



TOWN OF CHAPEL HILL

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

Town Council

Meeting Minutes - Final

Mayor Pam Hemminger
Mayor pro tem Karen Stegman
Council Member Jessica Anderson
Council Member Camille Berry
Council Member Tai Huynh

Council Member Paris Miller-Foushee
Council Member Michael Parker
Council Member Amy Ryan
Council Member Adam Searing

Monday, April 10, 2023

6:30 PM

Library Meeting Room B

Language Access Statement

For interpretation or translation services, call 919-969-5105.

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Para servicios de interpretación o traducción, llame al 919-969-5105.

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919-969-5105.

In-Person Meeting Notification

View the Meeting

- Public attendance is welcome, and limited to room capacity
- Provide public comment at the hearing (anticipated May 10) or by e-mailing mayorandcouncil@townofchapelhill.org, not at this meeting.
- We will not live stream the event, but will provide the Post-Meeting Video <https://www.townofchapelhill.org/councilvideo/>
- The Town of Chapel Hill wants to know more about who participates in its programs and processes, including Town Council meetings.
- Participate in a voluntary demographic survey <https://www.townofchapelhill.org/demosurvey>

Parking

- Parking is available at the Library lots. The Library is served by CL Route, D Route, and GoTriangle Routes of Chapel Hill Transit

Entry and COVID-19 Protocols

- Meeting Room B is to the right from the main entrance.
- Visitors and employees will self-screen. Do not enter if you have these symptoms:

Fever, chills, cough, sore throat, shortness of breath, loss of taste or smell, headache, muscle pain

ROLL CALL

Present: 9 - Mayor Pam Hemminger, Council Member 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

Interim Town Manager Chris Blue, Deputy Town Manager Mary Jane Nirdlinger, Town Attorney Ann Anderson, Assistant Planning Director Judy Johnson, Planning Manager Corey Liles, Senior Planner Tas Lagoo, Principal Planner of Historic Preservation Anya Grahn-Federmack, Development & Parking Services Director Dwight Bassett, Business Management Director Amy Oland, Police Officer Steven Bradley, Fire Marshal Roland Falana, Fire Marshal Chris Kerns, Communications Manager Ran Northam, and Communications and Public Affairs Director/Town Clerk Sabrina Oliver.

OPENING

Mayor Hemminger called the work session together at 6:30 p.m. She explained that public comment was not permitted at work sessions but that the item would return to a regular Council meeting at some point in the future.

ANNOUNCEMENTS BY COUNCIL MEMBERS

0.01 Mayor Hemminger Regarding Future Meetings.

[\[23-0298\]](#)

Mayor Hemminger said that the Council would not meet on April 12th due to Passover. There would be a virtual Council Committee on Economic Sustainability meeting on April 14th and a Regular Council Meeting on April 19, 2023, she said.

0.02 Mayor Hemminger Regarding Events This Week, Including Sutton's Turning 100 Years Old.

[\[23-0299\]](#)

Mayor Hemminger noted that Sutton's Drug Store and the Carolina Inn would both soon be 100 years old.

AGENDA ITEM

1. Provide Guidance on Housing Choices for Complete Community Housing Text Amendment.

[\[23-0284\]](#)

Director of Planning Britany Waddell explained that the Housing Choices Text Amendment (TA) was one of several Town initiatives that were intended to improve and increase the supply and diversity of housing types in Chapel Hill. Other initiatives -- such as an expedited review for

affordable housing projects, an Affordable Housing Plan, a transit-oriented development initiative, and the Land Use Management Ordinance (LUMO) rewrite -- would promote incremental progress as well, she pointed out.

Ms. Waddell explained that zoning rules were among the many factors that had led to exclusionary neighborhoods in Town. The goal of the proposed text amendment (TA) was to shift away from that by providing more ways to diversify housing types, she said.

Ms. Waddell commended Town staff for their hard work, which had included extensive community outreach and engagement efforts. Even though some community members had attacked staff's expertise, experience and places of residence, planners had responded in a professional and respectful manner, she said.

Mayor Hemminger pointed out that Town staff had been doing the work that the Council had asked them to do and had not brought their own personal preferences into it. She expressed gratitude to staff members for their hard work and apologized for the way that some members of the public had treated them.

Principal Planner Anya Grahn-Federmack gave a detailed PowerPoint presentation on the TA effort, which had begun with a petition from Council to create an expedited and incentivized missing middle housing proposal. She pointed out that a recent housing needs study had found that the Town did not have much housing that fell in the "missing middle" between single family homes and large apartment complexes.

Ms. Grahn-Federmack said that the study had also determined that housing production would need to increase by about 500 units per year to meet future demand. She said that the Town's Complete Community strategy intended to diversify the housing stock by creating missing middle (MM) density on large infill sites and smaller infill sites within existing neighborhoods.

Ms. Grahn-Federmack discussed staff's public engagement efforts and provided a summary of community feedback. She said that staff's goal was to clean up the LUMO, diversify housing types, increase housing production, encourage compatible infill, and promote gentle density. The proposed TA would introduce cottages on compact lots, allow administrative approval of triplexes and fourplexes in some districts, and add new MM housing types in higher density districts, she said.

Ms. Grahn-Federmack noted that the primary change between a prior staff proposal and the current one pertained to where MM housing types could be permitted. Staff had initially proposed allowing them in all residential districts, but was currently recommending that triplexes, fourplexes and cottage courts be permitted in zones that already allow multifamily, she said. Another change was to allow accessory apartments as an accessory

use for cultural and institutional facilities and places of worship, she pointed out.

Ms. Grahn-Federmack presented a list of options that the Council could move forward with. She discussed a variety of housing types, explained what zones they were currently allowed in, and provided details on proposed changes. Because there had been much public concern about triplexes and fourplexes fitting into existing neighborhoods, staff was proposing neighborhood compatibility standards that would address building heights, roofs, setbacks, façade and parking, she said.

Ms. Grahn-Federmack asked for Council guidance on how much, if any, of the proposal that staff should move forward with. She explained what could be incorporated into the LUMO rewrite project and outlined possibilities for future consideration. She said that May would be the earliest that the Council would be able to reopen the public hearing, with possible action in June 2023.

Mayor Hemminger praised Town planners for their hard work. She said that misinformation had been circulating in the public realm, and she thanked staff for keeping the Town's FAQ page updated with correct information.

Mayor Hemminger pointed out that several studies had found that approximately 40,000 people drove into Chapel Hill each day for work who could not find and/or afford housing in Chapel Hill. The Town, as well as other communities across the nation, had to find ways to meet that demand and the Council was studying whether the proposed TA might help, she said. She pointed out that the components of the TA could be considered separately.

The majority of Council Members thanked staff members for their work and for the professional manner in which they had conducted public meetings. Some said that the disrespect directed toward staff had stemmed from fear of change. Council Member Anderson said that it was a result of the Council not being clear about its Complete Community goals and the meaning of increased affordability.

Council Members talked about the Town's history of exclusionary zoning and their commitment to not perpetuating that. Council Member Miller-Foushee noted that the United States had banned explicit racial zoning in 1917 but had continued to allow zoning that banned apartments and duplexes, which effectively locked poor people and people of color out. The Council was addressing that history of economic and racial segregation by expanding housing types, she said.

Council Members pointed out the need for impervious surface and canopy

standards for if a developer wanted to turn a 10-acre parcel into cottage courts. Mayor pro tem Stegman proposed looking at such standards for all housing types. Council Member Anderson pointed out the importance of not having standards that would make existing homes non-compliant.

Some expressed support for having a pattern book of pre-approved designs that developers could choose from. Council Member Anderson pointed out that having such a design book could target the type of housing the Town wanted rather than that which could easily be turned into "student stuffers".

Council Member Parker asked staff to provide information on Duke University's experience with student housing and to also re-share data on the number of duplexes, triplexes and quadplexes that Raleigh and Durham had permitted. Council Member Ryan advised staff to talk with OWASA about keeping hook-up fees down for smaller units. She pointed out that the Town might look at reducing some of its own fees as well.

Council Member Ryan recommended thinking in terms of "twin townhomes" rather than "duplexes" because doing so would allow, for example, two owners, an owner and renter, or two owners who rent. She said that the densification implications of allowing 10 multi-family units in R-3 zones needed more discussion. She asked for information on what the Town's enforcement options would be, and she suggested that the proposal go out for more public comment after changes.

Mayor pro tem Stegman requested more information about a "quaint cottage court" proposal, and she spoke in favor of expanding homeownership opportunities. She confirmed with Senior Planner Tas Lagoo that staff had not considered allowing smaller scale cottage courts in R-1 or R-2 zones but could do so if the Council were interested. She expressed concern that public participation had been heavily skewed to a certain demographic and emphasized the importance of getting broader input.

Council Member Anderson said that issues regarding rule enforcement in neighborhoods were primarily about trash, parking and noise. She and Mr. Lagoo discussed how enforcement would be a major part of the Town's ongoing commitment, but he noted the need for more resources to do that.

Council Member Searing recommended tabling the plan, which he said would not improve the amount of MM housing. He said that Gainesville, FL., a college town similar to Chapel Hill, had implemented something similar and was currently repealing it. He confirmed with Mr. Lagoo that North Carolina law prohibited putting a limit on the number of bedrooms, and he pointed out that a duplex could conceivably have four bedrooms on

each side.

In response to Council Member Searing's questioning, Mr. Lagoo pointed out that the R-3 to R-6 zones (where duplexes, triplexes, fourplexes and cottage courts would be allowed) made up a relatively small portion of the Town, which was primarily R-1. Council Member Searing asked to see where those neighborhoods were when staff returned to Council.

Council Member Searing pointed out that several large townhome projects were scheduled for development in Town. He said that most significant increases in MM housing came through such large projects. He also raised an "equity issue" regarding how some neighborhoods could create covenants and enforcement mechanisms while others could not afford to do so. He asked if staff had had any conversations with neighborhoods about that, and Mr. Lagoo replied that he was not aware of any neighborhood that had organized, created, and implemented restrictive covenants since the TA was first proposed.

Council Member Parker asked if allowing triplexes and fourplexes in R-1, for example, would be able to move forward if staff got a strong signal that the Council were interested in doing so. Ms. Grahn pointed out that districts such as R-1 that made up the majority of Town did not all have sidewalks and access to transit. MM housing was intended to be in walkable areas, and putting it in the middle of a large R-1 zone where there were no bus stops within walking distance would defeat the purpose, she said.

Mayor Hemminger asked if there would be a less time-consuming process than Conditional Zoning if someone were to buy a large lot in R-1 and want to replace a small house there with four townhomes. Mr. Lagoo replied that staff would be looking into that possibility as part of the LUMO rewrite. Council Member Parker asked staff to return with information on what percentage of the Town's dwelling units were located in those areas and how many duplexes were currently located in R-2. He said that the notion of scaling the size of cottage courts to zones was worth exploring as well.

The Council discussed the need for an evaluation process. They mentioned the potential for allowing places of worship to develop tiny homes on their lands and Mayor Hemminger asked the Town Attorney to look into the legal implications of that. She and some Council Members asked for more information on how to incentivize units for aging in place as well.

The Council generally agreed that the Housing Board and Planning Commission, at least, should be involved in the process and the Community Design Commission as well if there was to be a design book.

They asked for more economic analysis, information about opportunities for enforcement, and feedback on whether having a design book would be legal.

Mayor Hemminger said that she did not want the Town to continue participating in exclusionary zoning. She said that most Council Members appeared to like the direction staff was taking. The proposed TA was not a silver bullet, but the Town needed to clean up the LUMO in order to make MM housing less confusing to builders, she said. She pointed out that there would need to be other tools for creating MM housing as well because the proposed TA would not yield 500 new homes per year.

This item was received as presented.

ADJOURNEMENT

The meeting adjourned at 8:36 p.m.