



# TOWN OF CHAPEL HILL

## Town Council Meeting Minutes - Draft

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

Mayor Jessica Anderson  
Mayor pro tem Amy Ryan  
Council Member Camille Berry  
Council Member Melissa McCullough  
Council Member Paris Miller-Foushee

Council Member Theodore Nollert  
Council Member Adam Searing  
Council Member Elizabeth Sharp  
Council Member Karen Stegman

**Wednesday, February 21, 2024 6:00 PM Library Meeting Room B**

### 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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919-969-5105.

### In-Person Meeting Notification

Changes to meeting start time

- Meetings (business and work sessions) begin at 6 PM to potentially allow for greater community participation and meetings that end earlier.

Changes in Meeting Material content

- You'll notice streamlined reports and hyperlinks to supporting documents.
- Staff presentations will be posted after the meeting to allow more time to prepare high-quality presentations.

View the Meeting

- Public attendance is welcome, and limited to room capacity
- We will not live stream the event, but will provide the Post-Meeting Video <https://www.townofchapelhill.org/councilvideo/>
- 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 and Entry

- Parking is available at the Library lots. The Library is served by CL Route, D Route, and GoTriangle Routes of Chapel Hill Transit
- Meeting Room B is to the right from the main entrance.
- Please do not bring signs.

### ROLL CALL

**Present:** 9 - Mayor Jessica Anderson, Mayor pro tem Amy Ryan, Council Member Camille Berry, Council Member Paris Miller-Foushee, Council Member Adam Searing, Council Member Karen Stegman, Council Member Theodore Nollert, Council Member Melissa McCullough, and Council Member Elizabeth Sharp

### OTHER ATTENDEES

Town Manager Chris Blue, Deputy Town Manager Mary Jane Nirdlinger, Deputy Town Manager Loryn Clark, Town Attorney Ann Anderson, Assistant Planning Director Judy Johnson, Senior Planner Tas Lagoo, Planning Manager Corey Liles, Governance Services Director/Town Clerk Sabrina Oliver, Principal Planner of Historic Preservation Anya Grahn-Federneck, Planning Director Britany Waddell, Executive Director for Strategic Communications Susan Brown, Business Management Director Amy Oland, Transportation Manager Bergen Watterson, Planner II Jacob Hunt, Affordable Housing and Community Connections Director Sarah Viñas, Senior Planner Katherine Shor, Planner II Charnika Harrell, Community Development Program Manager Megan Culp, Principal Planner Tas Lagoo, Director of Employee Engagement and Organizational Development Anita Badrock, Officer Bryan Mister, Deputy Town Clerk Amy Harvey, Assistant Town Clerk Brenton Hodge.

### OPENING

Mayor Jessica Anderson called the work session to order at 6:00 p.m. She summarized the agenda and explained work session rules. She said that the Council would hold work sessions on various topics throughout the spring and that Town staff would conduct public information meetings as well.

### ANNOUNCEMENTS BY COUNCIL MEMBERS

0.01 Mayor Anderson Regarding Community Sustainability Office. [\[24-0093\]](#)

Mayor Anderson said that the Northside and Pine Knolls neighborhoods had worked with the Marion Cheek Jackson Center on a tree-planting project that was funded by a grant from the Orange County Community Climate Action Fund.

0.02 Mayor Anderson Regarding the Council's Next Meeting. [\[24-0094\]](#)

Mayor Anderson announced that the next Council business meeting would be held at Town Hall on March 6th at 6:00 p.m.

0.03 Mayor Anderson Regarding Early Birthday Wishes for Council Member Berry. [\[24-0095\]](#)

The Mayor and Council extended an early Happy Birthday to Council Member Berry.

0.04 Council Member Nollert Regarding Get Out The Vote Drive at UNC. [\[24-0096\]](#)

Council Member Nollert said that a "get out the vote" event would be held on UNC campus at 11:30 a.m. on February 28th.

## AGENDA ITEMS

### 1. Rewriting Our Rules - A LUMO Update [\[24-0078\]](#)

Executive Director for Strategic Communications Susan Brown said that staff would soon release multiple forms of messaging that would keep the community informed about the Town's Land Use Management Ordinance (LUMO) updating process. Those messages would convey the Town's vision for a more connected, sustainable, accessible and inclusive future, she said. She described soon-to-be-launched online opportunities that would increase community awareness and connect with historically under-engaged residents.

Principal Planner Tas Lagoo spoke about plans to increase the number of public information meetings and other meaningful interactions between Town staff and residents. He said that staff would meet with a broad range of stakeholders, including under-engaged community members, that have important and useful insights. Staff would provide the Council with an Engagement and Communications Report, which would include summaries of its community outreach efforts as well as policy discussions and outreach schedule updates, he said. He said that release of a draft LUMO in late summer would kick off an even more robust series of public meetings and work sessions.

Council Member Nollert and Mr. Lagoo discussed the Council's messaging role. Council Member Stegman said that messaging was primarily staff's job, but she emphasized the need for guardrails to protect staff members from burning out. Mayor Anderson said that the Town Manager and the Planning Director were both intent on making sure that staff members were treated well by the public. In addition, she and the Council were willing to support staff by coming and explaining expectations to participants, the Mayor said.

In response to questions from Council, Ms. Brown explained that a public input site would include robust progress reports. Mr. Lagoo added that Council members would receive a Communication and Engagement Report that would include summaries of public meetings as well as demographic

information on participants. Council Member Stegman confirmed that small developers who hoped to work in Town would be included in meetings as well.

Council members asked for a feedback loop regarding how staff intends to address what it hears from the Council. They also suggested letting participants know at the start of meetings what the scope and format would be and what would be expected of participants.

Mr. Lagoo discussed an Alignment Memo (AM) that was a set of recommendations and links to adopted Town plans that would inform all policy discussions going forward. He gave a PowerPoint overview of what staff intended to present for Council discussions over the following months and asked for feedback regarding any needed additions or changes.

Mayor pro tem Ryan and Mr. Lagoo discussed how by-right development would be addressed at the beginning, middle, and end of the policy discussions. Once there was a clear picture of what the LUMO could provide, then staff would ask the Council what scale of the development would need to be elevated to the Council level.

Mayor Anderson confirmed with Mr. Lagoo that Town staff and consultants were in the process of determining how to get what the Town wants by means other than zoning. She asked what aspects other than scale might be handled administratively. For example, could there be an expedited path given in return for benefits, such as is given for AH?

Mr. Lagoo replied that scale was by no means the only factor. The rules that the Town sets could lead certain developers to go down a path that takes them to the Council, he said. He pointed out that an unintentional consequence of the current LUMO was that by right allowances were so restricted that developers were forced to come to the Council because they could not otherwise do much that was economically viable.

Planning Director Britany Waddell pointed out that most things were by-right in other municipalities and only came to their councils for special exemptions from regulations.

#### **Mr. Lagoo presented the following 10 key concepts for Council discussion.**

##### **1) State Law & Local Zoning**

Mr. Lagoo pointed out that the Town's zoning and land use options were limited by state laws that were subject to change. Therefore, the Town needed to be creative and think outside that box, he said.

Council Member Berry mentioned the importance of sharing that

information about state laws with the public at meetings. Council Member McCullough asked for more information about incentive programs that were being used in other municipalities and proposed including that information in Town conversations about incentivizing.

In response to Council comments, Town Attorney Ann Anderson said that the General Assembly could generally override any existing Town charter, and the LUMO. The Town must comply and amend its ordinances accordingly and there was no guarantee that anything it currently had authority to do would last past the next General Assembly session, she said.

## 2) LUMO & Zoning Map

Mr. Lagoo pointed out that the Town needed to update its LUMO and Zoning Map in order to fully realize its vision for Complete Community (CC). Staff had been working on the new LUMO and the Zoning Map would be the next phase in the process, he said.

Mayor Anderson and Mr. Lagoo discussed how the Future Land Use Map (FLUM) informed and guided the Town's decision making. The FLUM helped to determine expectations but did not guarantee what zoning decisions would look like, Mr. Lagoo pointed out. He said that staff would refresh the FLUM to reflect current thinking once the LUMO and Zoning Map processes had been completed.

## 3) Small-Scale Commercial

Mr. Lagoo pointed out that the LUMO could promote, but could not ensure new, small-scale, commercial uses in Town. However, the Town could create a conducive environment and replicate those patterns throughout Town, he said. He explained that such an approach would include rethinking parking mandates, would adjust permitting requirements, and encouraging the residential density that is critical for small businesses to thrive.

Council Member Berry pointed out that other tools -- such as rooftop amenities and transit routes -- helped to create such environments as well. Council Member Sharp said it would be helpful to know the difference between how the LUMO could create conditions that make it profitable for developers to build commercial space and those that make it possible for businesses to operate in those areas. She also wondered what could be done to make it more attractive to build something that includes commercial space, she said.

In response to a question about what would complement the Planning Department's work, Mr. Lagoo said that wrap-around policies, services and programs as well as changes to other regulatory mechanisms, would be a good topic for a Council Committee on Economic Sustainability discussion.

Council Member Sharp asked that staff provide more information on what the Town could and could not legally do.

Mayor pro tem Ryan pointed out that conditional zoning allowed the Council to select places where the conditions were right for commercial development. She cautioned, however, against trying to make the conditions right and hoping the market would deliver.

Council Member McCullough pointed out the importance of working with the Town's Economic Development Officer in a timely way that would allow affordable businesses to participate. Including something about flexibility of use in the LUMO could facilitate that, she said, and Mr. Lagoo replied that allowing future approval when Conditional Zoning applications come before the Council would add flexibility as well.

When asked about the best way to achieve staff's vision, Mr. Lagoo said that the LUMO, land use regulations/policies/programs, and capital investments were the three main avenues. The Town could not conditional zone someone against their will, but it could be thoughtful about how it uses traditional conditional rezoning, he said.

Council Member Nollert asked for more information on what staff believed could be accomplished with the most ambitious planning possible and if conditional zoning would advance Town goals in various parts of Town.

Mayor Anderson confirmed with Mr. Lagoo that the next Council work session would address community benefits and would focus on possible avenues for achieving Town goals other than conditional zoning. She said that she and the Council wanted to understand the different options and trade-offs related to administrative approval. The Council wanted as much to be done administratively as possible, as long as that achieved Town goals, such as excellence, Complete Community and placemaking, she said. She said that the Council wanted to understand what the Town's future options were and would like more information regarding trade-off criteria.

## 4) Housing in a College Town

Mr. Lagoo pointed out that there had been a steady increase in demand for student housing, especially near UNC campus and along transit corridors. According to state law, the Town could not have rules based on who lives in a particular type of development, so it needed to determine how to regulate residential development based on what it wants in areas where the increase is certain to happen, he said.

Mayor pro tem Ryan commented that building student housing was economically compelling, but it fought against other Town goals. She was interested in building housing with interior styles that anyone could live in, she said, and Council Member McCullough asked about the possibility

of incentivizing such interior designs by shortening the process.

Mayor Anderson clarified that Council members were not opposed to students per se but wanted more, year-round residents, especially in strategic areas of Town. The Council was interested in knowing if there was a way to regulate a housing typology that anyone could live in, she said.

Council Member Nollert said that regulating interiors was his preference as well, but he wanted to weigh that against purpose-built student housing. If the Town could not get the type of housing that anyone could live in then it would have to build student housing because UNC was not planning to do so, he said.

Mayor Anderson commented that she was less pessimistic about UNC but thought that the University would be less motivated to partner with the Town if the Town took on outside partnerships.

#### **5) By-Right Development**

Mr. Lagoo asked if the Council wanted to allow by-right development, as long as it achieved Complete Community (CC) goals.

Mayor pro tem Ryan emphasized the importance of understanding exactly what the commitment was (including what was being given up) and the available options if the Town does not get the CC features it wants.

Mayor Anderson said that she remained in favor of by-right development, but wanted to discuss what could be obtained through other means as well. She stressed the importance of knowing what the Council would be losing if it gave up the ability to negotiate.

Council Member Sharp said that by-right development would be less cumbersome for the Council and staff. However, she wanted to see the benefits more clearly delineated and to know exactly how the Town would get the outcomes it wanted, she said.

Council Member Miller Foushee pointed out that a project could potentially check all of the right boxes in the LUMO and still not be what the Town wanted. However, she believed that the process would include conditions that would allow the Council to promote, allow, encourage and create the CC environment that it wanted, she said.

Council member McCullough spoke about the importance of protecting sensitive ecosystems. She said that it was possible to set up zoning conditions that would allow environmental protections to be by-right in some zoning districts while requiring protections in another district to be negotiated.

Mr. Lagoo described a zoning map tool that would allow staff to determine by-right, or not, based on location. Ms. Waddell pointed out, though, that staff would still check what developers brought in against what was realistic and would always inform the Council.

The Council and Mr. Lagoo discussed how the revised LUMO would include incentives that make it more attractive and advantageous to build what the Town wanted. Council Members Berry and Miller-Foushee spoke about making Council expectations clearer in the LUMO. Mayor Anderson said, in summary, that the Council wanted to better understand the trade-offs and wanted expectations in the LUMO to be clear and aligned with the CC Framework.

#### **6) Drive-Throughs**

Mr. Lagoo reminded the Council that drive-throughs were currently allowed with a Special Use Permit (SUP) in several zoning districts. Although there were concerns about emissions and streetscape/walkability impacts, drive-throughs could be a key part of having a more economically resilient community, he said. He asked for the Council's guidance on whether drive-throughs should be more or less restricted.

Several Council Members expressed a preference for keeping the SUP requirement, except for places such as pharmacies and banks. Mayor Anderson said that she hoped to make it difficult to put drive-throughs in places that the Council wanted to be walkable. Council members had different perspectives but did not want a proliferation of drive-throughs in Town and wanted those that were allowed to be environmentally friendly, she said.

#### **7) Shelters for people experiencing homelessness**

Mr. Lagoo noted that shelters were currently allowed in Town with an SUP. He said that a major goal of LUMO work was to inject more equity. He provided the following ways to explore moving beyond the status: differentiating shelters by size; allowing some by-right in some zoning districts; expanding zoning districts in which shelters were possible. He asked for feedback from the Council on those possibilities.

Council Members Miller-Foushee and Stegman spoke in favor of a policy that would allow shelters anywhere in Town and that might include converting hotels or other facilities. Council Member Miller-Foushee said that the Town's land-use policy should allow creativity, such as converting a single-family home or school into a shelter when such opportunities arose. Council Member Stegman confirmed with Mr. Lagoo that single room occupancy could fit within the LUMO's definition of a shelter as long as it was temporary.

Mayor pro tem Ryan asked for more information about size distinctions and proposed discussing whether the Town should allow shelters by-right or through a community process. Mayor Anderson said she wondered if some places would be better for shelters than others and if there should be criteria regarding those that allow better access to transportation and services. She clarified that she was not proposing to prohibit any locations but wanted to be as thoughtful as possible about the right locations.

### **8) Commercial to Residential Conversions/Houses at Places of Worship**

Mr. Lagoo said that no one in Town had shown interest in converting underutilized commercial spaces into residential use, and he proposed keeping that possibility in mind for future discussions. He said that local non-profits had expressed interest in pursuing the idea of co-locating housing at places of worship, though, and that there were ways in which the Town could do so. He pointed out that zoning could be a potential barrier with both approaches, however.

Council Member Miller-Foushee commented on the urgent need for housing and confirmed with Mr. Lagoo that some non-profits were ready to partner with places of worship if the Town could create a pathway for doing so. She and Mr. Lagoo discussed addressing the idea during the LUMO rewrite and then making systemic changes as well. She and Council Member McCullough spoke about trying to create an environment that would also welcome commercial property conversions.

Council Member Sharp confirmed with staff that a LUMO change would not be needed to allow housing on church property. Council Member McCullough said that making such an ability by-right for places of worship might be an opportunity to incentivize other things as well, such as shelters and rooming houses. Mayor Anderson confirmed with Mr. Lagoo that converting a defunct shopping mall or hotel to residential use would be expensive and difficult.

### **9) Environmental Protection/Research Conservation District (RCD)**

Mr. Lagoo pointed out that providing housing while remaining green involved significant tradeoffs. He gave examples of how a pending Natural Areas Map would help staff take better stock of the Town's natural assets when determining how Resource Conservation District (RCD) rules should be implemented. He asked if there should be additional considerations for developments on small parcels where current RCD regulations might have an outsized impact on the property's developability. He pointed out that the Council almost always modifies buffers when conditional zonings come before it.

Council Member Nollert said that he needed more context, such as the number of parcels that would be affected, in order to answer staff's question. Council Member McCullough and Mayor pro tem Ryan expressed reluctance to even discuss such actions without seeing the Natural Resource Map. Mayor pro tem Ryan said that a toolbox from the state could help towns implement good ecological practices. She commented on how much RCD incursion the Town had already given away.

Mayor pro tem Ryan said that she was not sure Town staff was currently set up to do the kind of nuanced and contextual analysis needed to make such environmental decisions. She raised the idea of developing an incentive program whereby those who were doing important conservation on their sites would get expedited review.

Council Member Berry and Mr. Lagoo discussed how adjusting rules based on criteria informed by the Natural Areas Map could be contextual. She proposed being open to not holding people to rules that apply to their neighbors but not to them. Council Member McCullough commented on how something done on one piece of property could impact everything downstream, and several Council members noted that Orange County's approach to land use was extremely important to the Town for that reason.

Mayor Anderson stressed the importance of being led by science and evidence. She was not as worried about the size of a property as she was about whether it included something sensitive that should not be touched, she said. She confirmed with Mr. Lagoo that some parcels in Town were not developable.

Ms. Waddell confirmed with Council members that they were open to staff bringing scenarios that could affect Town rules regarding development in the RCD. Mayor Anderson and Mayor pro tem Ryan asked that staff materials include options that enhance protections, and the Mayor said that the Council was interested in hearing about tradeoffs as well. Council Member McCullough said that she wanted to understand well enough to be able to set criteria for determining which projects could go ahead and which ones needed to be evaluated on a case-by-case basis. Council Member Miller-Foushee asked staff to remember when setting standards that not all developers were equal in terms of assets.

### **10) Tree Protection and Landscaping Standards.**

Mr. Lagoo pointed out that stringent regulations could advance climate goals but could also create a more expensive community in which to build. He asked if staff should explore options such as requiring more diverse planting in developments, mandating best practices in new plantings, and

mandating or incentivizing existing tree canopy preservation.

Council Member Sharp proposed exploring whether the Town's tree canopy requirements should be more stringent, more strategic and more effectively enforced.

Mr. Lagoo explained that an adjustment to tree canopy would only be considered if it were paired with a protection that met Town goals in a more meaningful way. This might include pairing an overall tree canopy requirement with a strong interest in preserving existing tree canopy, he said. He noted that there were no current incentives for developers to preserve existing tree canopy.

Council Member Stegman praised the approach of fine-tuning the policy in a way that would balance both interests. Council Member McCullough agreed and recommended enhancing biodiversity by preserving or incentivizing native plantings and small stands of intact forests. She also emphasized the importance of shade for anything impervious, especially sidewalks and roads.

Mayor pro tem Ryan agreed with the idea of incentivizing preservation and said that the Town's design manual should include more diversity and more native plantings. She stated that the Town's current buffer standards were unrealistic and proposed having a package of environmental incentives.

Council Member Miller-Foushee requested information on how the LUMO might address what mandating would mean with regard to cost for the Town's affordable housing partners.

Mayor Anderson emphasized her interest in preserving wildlife corridors. Whatever regulations the Council ultimately decided upon should apply to all housing types, she said. She requested information on ways to assist the Town's affordable housing partners without reducing environmental requirements. She wanted the Town to be stringent about protecting what was important but do so in a smart and creative way, she said.

This item was received as presented.

## **ADJOURNMENT**

This meeting was adjourned 9:08 p.m.