab space and said that having an empty building on Franklin Street would not create a vibrant Downtown.

Mayor Hemminger reviewed how the Town had spent time determining what its niche should be and had decided to take advantage of the extraordinary research that was taking place at the University of North Carolina at Chapel Hill. The Life Sciences Center would help to revitalize struggling Downtown businesses and infrastructure, and workers of all levels would be there year-round, she said. She said that the applicant had listened to the community and endeavored to create a great project, not just a building. She also expressed gratitude to Town staff for working to make the project fit into Chapel Hill.

A motion was made by Council Member Parker, 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 Parker, seconded by Council Member Miller-Foushee, that the Council adopt R-11. The motion carried by the following vote:

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

Nay: 1 - Council Member Searing

Absent: 1 - Council Member Huynh

A motion was made by Council Member Parker, seconded by Council Member Miller-Foushee, that the Council enact O-4 as amended. The motion carried by the following vote:

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

Nay: 1 - Council Member Searing

Absent: 1 - Council Member Huynh

LAND USE MANAGEMENT TEXT AMENDMENT(S)

- 11.** Close the Legislative Hearing and Consider a Land Use Management Ordinance Text Amendment - Proposed Changes to Articles 3, 4, 8 and Appendix A Regarding Planning Systems Implementation.

[\[23-0824\]](#)

Mr. Lagoo presented several text amendments (TAs) intended to implement the Council's interest in creating a more efficient, streamlined and meaningful review process. The TAs were a first step and changes could be further developed during the LUMO rewriting process, he said. He recommended that the Council adopt Resolution 13 and enact Ordinance 5 to approve the proposed TAs.

Mr. Lagoo explained that staff had been streamlining the concept plan review process and was proposing that applications that would have previously gone to the Council and the Community Design Commission only go to the Council. In addition, applications that would have gone only to the CDC would go to the Planning Commission instead, he said. He proposed that the Board of Adjustment hear minor SUPs and that the major ones go to the Council.

Mr. Lagoo noted that the Council had recently discussed the possibility of adding specific background requirements for one or two Planning Commission seats. He said that staff had not incorporated that into the TAs but had referred the suggestion to a team that was looking into advisory boards more holistically.

Council Member Ryan suggested that staff also consider folding more from Complete Community into the concept plan review process.

Council Members Miller-Foushee, Stegman and Berry spoke against requiring specific expertise on the Planning Commission, stating that lived experience and engagement was equally important. Council Member Ryan replied that having at least one person with expertise would be useful, but Council Member Parker commented that such a person tended to dominate the conversation. Town staff provided expertise, and volunteers should provide community input, he said.

A motion was made by Council Member Anderson, seconded by Council Member Berry, that the Council closed the legislative hearing. The motion carried by a unanimous vote.

A motion was made by Council Member Anderson, seconded by Council Member Berry, that the Council adopt R-13. The motion carried by the following vote:

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

Nay: 1 - Council Member Searing

Absent: 1 - Council Member Huynh

A motion was made by Council Member Anderson, seconded by Council Member Parker, that the Council enact O-5. The motion carried by the following vote:

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

Nay: 1 - Council Member Searing

Absent: 1 - Council Member Huynh

APPOINTMENTS

- 12. Appointment to the Historic District Commission. [\[23-0825\]](#)

The Council appointed Clarke Martin to the Historic District Commission. The Council seeks an additional applicant to the Commission.

- 13. Appointments to the Parks, Greenways and Recreation Commission. [\[23-0826\]](#)

This matter was deferred.

- 14. Appointments to the Orange Water and Sewer Authority Board of Directors. [\[23-0827\]](#)

The Council appointed Susana L. Dancy to the Orange Water and Sewer Authority Board of Directors.

ADJOURNMENT

This meeting was adjourned at 11:00 p.m.