



TOWN OF CHAPEL HILL

Town Council

Meeting Minutes - Final

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

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, May 18, 2022

7:00 PM

Virtual Meeting

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.

Virtual Meeting Notification

Town Council members will attend and participate in this meeting remotely, through internet access, and will not physically attend. The Town will not provide a physical location for viewing the meeting.

The public is invited to attend. The Town of Chapel Hill wants to know more about who participates in its programs and processes, including Town Council business meetings and work sessions. Please participate in a voluntary demographic survey <https://www.townofchapelhill.org/demosurvey> before accessing the Zoom webinar registration. After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 879 3668 5537

View Council meetings live at <https://chapelhill.legistar.com/Calendar.aspx> – and on Chapel Hill Gov-TV (townofchapelhill.org/GovTV).

OPENING

Mayor Hemminger opened the virtual meeting at 7:00 p.m. and outlined the agenda. She congratulated Senator Valerie Foushee and State Representatives Greg Meyers, Renee Price and Allen Buansi for winning their primary races.

ROLL CALL

Mayor Hemminger called the roll and all Council Members replied that they were present, with the exception of Mayor pro tem Stegman, who arrived at 7:03 p.m. due to computer difficulties.

Present: 9 - Mayor Pam Hemminger, Mayor pro tem Karen Stegman, 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

OTHER ATTENDEES

Town Manager Maurice Jones, Deputy Town Manager Mary Jane Nirdlinger, Deputy Town Manager Loryn Clark, Town Attorney Ann Anderson, Communications Manager Ran Northam, Planning Director Colleen Willger, Assistant Planning Director Judy Johnson, Principal Planner Anya Grahn, Business Management Director Amy Oland, Business Management Assistant Director Matt Brinkley, and Deputy Town Clerk Amy Harvey.

ANNOUNCEMENTS BY COUNCIL MEMBERS

0.01 Celebrating Successes Video: Bike Month

[\[22-0451\]](#)

The Council watched a "Celebrating Successes" video, narrated by Mayor Hemminger, about biking opportunities in Chapel Hill and showing the Town's extensive network of greenways, bikeways, and related facilities. More information could be found at GoChapelHill.org, she said.

0.02 Proclamation: Public Works Week.

[\[22-0452\]](#)

Council Member Parker read a proclamation that declared May 15-23, 2022 to be Public Works Week in Chapel Hill and thanked Public Works staff for all that they do. The proclamation called on Town residents to recognize the contributions that Public Works makes to their quality of life. Mayor Hemminger and the Council gave a round of applause for Public Works staff and asked the Manager to extend their appreciation to Director Lance Norris and his team.

0.03 Proclamation: Kids To Parks Day.

[\[22-0453\]](#)

Council Member Anderson read a proclamation that declared May 21, 2022, to be Kids To Parks Day and encouraged everyone to explore Town parks and green spaces on that day and throughout the year. The event, which had been organized by the National Park Trust, was aimed at empowering children and broadening their appreciation of nature, she said.

Mayor Hemminger thanked Parks and Recreation staff and the Parks

Greenways and Recreation Commission for their support. She pointed out that the Town had recently published an Open Space Map that could help people explore community parks and greenspaces.

0.04 Proclamation: Period Poverty Awareness Week.

[\[22-0454\]](#)

Council Member Miller-Foushee read a proclamation about efforts by the NC Diaper Bank and other organizations to address period poverty by distributing menstrual products through various channels. The Town Council was proclaiming the week of May 23-29 as Period Poverty Awareness Week and encouraged all Town residents to donate generously to supply banks, product drives, and organizations that collect and distribute products to those struggling with period poverty, she said.

Mayor Hemminger expressed appreciation to the Diaper Bank of North Carolina for expanding its services to meet the urgent need. More information was available at the Diaper Bank's website, she said.

0.05 Mayor Hemminger Regarding The Ribbon Cutting For Boys and Girls Club.

[\[22-0455\]](#)

Mayor Hemminger said that she had attended a ribbon cutting ceremony that day for a facility in Northside that the Town had turned over for perpetual use. It was a wonderful event and she had felt proud of the community for taking bold steps to help children out, she said.

0.06 Mayor Hemminger Regarding Legislative Breakfast.

[\[22-0456\]](#)

Mayor Hemminger reminded the Council that their annual Legislative Breakfast would be held virtually the next morning. The Council would update local officials on progress that the Town had made in various areas, she said.

0.07 Mayor Hemminger Regarding Tracks Music Concert.

[\[22-0457\]](#)

Mayor Hemminger announced that a free, outdoor Tracks Music Concert would be held on May 21st from 3:00-7:00 p.m. at Current Artspace and Studio in Downtown Chapel Hill.

0.08 Mayor Hemminger Regarding Public Information Meeting On Old Chapel Hill Road.

[\[22-0458\]](#)

Mayor Hemminger said that a public information meeting regarding a proposed apartment building at 5500 Old Chapel Hill Road would be held virtually on May 23rd at 5:15 p.m.

0.09 Mayor Hemminger Regarding Next Week's Work Session.

[\[22-0459\]](#)

Mayor Hemminger said that the next Council Work Session would address budget topics that still needed to be covered and a report from the Lower

Booker Creek Work Group.

0.10 Mayor Hemminger Regarding Mayor Pro Tem Stegman's Birthday.

[\[22-0460\]](#)

The Mayor and Council wished Mayor pro tem Stegman a Happy Birthday.

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.

0.11 Charles Berlin Request To Pause Development in NE Chapel Hill.

[\[22-0461\]](#)

Charles Berlin summarized a petition, with 500 signatures, regarding a proposed development along Old Chapel Hill Road. He said that it was critical for such a large-scale development to be done in a comprehensive way that included genuine participation by local residents.

This item was received as presented.

0.12 Sandy Douglass Request To Use ARPA Money Towards Pickleball.

[\[22-0462\]](#)

Sandy Douglass said that there was a longstanding need for more Pickleball courts in Town and proposed that American Rescue Plan Act (ARPA) funds be put toward building more. She said that the number of registered Pickleball players in Chapel Hill had increased from 350 to more than 1,700 since 2016, but the Town still had only one dedicated facility. She asked for \$400,000 in ARPA funds and said that supporters would match that through community fundraising.

This item was received as presented.

0.13 Virginia Gray Request For Community Park on Legion Rd. Site.

[\[22-0463\]](#)

Virginia Gray discussed ongoing Town deliberations regarding a potential community park on Legion Road and emphasized the need for recreation space in that part of Town. She and 67 others were petitioning the Town

to put ARPA funds toward needed improvements, such as repairing a leaking dam, she said.

This item was received as presented.

0.14 Ronald Kernes Request To Receive More Funding For IFC.

[\[22-0464\]](#)

Robert Kernes, an Interfaith Council (IFC) board member, described IFC's services that address the needs of people who are homeless. He asked the Town to help end the current crisis by increasing its financial assistance to IFC.

This item was received as presented.

0.15 Jay Miller Request To Receive More Funding For IFC.

[\[22-0465\]](#)

Jay Miller, IFC treasurer, pointed out that IFC provided a community kitchen, food pantry, emergency financial assistance, and housing support in four large shelters. It spent approximately \$1.4 million annually and he was asking the Town to contribute to an interlocal agreement with Carrboro, Hillsborough and Orange County that would provide \$650,000, he said.

This item was received as presented.

0.16 Jessica Alidave Request To Receive More Funding For IFC.

[\[22-0466\]](#)

Jessica Alsidave, shelter and housing director at IFC, agreed with the previous petitioners and provided first-hand details about IFC residents' daily struggles. She asked the Town to prioritize the inter-local agreement and help IFC in its effort to address life or death situations.

This item was received as presented.

0.17 Tom Finn Request To Receive More Funding To IFC.

[\[22-0467\]](#)

Tom Finn, said that a letter to the Council from IFC's executive director and board chair had provided details about why the interlocal agreement was so important. Local governments' current contribution of 12 percent of IFC's budget was far below what was contributed in similar college towns, he pointed out.

This item was received as presented.

0.18 Maria Palmer Request For No Drive-Thru at U-Place.

[\[22-0471\]](#)

This item was received as presented.

0.19 Josh Romero/CPAC Request for Charge and Name Change.

[\[22-0472\]](#)

This item was received as presented.

0.18 Council Member Parker Request To Follow-Up On American Legion Property.

[\[22-0468\]](#)

Council Member Parker summarized a petition from himself and Council Members Berry, Miller-Foushee, Huynh and Stegman, which requested that the Town proceed with acquiring the American Legion property, as the Town had promised in 2016. He said that the petition was asking to secure the funds to develop the property into a park. It requested that the Town sell a portion of the property for commercial development or housing and use those funds to invest in the park, and it asked that a small piece of the land be considered for affordable housing. The petition also requested a process that included extensive public engagement in the fall and an implementable plan by first quarter of 2023, he said.

Council Member Anderson commented that she supported making a decision about the Legion Road property but thought that doing one off planning would be anathema to the direction the Town had been trying to take. She had questions about the land as well and thought the petition added confusion, she said.

A motion was made by Council Member Anderson, seconded by Mayor pro tem Stegman, that these petitions be received as presented and referred to the Manager and Mayor. The motion carried by a unanimous vote.

INFORMATION

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

[\[22-0423\]](#)

This item was received as presented.

DISCUSSION

2. Open the Public Hearing: Recommended Budget for FY 2022-2023.

[\[22-0424\]](#)

Town Manager Maurice Jones opened the discussion regarding his recommended FY 2021-2022 Town budget, which totaled \$127,716,587 and included about \$76.5 million for the General Fund. The budget represented an 8.9 percent increase from the current fiscal year, he said.

Mr. Jones pointed out that the proposed property tax rate of 51.9 cents would be a half-cent higher than the current rate and had been proposed to address increased costs in the Transit Fund. He noted that the Council had recently indicated a desire to add an additional 0.3 cents to support the Transit Partners' request for an 0.8 cent increase. That would raise the property tax rate to 52.2 cents, he said, adding that each penny on

the tax rate equaled about \$958,000 in new revenue.

Mr. Jones said that the 2021-22 budget included pay increases for Town employees and new investments in capital and operational priorities that the Council had prioritized. He provided a of breakdown of General Fund revenues and a list of proposed new investments.

Mr. Jones said that the budget also included an Economic Development administrative coordinator position (\$81,995) but that a Compensation Analyst position (\$58,039) had been delayed. The budget had been changed to include an additional \$38,039 for AH and \$20,000 for Arts and Culture, bringing those new total funding levels to \$118,000 and \$20,000, respectively, he said. He discussed a new funding request from the IFC for \$650,000 and the Partnership to End Homelessness for 273,000.

With regard to the Town's Enterprise Funds, Stormwater would remain flat and the Transit and Housing funds would increase by 13 and 11 percent, respectively, he said. He explained that the Parking Fund would increase by 83.8 percent as a result of the new East Rosemary Street Parking Deck being included.

Mr. Jones said that the Council would need to reach a conclusion regarding the General Fund tax rate over the next couple of weeks. There would be two more budget work sessions (May 25th and June 1st) and the Council was expected to adopt a budget June 8, 2022, he said. He noted that all budget information was available at TownofChapelHill.org/budget.

Council Member Parker confirmed with Mr. Jones that there was \$95,000 in the base budget for the Street Outreach, Harm Reduction, and Deflection (SOHRAD) group, but that SOHRAD was asking towns to make up for some of what Orange County's ARPA funds had covered last year as well. Mr. Jones said that \$118,000 was therefore before the Council for SOHRAD, or staff could look for other ways to fund that request. He pointed out that the Town had already dedicated \$38,000 from the Re-imagining Community Safety recommendations fund to help support a new SOHRAD position.

Council Member Berry asked why Orange County was not continuing its SOHRAD support, but Mr. Jones and Council Member Anderson, the council's SOHRAD liasons, said that they had not been given a reason. Mayor Hemminger offered to get an answer from the County Manager before the Council's next work session and proposed that the Council discuss the issue at its work session the following week.

Council Member Searing confirmed with Mr. Jones that additional fire-fighters would be needed in the near future and that the Council would be receiving more information about that.

IFC Development Director Jennifer Gill said that there had been a large

increase in homelessness in Orange County and IFC Executive Director Jackie Jenks stressed the urgent need and asked the Council to dedicate funds for emergency housing in the current budget cycle.

IFC Residential Services Director Stephanie Kilpatrick described how it felt to turn homeless people away and stressed the importance of having an interlocal agreement that would lead to safety for all. Chapel Hill resident Nikkima Santos explained how the IFC had saved her life when she and her children were running from an abusive domestic situation. "You never know when you or someone you love will be on the other side, so think carefully about these decisions," she said.

Council Members Berry, Stegman, Huynh, Miller-Foushee and Parker said they supported a 0.8 cent increase for Transit. Council Members Searing, Ryan and Anderson spoke in favor of a 0.5 increase, with Ryan and Anderson proposing an increase in that if the \$250,000 for IFC could not be found elsewhere. Council Member Ryan said that she was leery of raising taxes in a year when sales tax revenue had been good and the Town had a budget surplus.

All Council Members said they wanted to support IFC's request and asked the Manager to bring back more information about how to fund the proposed interlocal agreement. It was wise to invest in transit and Town employees but the Town also needed to find money for IFC, said Council Member Ryan. Mayor Hemminger pointed out that the Council would be holding a work session regarding the IFC the following week.

Council Member Parker, the Council's representative to the Transit Partners Group, said that even the requested 0.8 cents would not fully fund Transit for the next couple of years. He did not like pitting needs against each other and hoped that both Chapel Hill Transit and IFC could be made whole, he said.

Council Member Berry talked about how IFC and other Town resources had helped her during a difficult phase of her life. She implored her Council colleagues to approve the requested funding.

Council Member Searing said that he was reluctant to do a big tax increase and wanted to explore making cuts rather than increasing taxes beyond the half-cent for transit. He asked for firm numbers on what the increased IFC funding would go for and clarification on if it would be a reoccurring budget item.

Several Council Members emphasized the need to fund SOHRAD as well. Council Member Miller-Foushee said that a full penny tax rate increase was needed in order to address homelessness issues. Mayor pro tem Steg advocated for prioritizing SOHRAD, which had a very positive impact on

Town residents and businesses.

Council Member Anderson noted the need for more clarity on why Orange County was planning to stop funding SOHRAD's critical and successful work. Some Council Members pointed out that SOHRAD's and IFC's work was interconnected, and they requested for more information from staff on how the two relate to each other.

Mayor Hemminger said that she wanted to find the money for the IFC in the current budget cycle. She thought that the Town could find a way to make that work and felt somewhat irritated when asked to balance that need against street repaving and other things that could wait, she said. She said that she found it difficult to propose raising taxes in a year when there has been an 8.9 percent increase in revenues. She proposed defining the needs first and then determining what was needed to address them, rather than showing a list of what a penny could provide.

Mayor Hemminger characterized the SOHRAD situation as confusing and said that she and the Town Manager would find out from Orange County leadership what was going on. She said, in summary, the majority of Council Members supported 0.8 for Transit, wanted to support IFC and SOHRAD, and would discuss those items further at their next work session.

This item was received as presented.

ZONING ATLAS AMENDMENTS

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 an Application for Conditional Zoning for 101 E. Rosemary Street from Town Center-2 (TC-2) to Town Center-3-Conditional Zoning District (TC-3-CZD).**

[\[22-0425\]](#)

Assistant Planning Director Judy Johnson gave an overview of Link Apartments Rosemary, a seven story, 150-unit, multi-family apartment building proposed for the northeast corner of Columbia and Rosemary Streets. The 0.64 acre property was currently zoned Town Center-2 and the applicant was proposing to rezone it to Town Center-3/Conditional Zoning District, she said.

Ms. Johnson noted that no parking was being proposed for the site. She said that the applicant, Grubb Properties LLC, had offered 15 affordable units, 13 of which would be at 80 percent of the annual median income

(AMI) and 2 at 30 percent AMI. A 30-year affordability period was included in the ordinance, but the applicant wanted to discuss that further with the Council, she said.

Ms. Johnson explained that the applicant was proposing lease restrictions that would require residents to be at least 22 years of age and lease holders to reside in the unit. In response to earlier Council comments, the applicant was offering to move its cycle center from the front of the building to a Columbia Street location, she said.

Ms. Johnson explained a request from the applicant to modify the Town's setback height requirement and said that Grubb Properties would provide additional information on its street activation plans and parking strategy. She recommended that the Council close the public hearing and consider adopting Resolution A and enact revised Ordinance-A.

Joe Dye, executive vice president with Grubb Properties, showed renderings of the proposed building and referred to prior conversations with the Council and Town advisory boards about relief from set-back regulations. He said that Ms. Johnson had captured most of the plan's elements, but he provided further information on Grubb's plans for activating the street with commercial and amenity spaces.

Mr. Dye commented on the difficulties involved with financing affordable housing (AH) and said that "essential housing," which fell between luxury and affordable housing, was needed downtown and was at the core of the Link Apartments concept. He asked the Council to take action, after which Grubb would return to the Council Committee of Economic Sustainability (CCES) to discuss a different AH strategy that he would then bring back to the Council at the next hearing.

Council Member Searing confirmed with Ms. Johnson that the applicant had made adjustments to address the Community Design Commission's concerns about the first-floor commercial space.

Council Member Parker asked why the cycle center had not been moved to the northwest corner of the building, and Mr. Dye replied that doing so would displace units and the 150-unit threshold was already low. Additionally, the cycle center needed to be prominent because cycling was a key component of the project concept, said Mr. Dye.

Council Member Parker confirmed that Grubb Properties had been working with Town staff on parking and planned to present more information for Council consideration. He asked if they had explored changing the mix, or size, of units in order to create a better project, and Mr. Dye replied that they believed their product already was very efficient.

Council Member Ryan confirmed with Mr. Dye that the tax benefits of being in an Opportunity Zone had been factored into the numbers.

Council Member Berry asked about the applicant's apparent resistance to the Council's request for more active retail space, and Mr. Dye replied that downtown Chapel Hill was currently a difficult retail environment and that Link Apartments needed a lobby/leasing space in order to succeed. He said that the spaces Grubb was proposing were active and that further study was needed to determine how to increase that.

Council Member Anderson said that some of the project's components were not right for the location and asked if the swimming pool, for example, could be moved to a higher level. Mr. Dye replied that moving the pool would make the project difficult to construct, but Council Member Anderson said that others in the industry believed that moving the pool would be feasible with a different type of construction.

Council Member Huynh confirmed with Mr. Dye that tenants such as bodega shops could absolutely be integrated with the lobby.

Martin Johnson, speaking on behalf of NEXT, recommended that the Council reach a compromise regarding AH. Link Apartments would provide a substantial amount of housing and would advance the Town's climate and economic goals, he said. He characterized requiring a parking plan for a car-free apartment building as "absurd" and urged the Council to approve the project.

Nikkima Santos shared her experience of living in a city that did not have adequate parking and warned the Council to address the issue before it grew worse. She expressed support for the idea of having bodegas along the street-front, noting that those would be convenient for people living in the apartments and nearby areas.

The Council generally characterized the project as still inadequate and recommended that the applicant rethink it and return. They understood the bicycle theme but felt that such amenities would not sufficiently make the downtown corner active and prominent. Most asked that the bicycle center be relocated away from the corner.

The Council asked for more interactive commercial space on the site. Council Member Huynh suggested putting a bodega and other commercial spaces where the cycle center/leasing office was planned so that the entire Rosemary Street frontage would be an interactive community scene. Council Member Searing proposed having a reciprocal agreement with another business that would include a bike shop. Mr. Dye and other Council Members expressed support for both ideas.

The Council said that the proposed sidewalks were too narrow and that the amenity spaces needed to be more public. Some Council Members said that the proposed design would not be congruent with adjacent

buildings and seemed like more of a suburban project. Council Member Ryan suggested making the building into more of a horseshoe shape and raising the swimming pool to a higher floor. Council Member Parker recommended that the applicant think about what really would fit well in the location, rather than trying to make the location fit in the model.

Council Member Berry pointed out that "car free" was a great idea but not the reality for downtown Chapel Hill, and Council Member Anderson said she agreed with Ms. Santos's comments about the consequences of inadequate parking.

The Council said that the proposed age requirement would need to be more rigorous because individuals had found ways around such regulations in the past. The Council said that the proposed AH plan was inadequate, and Mayor pro tem Stegman asked the applicant to think about including 10 to 15 percent or finding a creative way to meet that obligation. Council Member Huynh said that 80 percent AMI was too high and pointed out that the Town's goal was 60 percent.

Mayor Hemminger noted that the applicant was merely asking for Council input at the current meeting. She emphasized the importance of such a prominent corner in the Town's relatively small downtown. She said that she understood the inherent difficulties of the location and the realities of current construction costs but wanted the applicant to return with something more in line with what the Council said it wanted.

Mayor Hemminger expressed support for Council Member Ryan's idea about turning the building into a horseshoe and maybe having a courtyard rather than a pool. She also liked the idea of a tap room/bike shop area that could expand out into a more commercial area, she said.

Mr. Dye commented that the site would be challenging regardless of the project. He agreed to go back to the drawing board and return to the Council on June 15, 2022.

A motion was made by Council Member Parker, seconded by Council Member Berry, that the Council continue the Legislative Hearing to June 15, 2022. The motion carried by a unanimous vote.

4. Open the Legislative Hearing: Conditional Zoning Application for the Gimghoul Castle at 742 Gimghoul Road.

[\[22-0426\]](#)

Senior Planner Anya Grahn provided an overview of a conditional zoning application regarding a C. 1926 stone castle located on a 2.3-acre site currently zoned Residential 1. She explained that the Order of the Grimghouls was asking to rezone the property to Office Institutional 1/Conditional Zoning District in order to construct an addition and continue using the castle as a club.

Ms. Grahn explained that Residential 1 did not allow the club use even though it had been used that way since 1926. She showed pictures and a diagram of existing conditions, boundaries, driveway and parking areas. She shared a proposed site plan that indicated an addition to the castle, new terraces, and a new walkway within the site.

Ms. Grahn said that proposed modifications to regulations included maintaining an existing forested area (rather than creating new buffers) and allowing bicycles and cars to share an existing parking lot. All Town advisory boards had recommended approval, she said, and she recommended that the Council open the legislative hearing, receive public comment, and continue the hearing to June 15, 2022.

Attorney LeAnn Brown explained the applicant's desire to use the Conditional Zoning tool to maintain the castle and increase its functionality in a way that respects its history. She pointed out that rezoning would also prevent any future attempt to tear down the castle and build a residential development.

A motion was made by Council Member Ryan, seconded by Council Member Huynh, that the Council continue the Legislative Hearing to June 15, 2022. The motion carried by a unanimous vote.

SPECIAL USE PERMITS

Special Use Permit: The Application for a Special Use Permit is Quasi-Judicial. Persons wishing to speak are required to take an oath before providing factual evidence relevant to the proposed application.

Witnesses wishing to provide an opinion about technical or other specialized subjects should first establish that at the beginning of their testimony.

5. Open an Evidentiary Hearing for an Application for Special Use Permit Modification for Fifth Third Bank at 1800 Fordham Boulevard.

[\[22-0427\]](#)

Deputy Town Clerk Amy Harvey administered the oath to Town staff and applicant team members who would be providing evidence regarding Fifth Third Bank's Special Use Permit (SUP) application. Attorney Brown was present as well, due to the quasi-judicial nature of the hearing.

Ms. Johnson outlined the SUP approval process and explained the differences between that and a Conditional Zoning process. She pointed out that no Council discussion was allowed outside the public hearing in an SUP process and she read the four findings of fact that an SUP must meet. She said that Town advisory boards' and commissions' recommendations had gone directly to the applicant.

Ms. Johnson presented a map that showed the proposed bank location along Fordham Boulevard on property that was zoned Community Commercial. She said that the applicant was proposing to demolish an existing Hardee's restaurant there and construct the bank with a drive-in teller and ATM machine. She said that an SUP was required because of the drive-through window.

Ms. Johnson described the applicant's proposal to remove access to a nearby service road, maintain another access, and build a second access from the adjacent Wegmans grocery. She outlined requests for modifications to steep slopes, entrance drives, screening, and buffers. She recommended that the Council open the hearing, receive evidence, and continue the hearing to June 15, 2022.

Scott Horn, project leader with Fifth Third Bank for NC, described the bank's plan to expand into the southeastern United States with its next generation design. Fifth Third Bank already had a project on Franklin Street and would soon have another at University Place, he said.

Architect Dana Baker showed a site plan for the 2,400 square-foot bank building. She explained how traffic flow would be mitigated by closing the service road and said that a very tight parking plan would reduce impervious surface by 30 percent.

Ms. Barker explained that banks needed their surroundings to be as open and airy as possible for safety and security reasons. Due to a Town requirement that drive-throughs must be screened, the applicant was proposing to put the drive-through on the Fordham Boulevard side of the building and was requesting a modification to the buffer there for more security, she said.

Ms. Barker explained that a request to modify regulations regarding steep slopes was to construct a new bike/pedestrian path along the service road where Hardees had added man-made slopes. She pointed out that a pathway could connect to Wegmans if a small extension were added later.

Ms. Barker showed renderings of an open, landscaped lawn at the front corner of the property and said that it would bring more of a sense of community than the current "fortress-like feel" of Hardees parking lot did. She discussed energy efficiency plans and said that a traffic impact analysis would not be required because the bank would create 59 percent less traffic flow than Hardees.

The Council confirmed that there would be two drive-through lanes and that the applicant intended to replace two of four mature trees. They noted the need for lighting along the pathway and verified that First Third Bank would talk with Wegmans about the details of extending the bike and pedestrian pathway to their parking lot.

Mayor Hemminger confirmed with the applicant that there would be no vehicle access from the bank to the service road and that the bank's sidewalk would be compatible with any future pedestrian pathway across Fordham Boulevard. She also verified that all of the mature crepe myrtles would remain.

Ms. Santos commented on the effects of current heavy development on traffic in the area. She confirmed that the bank hoped to begin construction in late 2022 or early 2023 and that construction should have minimal impact on surrounding streets.

Council Member Ryan praised the proposed reduction in impervious surface but pointed out that open patches could become hot wastelands in the summer. She recommended that the open space include shade trees, and she also asked the applicant to try and keep all four of the mature trees near the drive lanes. She requested more buffer screening along the service road if the drive-through area was going to have less.

A motion was made by Council Member Ryan, seconded by Mayor pro tem Stegman, that the Council continued the Evidentiary Hearing to June 15, 2022. The motion carried by a unanimous vote.

**6. Open the Evidentiary Hearing: Special Use Permit
Modification-Harris Teeter Fuel Center, 1800 Martin Luther
King, Jr. Boulevard.**

[\[22-0428\]](#)

Ms. Harvey administered the oath to Town staff and applicant team members who would be providing evidence.

Senior Planner Anya Grahn reviewed the rules for the SUP modification process that Ms. Johnson had presented in Item 5. In compliance with those new rules, Town boards and commissions had provided comments directly to the applicant and hadn't shared them with the Council, she said.

Ms. Grahn provided a broad overview of the project and explained that an existing master land-use plan provided standards for an approximate 5.08-acre property of which Harris Teeter (HT) was a part. HT's SUP modification request related to its plan for a drive-through pharmacy and gas station within that larger development, she explained.

Ms. Grahn summarized the proposal to extend the existing SUP to include an additional parcel. She said that HT was proposing to add 11,572 square feet to its grocery store/pharmacy and a seven-pump fuel center with a 240 square-foot kiosk, drive aisles, and additional parking.

Ms. Grahn showed a site plan and indicated where the proposed expansion

would be. She said that the requested modifications would extend the SUP to encumber the fuel center parcel and modify it to allow for a pharmacy drive-through on the north end of the building. The applicant was also proposing to reduce the buffer along Interstate-40 from 100 feet to 30 feet and to include breaks in that landscape so that passers-by could see HT, she said.

Ms. Grahn pointed out that the Town's Mobility Plan, which was part of the Chapel Hill 2020 Comprehensive Plan, called for a raised bike lane along Martin Luther King Jr. Boulevard (MLK), but the applicant had declined to provide that. She recommended that the Council open the hearing, receive evidence, and continue the hearing to June 15, 2022.

Megan Fitzsimmons, a civil engineer with Kimley Horn, said that HT would dedicate the 30-foot easement along MLK for a future 12-foot multi-use path.

Council Member Parker verified that 1.61 acres of impervious area would be added. He ascertained from Ms. Fitzsimmons that the distance between the proposed fuel station and an existing gas station would be 900-950 feet and its distance from a stormwater pond would be 700-750. He asked about safeguards to ensure that no gas would leak into the groundwater, and Ms. Fitzsimmons described modern safety requirements and said that the process would require an NC Department of Environmental Quality permit.

Council Members said that they did not see a need for a second, competing gas station in the area, and some raised environmental and traffic concerns about the project. They said that they were essentially okay with the expansion and drive-through but did not want to increase impervious surface and traffic in what already was a busy parking area.

Mayor Hemminger and Council Members Ryan and Anderson spoke against decreasing the buffer along Interstate 40, and the Mayor pointed out that trees provided a barrier to sound and particulate matter.

Council Member Anderson said that she did not understand the applicant's response regarding the MLK bike lane. Garrett Maravetz, representing HT, explained that HT did not own the shopping center itself but had been able to secure dedication of that easement for a future path from the landlord. However, constructing a multi-modal path would mean having to clear-cut the buffer and would become cumbersome to implement, he said.

Mr. Maravetz outlined HT's vision for providing a location for one-stop shopping where customers could save money on fuel by redeeming HT points. He said having competing gas stations would drive prices down.

Council Member Berry commented that one-stop shopping already existed with the current gas station being so close to HT. She asked about

super-charging stations, and Mr. Maravetz replied that HT would install those within its parking deck.

A motion was made by Council Member Anderson, seconded by Council Member Huynh, that the Council continued the Evidentiary Hearing to June 15, 2022. The motion carried by a unanimous vote.

CONCEPT PLAN REVIEW

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

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

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

7. Concept Plan Review: Porthole Alley Redevelopment

[\[22-0429\]](#)

Ms. Johnson outlined the concept plan for a 1.1-acre site at Porthole Alley, located on University of North Carolina (UNC) property near the corner of Franklin and South Columbia Streets. She showed the downtown location on a map and pointed out that the property was zoned Town Center-1/Office Institutional-4. The site was part of UNC's campus-wide development plan, she said.

Ms. Johnson summarized comments by the Community Design Commission (CDC) and the Town's Urban Designer Brian Peterson. Because the site was adjacent to the downtown focus area, attention would be given to the appearance of public entrances having wide and vibrant pedestrian zones and including opportunities for public art, she said.

Ms. Johnson said the concept plan had only been to the CDC because no housing components were included in it. She recommended that the Council adopt Resolution-3, transmitting its comments to the applicant.

University Architect Evan Yassky provided project details and explained how the plan was consistent with UNC's Master Plan themes. He shared comments that UNC had heard in a public process, which had resumed in 2021 after having been interrupted by COVID-19. He said that a project

principle was to work with the Town regarding character, scale, retail mix, ground level spaces and sustainability. With the site being an important gateway to campus and its location including many transit opportunities, it made sense to create additional density, he said.

Mr. Yassky said the designer's approach to building scale would recognize Franklin Street's historic character as well as UNC uses. He described the potential for three different zones and discussed ideas for activating the alleyway itself. He presented diagrams of various design approaches and showed renderings of the site plan that UNC had ultimately chosen.

Mr. Yassky said the plan included moving UNC's undergraduate admissions office to the Porthole Alley area and leasing 100 spaces for that from the Town's East Rosemary Street Parking Deck. He showed renderings of possible designs that did not include any specific architectural detail at the current time. He indicated where a new courtyard, outdoor spaces, and bridge between buildings could be included.

The Mayor and Council confirmed with Mr. Yassky that UNC was currently thinking that the alleyway's width would remain about the same at its northern end but be widened by about five feet as it moves to the south. They confirmed that the plan imagined two green spaces on the south side of the project. Mr. Yassky said that designers would try to create relationships with the architectural variety along Franklin Street and the surrounding neighborhood.

Mayor Hemminger strongly advocated for an outdoor rooftop amenity, and Mr. Yassky noted that the rooftop spaces had been rendered as green roofs. UNC would like to consider elevated dining spaces but needed to take safety issues into account, he said.

Mayor Hemminger urged UNC to enhance its Visitors Center and make its admissions office and auditorium accessible for public use, and Mr. Yassky agreed that there was an opportunity to showcase UNC activities there. He said that 200-person gatherings were important for admissions and that UNC planners had been discussing how to open that space up for uses after 5:00 p.m.

The Council confirmed with Mr. Yassky that art would be front and center at Porthole Alley and talked about addressing the "canyon effect" of Porthole Alley.

Ms. Santos suggested finding a way to tell the story of Chapel Hill's various cultures and traditions at the Visitors Center and gave examples of the types of historical references that could be introduced.

Council Members expressed enthusiasm and support for the project and several of them thanked UNC for the level of care that had gone into the design. They agreed with the Mayor's recommendation to include more of

an outdoor experience and emphasized the importance of having as much community gathering space as possible. The Council emphasized the need for shade trees, good sidewalks and encouraged UNC to continue thinking about how to make its facilities more welcoming to Town residents.

Several Council Members spoke about the need to lessen Porthole Alley's tunnel effect and Council Member Parker proposed that the entrance blur the line between the Town and UNC. The Council asked that art be incorporated in every possible way and said that lighting could be used to create unique effects. They pointed out that correct building height and width could make a big difference in the overall feel of the space.

Mayor Hemminger agreed with the Council's comments and repeated her recommendation that UNC find a way to create a rooftop amenity, or porch overhang, on the Franklin Street side. Doing so would draw the community in -- and people like outdoor amenity spaces, with shade, she pointed out.

A motion was made by Council Member Anderson, seconded by Council Member Huynh, that R-3 be adopted.

APPOINTMENTS

8. Appointments to the Board of Adjustment. [\[22-0430\]](#)

The Council reappointed Thomas Grasty and Andrew Strada to the Board of Adjustment.
9. Appointments to the Historic District Commission. [\[22-0431\]](#)

The Council reappointed Duncan Lascelles and Anne Perl De Pal to the Historic District Commission.
10. Appointments to the Human Services Advisory Board. [\[22-0432\]](#)

The Council reappointed Mychal Weinert and appointed Aaron Carpenter and Jan Lee Santos to the Human Services Advisory Board.
11. Appointments to the Orange Water and Sewer Authority Board of Directors. [\[22-0433\]](#)

The Council reappointed Bruce Boehm and appointed Pedro Garcia to the Orange Water and Sewer Authority Board of Directors.

ADJOURNMENT

The meeting was adjourned at 11:25 p.m.