



TOWN OF CHAPEL HILL

Town Council

Meeting Minutes - Draft

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

Mayor Pam Hemminger
Mayor pro tem Jessica Anderson
Council Member Donna Bell
Council Member Allen Buansi
Council Member Hongbin Gu

Council Member Nancy Oates
Council Member Michael Parker
Council Member Karen Stegman
Council Member Rachel Schaevitz

Wednesday, February 13, 2019

7:00 PM

RM 110 | Council Chamber

Roll Call

Present: 9 - Mayor Pam Hemminger, Mayor pro tem Jessica Anderson, Council Member Donna Bell, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Nancy Oates, Council Member Michael Parker, Council Member Karen Stegman, and Council Member Rachel Schaevitz

Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Communications Manager Catherine Lazorko, Planning Operations Manager Judy Johnson, Planning Director Ben Hitchings, Housing and Community Executive Director Loryn Clark, Business Management Director Amy Oland, Planner II Michael Sudol, Fire Chief Matt Sullivan, Community Resilience Officer John Richardson, Affordable Housing Manager Nate Broman-Fulks, Community Connections Coordinator Megan Peters, Housing and Community Administrative Coordinator Carla Burnette, Communications and Public Affairs Director and Town Clerk Sabrina Oliver, Deputy Town Clerk Amy Harvey

OPENING

0.01 Successes Video: 2018 Successes in the Council Goal Areas of Environmental Stewardship and Connected Community.

[\[19-0142\]](#)

Mayor Hemminger introduced a "Celebrating Successes" video, narrated by Town Manager Maurice Jones, that addressed the Town's progress in reaching its environmental stewardship and connected community goals. In the video, Mr. Jones discussed various Town improvements for the environment, and enhanced transit, bicycle, and pedestrian experience.

1. UNC co-gen Plans. (no attachment)

[\[19-0127\]](#)

PRESENTER: Brad Ives, Associate Vice Chancellor for Campus

Enterprises and Chief Sustainability Officer

Mayor Hemminger opened the business meeting at 7:00 pm and welcomed the public. She said that the Town was in the process of putting together a Climate Action Plan in partnership with the University of North Carolina at Chapel Hill (UNC), and she introduced Associate Vice Chancellor Brad Ives to present the University's plan to move away from coal.

Mr. Ives outlined the progress that UNC had made toward a "Three Zeros Environmental Initiative" that would eventually lead to zero greenhouse gasses, water neutrality, and zero landfill waste. He described how UNC's co-generation plant generated steam and electricity, 72 percent of which was currently fueled by 75 tons of coal a year. The other 28 percent was fueled by natural gas, he said. He said that UNC's co-generation plant was one of the cleanest and most efficient of its type in the world.

Mr. Ives emphasized that the University was absolutely committed to getting off coal and said that it was currently increasing the amount of natural gas it used from 25 to 50 percent. He acknowledged, however, that 50 percent was its maximum capability which left the challenge of what to do about the other 50 percent.

Mr. Ives discussed UNC's long-term master plan and the state legislature's passage of a Green Source Advantage Program to allow large users of electricity to purchase up to 40 percent of their loads through Duke Energy. Legislators were trying to fix errors in that program in order to get positive rulings from the Utilities Commission, he said. He said that he was personally committed to environmentalism at UNC.

Mayor pro tem Anderson verified with Mr. Ives that the University provided electricity and steam to UNC's hospital buildings that were on its campus but that the hospital generated its own chilled water and had its own backup power. She also confirmed that joint planning with the Town regarding environmentalism had been informal.

Mr. Ives said that he saw no reason why Chapel Hill should not be one of the leading environmental communities in the nation. He would especially welcome the Town's participation regarding waste such as plastics, he said.

Elizabeth O'Nan, a Chapel Hill resident, pointed out that she had petitioned the Council in October 2018 to look into a "secretly proposed" permit for UNC's coal plant, but had received no response. That permit would allow greatly increased exposures to hydrogen chloride and potentially to other pollutants, she said. Ms. O'Nan said that she and her daughter had experienced increased nose, eye, throat and upper respiratory irritation since moving near UNC. To delay converting to a safe alternative would be "tantamount to premeditated, random homicide," she said.

Ms. O'Nan, discussed the potential use of biofuel pellets to replace coal. She offered to send Council members a link to more information regarding that.

John Wagner, a Chapel Hill native, said that UNC had pledged in 2009 to end its use of coal by 2020. The fact that it was not planning to stop using fossil fuel and was planning to use coal until 2050 was extremely disappointing, he said. Mr. Wagner stated that UNC's plan to move to methane would be 86 to 100 times worse for the climate than coal and that moving to biofuels would be unacceptable as well. He encouraged the Council to stop the University from burning coal and to urge it to move to safer alternatives.

Christine Carlson, a Chapel Hill resident, expressed concern about UNC's clear-cutting of trees, disposal of coal ash, and dumping of medical waste in Town. The University's request for an air quality permit for its co-generation facility concerned her because UNC needed to think about sustainable, not combustible, energy, she said. Ms. Carlson asked the Council to delay the University's request until a thorough assessment by experts had been conducted.

Perrin deJong, a Chapel Hill resident and attorney at the Center for Biological Diversity, said that UNC was the only institution of higher education in North Carolina that continued to burn coal. He outlined the history of UNC's commitments to stop by 2020 and said that an existing permit from the Department of Air Quality allowed UNC to emit 400-600 percent of the Clean Air Act's legal limit of nitro-dioxide and sulfur dioxide. Mr. deJong asked the Council to call for a public hearing regarding that permit and to push UNC to stop burning coal by 2020.

Susan Crotts, a Greensboro resident and volunteer with Blue Ridge Environmental Defense League, raised concerns about the harmful health effects of particulate matter in the air. She said that bio-fuel, shale, and nuclear power sources must be replaced with solar, wind and geo-thermal options. Ms. Crotts submitted detailed information on the health impacts and dangers of coal and coal ash. She said that new technologies were unfolding and the Town should seize those opportunities.

Lib Hutchby, a Chapel Hill resident, said that adopting alternative energy was a matter of political will. She spoke about the importance of maintaining UNC's 2020 goal and asked Council members what they intended to demand of the University.

Joshua Levenson, a Chapel Hill resident, noted that President Carter had recommended keeping thermostats at 65 degrees and 55 to 50 overnight but commented he felt "sweating hot" when working in empty UNC buildings at night. Mr. Levenson suggested that the Town's Green Tract be used for solar and wind power. He said that there should be 100

percent transparency to ensure that UNC steadily reduced its emissions over the next 10 years.

Mayor Hemminger expressed appreciation to community members for their support regarding energy efficiency, reducing greenhouse gases and waste, and figuring out water system issues. She said the Town was putting a website together which would show what it was working on and would be launching programs with citizen involvement as well.

PETITIONS FROM THE PUBLIC AND COUNCIL MEMBERS

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

1.01 David Adams and Julie McClintock Regarding Evaluation of Town Transportation Needs.

[19-0143]

David Adams and Julie McClintock, speaking on behalf of Affordable Transit for All, submitted a petition asking the Council to tell Orange County Commissioners about the Town's true transit needs when negotiations begin in earnest with GoTriangle.

Mr. Adams asked the Council to request that a larger allocation of Transit sales taxes go to Chapel Hill Transit, and Ms. McClintock recommended asking the director of Chapel Hill Transit to thoroughly evaluate the Town's needs.

Ms. McClintock argued that Transit staff needed to determine the Town's needs for the next decade and get that information to the County Commissioners. She noted that the second part of the petition asked the Council to tell the County Commissioners to hold firm to the \$149.5 million cap and to not commit any more transit taxes to light rail. The third part of the petition asked Orange County to retain an independent financial adviser to look at the new plan, Ms. McClintock said.

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

2. Christ Community Church Petition Regarding a Concept Plan Review by Council at a Future Council Meeting.

[19-0128]

Developer Phil Post, representing Christ Community Church, explained that the church, which had been meeting in rented facilities, had found an exciting piece of property at the corner of Old Oxford and Irwin Roads. He requested that a concept plan review be conducted as soon as possible.

Mayor Hemminger explained that projects with fewer than five acres did not need to come before the Council for review but that a petitioner could ask Council to look at it prior to beginning the Special Use Permit (SUP) process. She recommended that the Council vote to put reviewing the church's concept plan on its agenda.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Oates, that this Petition be placed on the agenda. The motion carried by a unanimous vote.

2.01 Citizens' Request Regarding Coal Use and Coal Ash.

[\[19-0144\]](#)

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

PUBLIC COMMENT - ITEMS NOT ON PRINTED AGENDA

2.02 William Thorpe Regarding UNC Walk for Health and "One-Man Stand" Dramatization.

[\[19-0145\]](#)

William Thorpe, a Chapel Hill resident, invited the Council and community to a "One-Man Stand" event at noon on April 4, 2019 at the Peace and Justice Plaza. The event would dramatize and resurrect the image of the Union soldier, he said.

ANNOUNCEMENTS BY COUNCIL MEMBERS

2.03 Council Member Anderson Regarding Event for Common Sense Gun Legislation.

[\[19-0146\]](#)

Mayor pro tem Anderson said that a conversation regarding common sense gun legislation had taken place the previous evening at the Chapel Hill Public Library. Participants had included Moms Demand Action, North Carolinians Against Gun Violence, and the Chapel Hill and Carrboro police chiefs, she said. She encouraged all citizens to get involved and mentioned two upcoming meetings; a Moms Demand Action monthly meeting at the Public Library on April 19th from 6:30-8:00 pm, and a March 17th lobbying effort at the NC General Assembly in Raleigh.

2.04 Council Member Gu Regarding Lightup Festival.

[\[19-0147\]](#)

Council Member Gu announced that a Chinese New Year celebration would be held in downtown Chapel Hill on February 24, 2019. The event was being co-organized by the local Chinese American community with the Town and in partnership with UNC Performing Arts and the Downtown

Partnership, she said

2.05 Mayor Hemminger Regarding Wilson Caldwell Day.

[\[19-0148\]](#)

Mayor Hemminger announced Annual Wilson Caldwell Day on February 24th at the Stone Center from 3:00 to 5:00. She pointed out that Wilson Caldwell had been the first African American elected to office in Chapel Hill and said that the event would celebrate 200 years of Town government.

2.06 Mayor Hemminger Regarding Signing on to Protest ICE Raids with other North Carolinian Mayors.

[\[19-0149\]](#)

Mayor Hemminger reminded Council members of a special meeting the following Wednesday at Town Hall beginning at 5:30 pm. She said that she had signed onto Mayors Against ICE Raids in North Carolina and had done so nationally as well.

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 Mayor pro tem Anderson, seconded by Council Member Schaevitz, that R-1 be adopted, which approved the Consent Agenda. The motion carried by a unanimous vote.

3. Approve all Consent Agenda Items.

[\[19-0129\]](#)

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

4. Approve a Contract Extension for Audit Services Contract for Fiscal Year 2018-19.

[\[19-0130\]](#)

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

5. Adopt a Resolution Certifying and Approving 2018 General Obligation (G.O.) Bond Referendum Results.

[\[19-0131\]](#)

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

6. Approve the Housing Advisory Board's Recommended Funding Plan for the Affordable Housing Development Reserve (AHDR).

[\[19-0132\]](#)

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

INFORMATION

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

[\[19-0133\]](#)

The item was received as presented.

8. Receive the FY19 Second Quarter Affordable Housing Quarterly Report (October-December).

[\[19-0134\]](#)

The item was received as presented.

DISCUSSION

ZONING ATLAS AMENDMENTS and SPECIAL USE PERMITS

The development proposal below involves two separate steps: a rezoning application and an application for a special use permit. These two hearings will be conducted separately. You may sign up to speak on each item.

ZONING ATLAS AMENDMENT

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. Consider an Application for Zoning Atlas Amendment - Independent Senior Housing, 2217 Homestead Road (Project #17-107).

[\[19-0110\]](#)

Operations Manager for Planning Judy Johnson gave a brief PowerPoint overview of the proposal, pointing out that the application was before the Council for the sixth time. The Council had asked to see renderings showing building elevations, but staff had received an agreement between the applicant and The Courtyards at Homestead residents to decrease the building to three stories and increase its building footprint, she said. She pointed out that staff had not had time to review those revised plans.

Ms. Johnson presented two options for consideration, pass a resolution based on the four-story building that the Council had seen in the past, or defer the item while the applicant revised and resubmitted a new application. She pointed out that the Council could also move ahead with just the rezoning, and the applicant would then have a year to submit an accompanying SUP.

Mayor Hemminger said that the Council appreciated the conversation between the developer and neighbors, but it was the Council's job to look at the overall process. She noted that making the proposed change would set a precedent, and she asked the Town Manager for his insight.

Mr. Jones expressed appreciation to the developer for working hard to respond to the Council and neighbors' concerns. However, that had

resulted in a significant change and staff needed more time and information to determine whether or not the proposal would comply with Town regulations, said.

Mayor Hemminger said that she was uncomfortable moving ahead with the rezoning and was not sure what approach to take.

Mayor pro tem Anderson recommended that both the three-story and four-story options go through the Town's advisory board and staff process so that the Council could better understand the pros and cons of each.

Council Member Oates confirmed with Ms. Johnson that the Town typically asked for an additional fee when applications go through the process again. She said that an affordable housing aspect of the application could become less attractive to the developer if the Town asked that more be invested in the review process. She wanted to make it as painless as possible for the developer to achieve the Town's goals, she said.

Ms. Johnson reported that the original SUP application fee had been about \$75,000 to \$80,000. A major modification would be another fee in the same amount, she said.

Mayor Hemminger confirmed with staff that the Council had the power to adjust that fee. She remarked that going back through Town boards again would be a timely process.

Mr. Jones said that he was in the process of determining whether the new proposal could be fast-tracked but still allow a thorough review. He was hoping for four-to-five months, but it could be done faster, he said.

Council Member Gu asked why the change in footprint would affect the Council's decision regarding zoning if the zone remained the same.

Town Attorney Ralph Karpinos explained that the Council could rezone the property, and the rezoning would not be in effect until an SUP for it had been issued. If an SUP were not issued within a year, the zone would revert, he said. Mr. Karpinos pointed out, however, that doing that would leave the Council in the position of having rezoned without seeing the property for which it had done so.

Mayor Hemminger confirmed with Mr. Karpinos that rezoning the property would not allow the applicant to build "by right" without getting an SUP.

Council Member Parker said that it made little sense to approve a rezoning without an SUP. He pointed out that the developer's negotiations with neighbors had created a win-win situation and said he hoped staff would move forward quickly and not penalize the developer for making a good faith effort to respond to the community. Council Member Parker also said that the Town should respect a current proposal to cap fees at \$10,000.

Council Member Bell confirmed with Mr. Karpinos that a rezoning would approve an increase in density, the proposed number of units, and would include the applicant's commitment on affordable housing. The SUP which would address height, access, impervious surface, and more would need to be consistent with that rezoning, Mr. Karpinos said.

Council Member Bell also confirmed that the Council could still require 20 affordable units even though the total number of units was reduced in the new proposal.

Mayor Hemminger verified with Mr. Karpinos that the applicant would not be able to submit a new application for one year if the Council denied the rezoning.

Council Member Bell suggested determining whether Council members were uncomfortable with the proposed project on the property.

Mayor Hemminger replied that there seemed to be a variety of perspectives and that a rezoning, which would require six votes, could fail if the Council voted on it without a real proposal.

Council Member Bell said she was interested in hearing whether other Council members wanted to continue discussing the issue.

Mayor Hemminger reviewed the process to date and proposed that the Council see the new renderings.

Council Member Schaevitz said that she was grateful for the continued work but was uncomfortable with the zoning change regardless of the project.

Mathew Evans, of Stewart Engineering and Design, showed artist's renderings that conveyed the project's scale and how it would fit in with the neighboring community. He said that the trees between the proposed project and The Courtyards at Homestead were 101-107 feet tall, and he showed how a four-story, 60-foot building would look through the trees in the wintertime.

Council Member Oates verified that the drawings accounted for the land itself being about 15 feet taller than its neighbors.

Council Member Buansi said that the renderings had provided a much clearer idea of how the building would look and that he was comfortable with moving forward.

Council Member Oates said that she was not comfortable with a rezoning without an approved SUP because she recalled a bad outcome from something similar in the past. She praised the unusual collaboration

between developer and neighbors and said she did not want to punish them for reaching such a good outcome. Council Member Oates proposed seeing what the Council could do to expedite the process and to keep the fees low.

Mayor pro tem Anderson expressed opposition to rezoning without an SUP and said she would be more comfortable if it were changed to Residential 4. She expressed a preference for the original plan with the smaller footprint.

Council Member Stegman said that the renderings were helpful and that she was ready to move forward. She, too, preferred the smaller footprint but probably would be okay with the three-story plan, she said.

Council Member Gu said that R-2 to R-5 seemed like a big jump but was okay with it because senior living did not create as much traffic and environmental impact. She was happy to move the project forward as it was, but the Council should support the agreement with the neighbors, she said. Council Member Gu said that she did not think Council positions would change if the project were delayed.

Council Member Bell said she was okay with the project as it had been presented in the past and also as it was currently being presented. She would approve the rezoning but would also be willing to continue the conversation if doing so would lead to a larger consensus, she said.

Council Member Parker repeated his view that rezoning without an SUP would be pointless. He argued that the Council should not backtrack from the developer's agreement with the neighbors. He asked that the item come back to Council soon for a final and definitive decision so that it would not penalize the applicant for doing what the Town wanted developers to do.

Mr. Jones asked the applicant how quickly they could get a full application done.

Developer Richard Gurlitz replied that he understood that a change from a four-story to a three-story building could be shown in a PowerPoint slide. He said that he could submit an application in two weeks, but the issue was whether the Town would spend six months reviewing how the line had moved 40 feet.

Mayor Hemminger replied that the problem was greater than merely moving the line.

Mayor pro tem Anderson commented that the drawings had been helpful but that the Council should never pass anything based on a drawing because the final product usually does not look like it. She expressed appreciation to the applicant for working with the neighborhood, but said she wished it had happened earlier in the process. The Council had

merely asked for a rendering, but the applicant had returned with a different project, she pointed out, adding that she did not understand the call for reducing fees.

Ms. Stegman confirmed with Mr. Karpinos that the Community Design Commission and the Planning Commission would need to review the project again, but it would not need to go before the Housing Advisory Board.

Mayor Hemminger said that she was excited about the opportunities the project would bring and appreciated the applicant's work with the neighbors. She preferred the four-story project because the smaller footprint allowed more trees, greenspace, and opportunities for recreation, she said. Mayor Hemminger said that there would not be six Council votes for a rezoning without understanding the SUP. She recommended that the applicant request a delay so that staff could at least review the new proposal.

At Mr. Gurlitz's request, the Council allowed him and the neighbors to leave the meeting, continue discussions, and plan to return later in the meeting for more discussion.

Continued Discussion

11. FY18 Financial and Economic Update.

[19-0135]

Brandy Fesperman, a senior accountant with Martin Starnes and Associates, gave an overview of the FY 2018 auditing process and said that the Town had received an unmodified opinion which is a clean opinion and the highest they give.

Director of Business Management Amy Oland discussed the results and trends. She said that the Town's financial position at the end of FY 2018 was stronger than it had been at the end of FY 2017. In addition to receiving the aforementioned clean opinion, the Town had been awarded a FY 2017 Certificate for Achievement in Financial Reporting (CAFR) from the Government Finance Officers Association. The Town would soon find out if it had received that award for FY 2018, Ms. Oland said, noting that it would be the Town's 33rd CAFR award. The Town also continued to maintain its AAA bond rating, she said.

Ms. Oland said that the Town's total net position for all of its funds had increased by \$830,000 and that the General Fund's overall balance was up \$171,000. She gave a detailed explanation of fund balance and noted that it had been stable over the last eight years.

Ms. Oland provided details on the Debt Management Fund, Transit Fund, Parking Fund, and Stormwater Fund Housing Fund. In summary, she said that the Stormwater Fund was stable and in good condition. The Town was monitoring federal funding to see what fluctuations in the source

would mean for the Housing Fund in the long term, she said. With regard to the Transit Fund, staff was reevaluating capital spending needs and the reliance on federal grants, she explained.

Ms. Oland said the staff was continuing to monitor the Parking Fund's sustainability to see if it needed assistance from the General Fund. With regard to the Debt Fund, looking at planned capital needs for the next five years showed that an influx of additional revenue will be needed to support the full \$56.7 million capital program, she said. She said that the General Fund was currently breaking even but costs were increasing faster than revenues and would need to be looked at down the road.

Ms. Oland explained that there would be an initial public forum on the FY 2020 budget on February 20, 2019 and a budget work session with the Council on March 4th. A proposed debt issuance was tentatively scheduled for spring of 2020, Ms. Oland said.

This item was received as presented.

- 12.** Open the Public Hearing and Consider Proposed Issuance of Educational Facilities Revenue Bonds by the Public Finance Authority to Benefit The Educational Foundation, Inc. or an Affiliate Thereof.

[\[19-0136\]](#)

Town Attorney Ralph Karpinos explained that Educational Foundation, Inc. had proposed to issue bonds to finance athletic facilities on UNC land. Under federal and state laws, the local government agency with jurisdiction over the property must hold a public hearing and approve the bond issuance, he said. Mr. Karpinos said that Council approval would not be an endorsement of the facilities or the bonds and would not have any impact on the Town's liability.

Attorney Kristen Kirby, acting as bond counsel to the Public Finance Authority in connection with the proposed issuance, explained that the bonds, if issued, would be privately placed with the BBNT. The proceeds would go to the Educational Foundation, Inc. (a.k.a. Rams Club) to finance a number of improvements to athletics facilities, she said.

Ms. Kirby explained that federal tax codes required approval by the highest elected body having jurisdiction over the issuer and the project's location. She stressed that Town approval would not represent a Town debt and that the Town would have no obligation with respect to payments. Educational Foundation, Inc. would make all necessary payments and the Town's debt ratio or debt limit would not be affected, she said.

Katie Loovis, representing the Chapel Hill-Carrboro Chamber of Commerce, expressed support for the bond issuance. She noted that UNC had been first in the nation to invest in a stadium for women's lacrosse, and she

told of her own experience as a former UNC lacrosse player. Ms. Loovis pointed out that the entire Town benefited when there was a sports event at UNC.

Mayor pro tem Anderson clarified that the planned projects would all be on UNC's main campus.

A motion was made by Council Member Parker, seconded by Council Member Buansi, to close the Public Hearing and that R-9 be adopted. 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, a citizen speaking on an agenda item is 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.

13. Concept Plan Review: 1200 Martin Luther King Jr. Blvd.

[19-0137]

Planner Michael Sudol gave a PowerPoint presentation on a concept plan for a 13.9-acre site at 1200 Martin Luther King Jr. Boulevard (MLK). The proposal was to demolish and replace a gas station, construct a 3-story self-storage building behind the new gas station, relocating several mobile homes, and potentially moving some to a 4.5-acre Research Conservation District (RCD).

Mr. Sudol said that there were 73 mobile homes on the site which was zoned Residential 4. He recommended that the Council discuss whether the applicant should consider using Conditional Zoning, a Development Agreement, or an SUP process if the project were to move forward.

Dan Jewell, of Coulter Jewell Thames, said that he was assisting Stackhouse Properties with the application. He described the site and showed it on an aerial map. Mr. Jewell explained the property's history, noting that its owner had received offers to clear it and build apartments there but preferred to maintain as many of the existing homes as possible. He pointed out that his client's proposal would allow most of

the homes to remain on the property.

Mr. Jewell said that the applicant had submitted an application in October 2018 but had delayed the process after residents expressed concern about the disruption to their community. Since then, the Housing Advisory Board (HAB) had proposed a concept plan that would maintain all of the mobile homes but move some to the outer zones of the RCD, he said.

Mr. Jewell said that the new proposal would retain all of the homes on site at the developer's expense and would bring three or four new mobile homes onto the site. Stormwater management, sidewalk, and street trees would be added to the site. Moreover, the applicant would commit to not submitting any applications that would affect residents until 2030, he said. He added that the applicant intended to apply for Conditional Zoning.

Council Member Buansi verified with Mr. Jewell that the waiting period for residents to relocate would be at least a year from the point when a CZ was approved. He also confirmed that an occasional box truck would pull up to the loading facility but that no trucks would be stored at the site. Council Member Buansi verified that 15 or 16 homes would need to be re-situated and that those currently located in the RCD had never experienced flooding.

Council Member Oates said she wondered if including a gas station would be worthwhile since there were two others nearby. She ascertained from Mr. Jewell that the new convenience store would be a mini-grocery, selling more than just soda, potato chips and candy.

Mayor pro tem Anderson determined from Mr. Jewell that the CDC had asked about possibly building apartments above the storage facility but had then come to a better solution for keeping homes on the site. She also confirmed that there might be a possibility of moving trailers from another mobile home park to the site.

Council Member Parker pointed out that the Town had another request for self-storage, as well. He asked about having two self-storage buildings in town, and Mr. Jewell replied that there seemed to be a market, and he gave examples of the demand.

Council Member Parker asked if the trailers were in good enough condition to be moved.

Mr. Jewell replied that his client, which had owned, managed and developed other mobile home parks in North Carolina, said that they could all be moved. However, if one could not, then the applicant would work with whomever was needed to get the resources and financing needed for a new home, he said.

Council Member Parker asked if the developer was willing to keep the trailer pads affordable and protected against rate increases for some period of time.

Mr. Jewell replied that they would probably be pegged at whatever the prevailing market rate was in Town. There would be further discussion about that and the applicant would bring back an additional response when submitting an application, he said.

Council Member Parker asked if a permit would be needed to excavate or rebuild the old gas station, and Mr. Jewell said he believed that any necessary cleaning had been done as part of the property transfer. The standard operating procedure was to take care of such things before closing, said Mr. Jewell.

Deloris Bailey, executive director of EmPOWERment, Inc., said that she had come to discuss the community organizing that had taken place but wanted instead to express her outrage over how residents who had come to speak on this topic, had been treated earlier in the meeting. She said that those residents had been asked to give up their seats for people who came later and had no place to sit. Ms. Bailey said this happened because of how the residents look.

Mayor Hemminger apologized and stated that Council members had not known that had happened. There had been an overflow crowd, but the Council should have addressed the problem from the dais. The Council did not mean any disrespect whatsoever and she was very, very sorry, Mayor Hemminger said.

Maria Cardona, a Chapel Hill resident, said that she and others were worried that rents would increase and that they would be unable to continue living at the mobile home park. She also said that she was paying \$100 month for water and sewer for only herself and one child. Ms. Cardona expressed concern about safety behind the storage facility. She said that she was particularly worried about unprotected children living behind a facility that would be open until 10:00 pm.

Vanessa Woods, a Chapel Hill resident and educator, said that the mobile home park residents were frightened due to uncertainty about where they would be living. She said that children needed a stable, trauma-free home-life and that the mobile park situation, in general, was untenable. Ms. Woods stressed the need for a broader Town plan regarding mobile home parks.

Kim Talikoff, a Chapel Hill resident and educator, pointed out that no buffer had been proposed between the three-story self-storage unit and the mobile home park community. She would not feel comfortable sending her own children out to play in that circumstance, she said. Ms. Talikoff commented on the lack of a plan for how older units would be successfully

moved or for what would happen if that failed. She hoped the Council would give the plan as much attention as it had given the Independent Senior Housing plan presented earlier in the evening, she said.

Mayor Hemminger pointed out that the Council was addressing a concept plan, which did not include details, and that the Council would not be taking a vote.

Council members individually apologized to the attendees who had been asked to give up their seats earlier in the meeting. They each explained that they had been unaware of the situation and vowed that it would not happen again. Council Members Bell and Oates also recommended that Ms. Cardona's water bill be checked for accuracy.

Council Member Schaevitz said that she felt encouraged by the project's proactive approach and wanted a quick turnaround. She would consider Conditional Zoning but needed to better understand some aspects of the project, she said. Those aspects pertained to possible infrastructure upgrades, protections regarding rent increases, alignment of the self-storage building with the neighborhood, the water and sewer situation, and concerns regarding buffering between the commercial and residential uses, she said.

Mayor pro tem Anderson agreed with all that Council Member Schaevitz had said and expressed appreciation for the applicant's efforts to preserve the neighborhood. She suggested asking residents for their opinions regarding a proposed playground and suggested creating an actual physical barrier between uses. Mayor pro tem Anderson said, however, that self-storage and a gas station were not particularly exciting uses.

Council Member Buansi agreed with others regarding the need for a physical barrier between uses and said that having only a front entrance might address that privacy concern. He requested that the applicant provide visual renderings if the project goes forward. Council Member Buansi said he preferred Conditional Zoning for the project and would like to see some protection against stark rises in rent.

Council Member Parker agreed with others and said that good architectural design would be important because the people who live in the trailers would not want to be looking at a brick wall. He stressed the importance of making sure that the project closely coordinated with the bus rapid transit design so that it would not be an outlier on MLK.

Council Member Parker verified with Mr. Jewell that everyone at the site was on Orange Water and Sewer Authority (OWASA) water and sewer, with a master meter at the street and sub-meters at each unit. Meters were read and then a prorated share of the OWASA bill for that month was passed on to each resident, Mr. Jewell explained.

Mayor Hemminger confirmed with Mr. Jewell that the applicant was in the process of checking for leaks in the water line.

Council Member Stegman said she appreciated the plan to preserve homes and to fix the nearby intersection. She had attended the HAB's discussion about keeping everything in front of the property and had heard its ideas about screening in the back, she said. She added that meetings with neighbors throughout the process would be very important.

Council Member Stegman asked if the storage facility could close earlier than 10:00 pm. She said that 10 years of rent protection did not seem enough, noting that affordable housing requirements were usually 20-30 years. She was fine with Conditional Zoning, she said, and she recommended that the area be open and connectable to things that might be designed around it.

Council Member Gu said she appreciated the effort to preserve the community but did not feel excited about the project. She was hoping that MLK would be an example of transit-oriented development and did not see how the proposal fit in with that vision, she said.

Council Member Bell agreed with what others had said about safety concerns, parking, buffers, and design. She said she was okay with Conditional Zoning. She was not opposed to moving units to the RCD, but would want to see a more detailed plan about what would happen with those that could not be moved, she said. Council Member Bell said she had concerns about the agreement to maintain affordability.

Council Member Oates said she was pleased to see that there might be capacity to help others whose communities were at risk. She raised concerns about light from the commercial area spilling into homes, and said that some sort of barrier should be added to protect against that at night.

Mayor Hemminger said she was happy about all the work the applicant had done to keep homes where they were and not displace people. She said that the area did not currently lend itself to commercial development and that those who get off buses at that spot like having food right there. There was a community need for self-storage and the project seemed like a good fit, she said.

Mayor Hemminger asked that the plan address the safety and privacy issues that others had mentioned. She also asked the developer to talk more with community members about their ideas for a playground. While there were flooding concerns with RCDs, the mobile home park had been at that location before the Town defined its RCD, she pointed out. Mayor Hemminger asked the applicant to bring back more information about a 50-foot buffer.

This item was received as presented and (R-10) was approved by consensus.

9. Consider an Application for Zoning Atlas Amendment - Independent Senior Housing, 2217 Homestead Road (Project #17-107).

[\[19-0110\]](#)

Mr. Gurlitz returned after having what he described as a successful discussion that led to an understanding with The Courtyards residents regarding his proposed independent senior housing facility on Homestead Road.

Mr. Karpinos and Mayor Hemminger noted that the current conversation was not part of the sworn testimony that would be given if the Council opened either of the public hearings.

Dianne Martin, representing The Courtyards at Homestead, expressed disappointment that the Town was not honoring the collaborative agreement between the developer and neighbors. She said that Courtyards residents were committed to the four tenants of the agreement, and would support those that remain if any were removed. Ms. Martin said that staff had not been able to offer any assurance that a review of the three-story project could be completed in two months. Neighbors were feeling disappointed and surprised that their high level of collaboration was not being honored by the Town Council, she said.

Alex Eyssen, vice president at Bainbridge Companies, described the process to date and said that going backwards was not feasible. He asked that the original application be heard and moved forward.

Mayor Hemminger proposed opening the public hearing on the rezoning which would include the stipulations regarding affordable housing.

Mr. Karpinos pointed out that limiting permit fees to \$10,000 would be part of the rezoning, as well.

Council Member Gu confirmed with Mr. Gurlitz that discussions with staff had revealed that taking the three-story plan through all of the Town's processes would take months. She confirmed with the applicant that they would agree if they could get a commitment from staff that a new packet would be before the Council in 60 days.

Director of Planning Ben Hitchings explained that staff needed to see a complete application showing exactly what was being proposed before it could evaluate whether it would be a major or minor revision. Staff's preliminary look had revealed that the building would have to go back to the Community Design Commission at least and possibly to the Planning Commission, he said. Staff would need to see a complete set of engineering drawings before it could confirm that the project complied with the Land Use Management Ordinance, Mr. Hitchings explained.

Council Member Parker said that another project, the Medical Office Building at Eastowne, had made similar scale changes and that staff had been able to process that in about two months. The Town should not penalize people for collaborating, he said.

Mayor Hemminger pointed out that the applicant was saying that a two to three month delay was acceptable, but not a five to six month process.

Town Manager Jones pointed out that the length of the review process would be driven by what was in the new plan. A minor adjustment might be addressed within two to three months, he said. Mr. Jones cautioned against saying that anyone was being penalizing. Staff had received the revision only two days prior, and did not have a site plan, and was trying to work through the process to make sure that everything was done properly, he said.

Mayor Hemminger confirmed with Mr. Jones that staff could agree to two-three months but would send the application back to Council, as is, if the revisions were too complicated and would take longer than that. She confirmed that that plan was acceptable to Council members, and Mr. Karpinos said he would revise the language.

Mr. Eyssen noted that it could take two to three weeks to revise the engineered plans but that the applicant was in complete agreement to do so.

Mr. Hitchings pointed out that there was a difference between "engineered" and "engineering" plans. Staff would need an accurate, engineered, site plan, he said, and he confirmed with Mayor Hemminger that staff would be given three months to look at it.

Mr. Gurlitz asked for a certain turnaround time from when he submitted plans to when staff would determine whether it was a major or minor revision, and Mr. Hitchings agreed to draft a schedule.

A motion was made by Council Member Oates, seconded by Council Member Buansi, to delay the rezoning application and remand the special use permit application so that complete engineered plans showing proposed revisions to the special use permit and the project can be submitted by the applicant and reviewed by staff and applicable advisory boards, if necessary.

Both the current rezoning and the special use permit proposal, with alternatives for the current 4-story plan and the proposed 3-story plan, will come back to the Council as soon as these reviews can be completed and staff memos prepared.

Council directed that the staff give this application priority and schedule all necessary reviews at the earliest possible time following said reviews, provided that the project will come back to the Council no later than the final Council business meeting in May, 2019.

The Council also approved the waiver of any further application fees associated with the revised special use permit plans proposed by the applicant.

Because there is no certain date for these applications to return to the Council, the Council directed that further public notice for the rezoning and special use permit applications be provided when the rezoning and special use permit return for public hearing. The motion carried by a unanimous vote.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Bell, that this Zoning Atlas Amendment be continued to a date uncertain. The motion carried by a unanimous vote.

SPECIAL USE PERMIT

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.

10. Consider an Application for Special Use Permit - Independent Senior Housing, 2217 Homestead Road (Project #17-096).

[\[19-0107\]](#)

This item was deferred to a future meeting.

APPOINTMENTS

14. Appointment to the Community Policing Advisory Committee.

[\[19-0138\]](#)

The council appointed Elizabeth Taylor to the Community Policing Advisory Committee.

ADJOURNMENT

The meeting was adjourned at 11:20 p.m.