



TOWN OF CHAPEL HILL

Town Council Meeting Agenda

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

Mayor Pam Hemminger
Mayor pro tem Michael Parker
Council Member Jessica Anderson
Council Member Allen Buansi

Council Member Hongbin Gu
Council Member Tai Huynh
Council Member Amy Ryan
Council Member Karen Stegman

Wednesday, October 13, 2021 7:00 PM

Virtual Meeting

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 Zoom webinar directly online or by phone. Register for this webinar:

https://us02web.zoom.us/webinar/register/WN_buNtrEUnQ_qjIL-xdK6UUg

After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 837 2865 0965

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

OPENING

ROLL CALL

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.

ANNOUNCEMENTS BY COUNCIL MEMBERS

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.

1. Approve all Consent Agenda Items. [\[21-0759\]](#)
By adopting the resolution, the Council can approve various resolutions and ordinances all at once without voting on each resolution or ordinance separately.
2. Adopt a Vision Zero Resolution. [\[21-0760\]](#)
By adopting this resolution, the Council adopts a Vision Zero strategy to help eliminate traffic deaths and serious injuries by 2031.
3. Update Council and Advisory Board Policies and Procedures to Comply with Chapter 160D. [\[21-0761\]](#)
By adopting Resolutions A, B, and C, the Council updates various Council and Advisory Board policies and procedures to comply with Chapter 160D.
4. Call a Legislative Hearing for Land Use Management Ordinance Text Amendments - Proposed Changes to Section 3.6.2 Historic Districts Related to Review Criteria on October 27, 2021. [\[21-0762\]](#)
By adopting the resolution, the Council calls a Legislative Hearing to consider matters related to the Historic District Review Criteria on October 27, 2021.
5. Continue the Legislative Hearing for Conditional Zoning - Amending the Chapel Hill Zoning Atlas to Rezone the Rosemary-Columbia Street Hotel Property Assemblage Located at 108, 110, and 114 W. Rosemary Street and 208 Pritchard Avenue from Residential-3 (R-3), Office/Institutional-1 (OI-1), and Town Center-2 (TC-2) to Town Center-2-Conditional Zoning District (TC-2-CZD) to November 10, 2021. [\[21-0763\]](#)
By adopting the resolution, the Council defers consideration of the proposed conditional zoning district application for the

Rosemary-Columbia Street Hotel property assemblage located at 108, 110, and 114 W. Rosemary Street and 208 Pritchard Avenue to November 10, 2021.

- 6.** Adopt Minutes from June 24, 2020 and July 29, 2020 [\[21-0764\]](#)
and September 9 and 16, 2020 and October 7, 21,
and 28, 2020 and November 4 and 18, 2020 and
December 2 and 9, 2020 Meetings.

By adopting the resolution, the Council approves the summary minutes of past meetings which serve as official records of the meetings.

INFORMATION

- 7.** Receive Upcoming Public Hearing Items and Petition [\[21-0765\]](#)
Status List.

By accepting the report, the Council acknowledges receipt of the Scheduled Public Hearings and Status of Petitions to Council lists.

DISCUSSION

- 8.** Close the Legislative Hearing and Consider a [\[21-0766\]](#)
Conditional Zoning Application - Residence Inn and
Summit Place Townhomes, 101-111 Erwin Road,
Mixed Use-Village-Conditional Zoning District
(MU-V-CZD).

PRESENTER: Becky McDonnell, Senior Planner

- a. Without objection, the revised report and any other materials submitted at the hearing for consideration by the Council will be entered into the record
- b. Introduction and revised recommendation
- c. Receive updates from the applicant
- d. Comments from the public
- e. Comments and questions from the Mayor and Town Council
- f. Motion to close the Legislative Hearing
- g. Motion to adopt the Resolution of Consistency with the Comprehensive Plan and Statement of Reasonableness
- h. Motion to enact an Ordinance to rezone the property
- i. Motion to adopt the Resolution revoking the existing Special Use Permit.

RECOMMENDATION: That the Council close the legislative hearing and adopt Resolution A and Resolution B, and enact Revised Ordinance A, approving the Conditional Zoning application.

- 9.** Close the Legislative Hearing and Consider an [\[21-0767\]](#)

Application for a Major Modification to the
Development Agreement: Glen Lennox Height
Modification.

PRESENTER: Anya Grahn, Senior Planner

- a. Without objection, the revised report and any other materials submitted at the hearing for consideration by the Council will be entered into the record
- b. Introduction and revised recommendation
- c. Presentation by the applicant
- d. Recommendation of the Planning Commission
- e. Comments from the public
- f. Comments and questions from the Mayor and Town Council
- g. Motion to adjourn the legislative hearing
- h. Motion to adopt the Resolution of Consistency with the Comprehensive Plan
- i. Motion to enact the Ordinance to approve the request.

RECOMMENDATION: That the Council adopt the Resolution of Consistency with the Comprehensive Plan and enact the ordinance approving the height modification.

10. Close the Legislative Hearing and Consider a Land Use
Management Ordinance Text Amendment - Proposed
Changes to Section 8.5, Community Design
Commission - and Updates to the Advisory Board
Membership Policy.

[\[21-0768\]](#)

PRESENTER: Corey Liles, Principal Planner

- a. Introduction and revised recommendation
- b. Recommendation of the Planning Commission
- c. Comments from the public
- d. Comments and questions from the Mayor and Town Council
- e. Motion to adjourn the Legislative Hearing
- f. Motion to adopt the Resolution of Consistency with the Comprehensive Plan
- g. Motion to enact the ordinance to approve the changes to the Land Use Management Ordinance
- h. Motion to adopt the Resolution amending the Advisory Board Membership Policy.

RECOMMENDATION: That the Council consider reducing the number of member seats on the Community Design Commission, and consider associated reductions to the thresholds for quorum and voting.

11. Receive Updated Risk Assessment for Police Station

[\[21-0769\]](#)

Property.

PRESENTER: Genna Olson, Principal Geologist, Hart & Hickman

RECOMMENDATION: That the Council receive the attached presentation and report and continue to provide guidance, as needed.

- 12.** Receive the Fiscal Year (FY) 2021 Affordable Housing Annual Report. [\[21-0770\]](#)

PRESENTER: Sarah Osmer Viñas, Interim Housing and Community Director

Faith Brodie, Public Housing Director

Nate Broman-Fulks, Affordable Housing Manager

Stacey Todd, Public Housing Management Analyst

RECOMMENDATION: That the Council receive the Fiscal Year 2021 Affordable Housing Annual Report.

- 13.** Authorize the Town Manager to Execute a Site Development Agreement with Self-Help Ventures Fund for the 2200 Homestead Road Mixed-Income Affordable Housing Development. [\[21-0771\]](#)

PRESENTER: Nate Broman-Fulks, Affordable Housing Manager

Emily Holt, Affordable Housing Development Officer

RECOMMENDATION: That the Council authorize the Town Manager to execute a site development agreement with Self-Help Ventures Fund to prepare the land and infrastructure for the development of mixed income affordable housing at 2200 Homestead Road.

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.

14. Concept Plan Review: 5500 and 5502 Old Chapel Hill Road.

[\[21-0772\]](#)

PRESENTER: Corey Liles, Principal Planner

- a. Review of process
- b. Presentation by the applicant
- c. Comments from the Community Design Commission
- d. Comments from the public
- e. Comments and questions from the Mayor and Town Council
- f. Motion to adopt a resolution transmitting Council comments to the applicant.

RECOMMENDATION: That the Council adopt the resolution transmitting comments to the applicant.

REQUEST FOR CLOSED SESSION TO DISCUSS ECONOMIC DEVELOPMENT, PROPERTY ACQUISITION, PERSONNEL, AND/OR LITIGATION MATTERS



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 1., **File #:** [21-0759], **Version:** 1

Meeting Date: 10/13/2021

Approve all Consent Agenda Items.

Staff:

Sabrina M. Oliver, Director/Town Clerk
Amy T. Harvey, Deputy Town Clerk

Department:

Communications and Public Affairs

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



Recommendation(s):

That the Council adopt the various resolutions and ordinances.

Fiscal Impact/Resources: Please refer to each agenda item for specific fiscal notes.



Attachments:

- Resolution

**A RESOLUTION ADOPTING VARIOUS RESOLUTIONS AND ENACTING VARIOUS ORDINANCES
(2021-10-13/R-1)**

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby adopts the following resolutions and ordinances as submitted by the Town Manager in regard to the following:

2. Adopt a Vision Zero Resolution. (R-2)
3. Update Council and Advisory Board Policies and Procedures to Comply with Chapter 160D. (R-3)
(R-4)(R-5)
4. Call a Legislative Hearing for Land Use Management Ordinance Text Amendments - Proposed Changes to Section 3.6.2 Historic Districts Related to Review Criteria on October 27, 2021. (R-6)
5. Continue the Legislative Hearing for Conditional Zoning - Amending the Chapel Hill Zoning Atlas to Rezone the Rosemary-Columbia Street Hotel Property Assemblage Located at 108, 110, and 114 W. Rosemary Street and 208 Pritchard Avenue from Residential-3 (R-3), Office/Institutional-1 (OI-1), and Town Center-2 (TC-2) to Town Center-2-Conditional Zoning District (TC-2-CZD) to November 10, 2021. (R-6.1)
6. Adopt Minutes from June 24, 2020 and July 29, 2020 and September 9 and 16, 2020 and October 7, 21, and 28, 2020 and November 4 and 18, 2020 and December 2 and 9, 2020 Meetings. (R-7)

This the 13th day of October, 2021.

The Agenda will reflect the text below and/or the motion text will be used during the meeting.

By adopting the resolution, the Council can approve various resolutions and ordinances all at once without voting on each resolution or ordinance separately.



TOWN OF CHAPEL HILL

Town Hall
405 Martin Luther King Jr.
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Item Overview

Item #: 2., **File #:** [21-0760], **Version:** 1

Meeting Date: 10/13/2021

Adopt a Vision Zero Resolution.

Staff:

Colleen Willger, Director
Bergen Watterson, Transportation Planning Manager
Jordan Powell, Complete Streets Specialist

Department:

Planning

Overview: At the September 29th, 2021 Council Work Session, Town staff presented information about the impact a Vision Zero strategy could have on Chapel Hill. Vision Zero is a strategy that reframes how we examine and react to roadway crashes. Vision Zero considers traffic deaths and serious injuries to be preventable, and that policy and street design should prioritize safety rather than vehicular speed and efficiency in order to lessen the severity of crashes. Safety of vulnerable road users is integral in transportation decision-making.

By adopting the Vision Zero resolution Town Council can set the tone and direction for the Town's transportation-related decisions through an official commitment to policies and practices that prioritize the safety of all road users in Chapel Hill.



Recommendation(s):

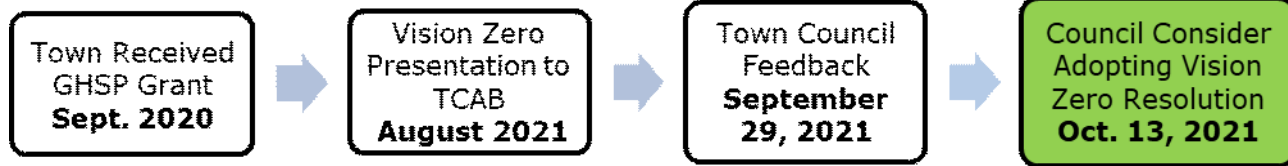
That the Council adopt the Vision Zero resolution.

Key Issues:

At the September 29th, 2021 Work Session, Council provided the following feedback:

- Add a 'Be It Resolved' to the resolution that memorializes the interest in prioritizing the safety of vulnerable road users in the development review process, including but not limited to Traffic Impact Analyses incorporating accurate analysis that prioritizes safety of vulnerable road users.
- Conduct data analysis (Chapel Hill residents, non-Chapel Hill residents, demographics, etc.) on drivers involved in speeding and failure to yield citations and crashes.
- Interest in planning for e-bike revolution and the impacts that will have on bike/ped, bike/e-bike, e-bike/car conflicts on roads.
- A way to decrease speeding on our roads is to lower the speed limits and narrow the lane widths.
- How do we look at structural issues (street infrastructure) in low-income communities based on historical disinvestment?

Fiscal Impact/Resources: There are no fiscal impacts associated with adopting this Vision Zero resolution. The Town has grant funding from the Governors Highway Safety Program (GHSP) to support Vision Zero activities - \$67,000 in FY20-21 and \$64,450 in FY21-22. The resolution would charge staff with updating the Pedestrian Safety Action Plan with recommended safety projects and cost estimates that would help the Town reach the goal of zero deaths and serious injuries by 2031.

Where is this item in its process?**Attachments:**

- Resolution

A RESOLUTION ADOPTING A VISION ZERO STRATEGY TO HELP ELIMINATE TRAFFIC DEATHS AND SERIOUS INJURIES BY 2031 (2021-10-13/R-2)

WHEREAS, according to data from the National Highway Traffic Safety Administration, each year approximately 40,000 people are killed in traffic collisions in the United States; and

WHEREAS, from 2016 to 2020, three people died, five suffered severe injuries, and 135 experienced minor injuries while walking or biking on streets in Chapel Hill; and

WHEREAS, one death on Town streets is one too many, and Town and departmental leadership are dedicated to strategies that aim to eliminate deaths and serious injuries on streets in Chapel Hill; and

WHEREAS, seniors, children, people of color, people with disabilities, people in low-income communities, and vulnerable road users such as pedestrians and bicyclists face a disproportionate risk of traffic injuries and fatalities; and

WHEREAS, Vision Zero is a public health-based traffic safety strategy to reduce and eventually eliminate traffic deaths and serious injuries using a data-driven, multi-disciplinary and safe systems approach that also increases safe healthy equitable mobility for all; and

WHEREAS, the Vision Zero strategy is a tool to unite stakeholders such as Transportation, Police, Public Health, UNC, Transit, neighboring municipalities, NCDOT, developers, and others.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town of Chapel Hill hereby adopts a goal of eliminating traffic deaths and serious injuries by 2031; and endorses Vision Zero as a comprehensive and holistic approach to achieving this goal.

BE IT FURTHER RESOLVED that the Town declares that Vision Zero is the town-wide guiding principle for transportation, planning, the design of streets and sidewalks, the maintenance of public rights-of-way, and traffic enforcement.

BE IT FURTHER RESOLVED that the Town Council requests that the Town Manager establish an interdepartmental staff Vision Zero Executive Committee charged with establishing a shared understanding of Vision Zero, reviewing progress on the Town's Vision Zero goals, as established in the Town's Pedestrian Safety Action Plan (2019), and updating this Action Plan with proposed safety projects and associated cost estimates for the Town to reach the goal of zero deaths and serious injuries by 2031.

BE IT FURTHER RESOLVED that the Town Council accepts the [National Association of City Transportation Officials \(NACTO\) guides <https://nacto.org/publications/design-guides/>](https://nacto.org/publications/design-guides/) as nationally accepted best design practices, and that the Planning Department and Public Works Department shall evaluate and recommend modifications to existing roadway standards and policies.

BE IT FURTHER RESOLVED that Vision Zero principles will be integrated in the development review process, including Traffic Impact Analyses, through thorough analysis that prioritizes the safety of vulnerable road users.

BE IT FURTHER RESOLVED that Vision Zero will be implemented in an equitable manner accounting for historic inequities in transportation and safety investments across the Chapel Hill community.

BE IT FURTHER RESOLVED that the safety of all road users shall take priority over vehicular level of service and throughput, and safety of vulnerable road users shall be given top priority in transportation decisions.

This the 13th day of October, 2021.

The Agenda will reflect the text below and/or the motion text will be used during the meeting.

By adopting this resolution, the Council adopts a Vision Zero strategy to help eliminate traffic deaths and serious injuries by 2031.



TOWN OF CHAPEL HILL

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405 Martin Luther King Jr.
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Item Overview

Item #: 3., File #: [21-0761], Version: 1

Meeting Date: 10/13/2021

Update Council and Advisory Board Policies and Procedures to Comply with Chapter 160D.

Staff:

Colleen Willger, Director
Corey Liles, Principal Planner
Ann Anderson, Town Attorney
Gene Poveromo, Code Enforcement Coordinator

Department:

Planning

Town Attorney's Office
Building and Development Services

Overview: Chapter 160D of the NC General Statutes was enacted in July 2019, serving as the new enabling legislation for local planning and zoning. The Town Council recently approved amendments to the Town Code of Ordinances, including the Land Use Management Ordinance (LUMO), for compliance with Chapter 160D. Tonight's item consists of policies and procedures outside of the Town Code that also need updates based on the provisions of Chapter 160D.



Recommendation(s):

That the Council adopt Resolutions A, B, and C to update Council and Advisory Board policies and procedures to comply with Chapter 160D.

Summary of Updates

Each update listed below is consistent with the provisions of Chapter 160D. Staff finds that the updates are necessary to maintain compliance with State law.

A. Council Procedures Manual

- Allow legislative decisions on development regulations (LUMO text amendments and zoning map amendments) to be approved on first reading by a simple majority, rather than requiring two-thirds majority on first reading

G.S. [160D-601](#)

https://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_160d/GS_160d-and_160A-75

https://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_160a/GS_160a-

- Update references to State statute (160D rather than 160A)

B. Code of Ethics for the Town Council (first adopted on November 22, 2010)

- Establish conflict of interest policy consistent with State law

G.S. [160D-109](#)

https://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_160d/GS_160d-

- Update references to State statute (160D rather than 160A)

C. Advisory Board Membership Policy

- Establish conflict of interest policy consistent with State law

G.S. [160D-109](#)

https://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_160d/GS_160d-

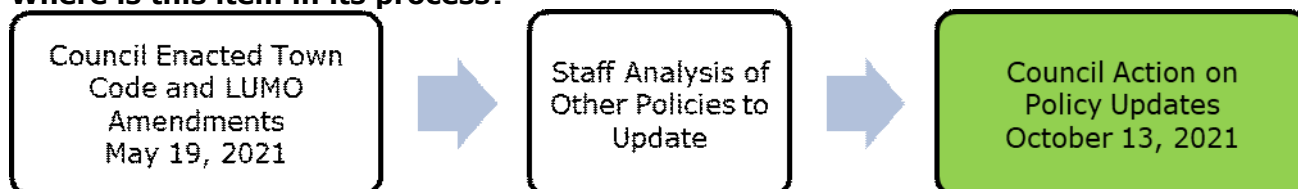
- Provide representation for the Chapel Hill Extra-Territorial Jurisdiction (ETJ) on the Community Design Commission by converting one Town Resident seat to an ETJ Resident seat

G.S. [160D-307\(a\)](#)

https://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_160d/GS_160d-

- Update references to State statute (160D rather than 160A)

Where is this item in its process?



Attachments:

- Resolution A, Amending the Council Procedures Manual
- Resolution B, Amending the Code of Ethics for the Town Council
- Resolution C, Amending the Advisory Board Membership Policy

The Agenda will reflect the text below and/or the motion text will be used during the meeting.

By adopting Resolutions A, B, and C, the Council updates various Council and Advisory Board policies and procedures to comply with Chapter 160D.

RESOLUTION A

(Amending the Council Procedures Manual)

A RESOLUTION AMENDING THE COUNCIL PROCEDURES MANUAL TO COMPLY WITH NORTH CAROLINA GENERAL STATUTE 160D (2021-10-13/R-3)

WHEREAS, in July 2019 the North Carolina General Assembly enacted Session Law 2019-111, an act to clarify, consolidate, and reorganize the land-use regulatory laws of the State; and

WHEREAS, in June 2020 the North Carolina General Assembly enacted Session Law 2020-25, an act to complete the consolidation of land-use provisions into one chapter of the General Statutes as directed by S.L. 2019-111; and

WHEREAS, Session Laws 2019-111 and 2020-25 together establish a new section of the North Carolina General Statutes titled Chapter 160D: Local Planning and Development Regulation, intended to supersede Article 18 of Chapter 153A and Article 19 of Chapter 160A and to serve as the enabling legislation applicable to local government development regulation decisions; and

WHEREAS, the Town Council amended the Land Use Management Ordinance and other sections of the Town Code of Ordinances on May 19, 2021 to bring development regulations of the Town into compliance with Chapter 160D; and

WHEREAS, the Town Manager hereby requests that the Town Council amend Council and Advisory Board policies and procedures to comply with Chapter 160D.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council amends the Council Procedures Manual as follows:

SECTION 1

Section I. Meetings, Subsection E. Voting, subsection 2 is hereby amended to read as follows:

"*Ordinance.* General law provides that no ordinance (except for budget, bond order, ~~and franchise ordinance,~~ **and legislative decision for development regulation**) may be enacted at the meeting it is introduced unless it receives two-thirds vote. An ordinance failing to receive the requisite vote merely goes over to the next regular meeting of the Council for a second vote before becoming final. At second reading, an ordinance requires only five votes to be enacted.

1. *Budget Ordinances.* A budget ordinance may be adopted by simple majority at any regular or special meeting of the Council. This provision is designed to expedite the fiscal operations of the Town.
2. *Bond Order.* The certificate must indicate the split. A five-four split on adoption of a bond ordinance could raise serious questions with bond counsel.
3. *Franchise Ordinances.* To adopt an ordinance granting a franchise, the ordinance must be approved at two regular meetings of the Council. Such meetings need not be consecutive, but approval must be by a five vote majority vote at both such meetings.

4. **Legislative Decisions for Development Regulation. An ordinance amending development regulations and/or amending the Zoning Atlas may be adopted by simple majority at the same regular or special meeting of the Council where the legislative hearing is closed. The Town must permit adoption on first reading in accordance with G.S. 160A-75.**

SECTION 2

Section I. Meetings, Subsection E. Voting, subsection 3 is hereby amended to read as follows:

"Citizen Comments. In matters involving amendments to the Zoning Ordinance, state law provides that if any resident or property owner in the Town submits a written statement regarding a proposed amendment, modification, or repeal to a zoning ordinance to the Clerk at least two business days prior to the proposed vote on such change, the Clerk must provide Council with the written statement. If the proposed change is the subject of a quasi-judicial proceeding under G.S. ~~160A-388~~ **160D-406**, the Clerk shall provide only the names and addresses of the individuals providing written comment, and the provision of such names and addresses to all Council Members shall not disqualify any Council Member from voting."

SECTION 3

This resolution shall be effective upon adoption.

This the 13th day of October, 2021.

RESOLUTION B

(Amending the Code of Ethics for the Town Council)

A RESOLUTION AMENDING THE CODE OF ETHICS FOR THE CHAPEL HILL TOWN COUNCIL TO COMPLY WITH NORTH CAROLINA GENERAL STATUTE 160D (2021-10-13/R-4)

WHEREAS, in July 2019 the North Carolina General Assembly enacted Session Law 2019-111, an act to clarify, consolidate, and reorganize the land-use regulatory laws of the State; and

WHEREAS, in June 2020 the North Carolina General Assembly enacted Session Law 2020-25, an act to complete the consolidation of land-use provisions into one chapter of the General Statutes as directed by S.L. 2019-111; and

WHEREAS, Session Laws 2019-111 and 2020-25 together establish a new section of the North Carolina General Statutes titled Chapter 160D: Local Planning and Development Regulation, intended to supersede Article 18 of Chapter 153A and Article 19 of Chapter 160A and to serve as the enabling legislation applicable to local government development regulation decisions; and

WHEREAS, the Town Council amended the Land Use Management Ordinance and other sections of the Town Code of Ordinances on May 19, 2021 to bring development regulations of the Town into compliance with Chapter 160D; and

WHEREAS, the Council [adopted its Code of Ethics](#) in accordance with North Carolina Session Law 2009-403 on November 22, 2010; and

WHEREAS, the Town Manager hereby requests that the Town Council amend Council and Advisory Board policies and procedures to comply with Chapter 160D.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council amends the Code of Ethics for the Town Council as follows:

SECTION 1

A new Section 4A., titled Conflicts of Interest, is hereby inserted as follows:

"Section 4A. Conflicts of Interest.

Council members shall abide by all provisions of NC General Statute 160D-109 addressing Conflicts of Interest.

Council members shall not vote on any matter in which they have a conflict of interest or an interest which reasonably might appear to be in conflict with the concept of fairness in dealing with public business. A conflict of interest or a potential conflict occurs if the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

Council members shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

In any instance of the Council opening an Evidentiary Hearing, the Council serves as a quasi-judicial body. Council members shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change; undisclosed ex parte communications; a close familial, business, or other associational relationship with an affected person; or a financial interest in the outcome of the matter.

For purposes of these guidelines, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term also includes the step, half, and in-law relationships.

If a Council member believes they have a conflict of interest as identified above, then that member shall recuse themselves from voting on the matter. In the event a Council member does not recuse themselves, any fellow Council member may raise an objection to that member's participation, either at or prior to the hearing or vote on that matter. The remaining Council members shall then by majority vote rule on the objection.

In cases where a Council member establishes a conflict of interest, or where the Council upholds an objection to participation, the Council member shall remove themselves from the voting area."

SECTION 2

Resolution (2010-11-22/R-7) is hereby amended to document the date of this update as follows:

"Adopted this the **22nd** day of **November**, 2010.

Updated this the 13th day of October, 2021."

SECTION 3

Exhibit A, list items 9 and 10 are hereby amended to read as follows:

- "9. N.C.G.S. Sec. **160D-702(a)** ~~160A-381(a) and (d)~~ Grant of (zoning) power
https://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_160D/GS_160D-702.html
~~http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_160A/GS_160A-381.html~~
10. N.C.G.S. Sec. **160D-109 Conflicts of interest** ~~160A-388(e1)Board of adjustment (voting by board or other board on~~ **(including** ~~quasi-judicial matters; impermissible conflicts)~~
https://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_160d/GS_160d-109.html
~~http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_160A/GS_160A-388.html~~"

SECTION 4

This resolution shall be effective upon adoption.

This the 13th day of October, 2021.

RESOLUTION C

(Amending the Advisory Board Membership Policy)

A RESOLUTION AMENDING THE ADVISORY BOARD MEMBERSHIP POLICY TO COMPLY WITH NORTH CAROLINA GENERAL STATUTE 160D (2021-10-13/R-5)

WHEREAS, in July 2019 the North Carolina General Assembly enacted Session Law 2019-111, an act to clarify, consolidate, and reorganize the land-use regulatory laws of the State; and

WHEREAS, in June 2020 the North Carolina General Assembly enacted Session Law 2020-25, an act to complete the consolidation of land-use provisions into one chapter of the General Statutes as directed by S.L. 2019-111; and

WHEREAS, Session Laws 2019-111 and 2020-25 together establish a new section of the North Carolina General Statutes titled Chapter 160D: Local Planning and Development Regulation, intended to supersede Article 18 of Chapter 153A and Article 19 of Chapter 160A and to serve as the enabling legislation applicable to local government development regulation decisions; and

WHEREAS, the Town Council amended the Land Use Management Ordinance and other sections of the Town Code of Ordinances on May 19, 2021 to bring development regulations of the Town into compliance with Chapter 160D; and

WHEREAS, the Town Manager hereby requests that the Town Council amend Council and Advisory Board policies and procedures to comply with Chapter 160D.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council amends the Advisory Board Membership Policy as follows:

SECTION 1

The **Board Specific Policies** for the **Community Design Commission** are hereby revised to read as follows:

[In the table below, one row is removed and a new one added.]

[Note that Council will consider a separate resolution on the October 13, 2021 agenda proposing additional revisions to this table, in response to the Community Design Commission petition for a reduction of member seats.]

"Seat Category	Seat Requirements
Chapel Hill Resident	Must live within the municipal limits of the Town of Chapel Hill and have demonstrated special training or experience in a design field such as architecture, landscape design, horticulture, city planning, green design, place making or a closely related field.
Chapel Hill Resident	Must live within the municipal limits of the Town of Chapel Hill and have demonstrated special training or experience in a design field such as architecture, landscape design, horticulture, city planning, green design, place making or a closely related field.

Chapel Hill Resident	Must live within the municipal limits of the Town of Chapel Hill and have demonstrated special training or experience in a design field such as architecture, landscape design, horticulture, city planning, green design, place making or a closely related field.
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Chapel Hill Resident	Must live within the municipal limits of the Town of Chapel Hill and have demonstrated special training or experience in a design field such as architecture, landscape design, horticulture, city planning, green design, place making or a closely related field.
<u>Extra Territorial Jurisdiction (ETJ) Resident</u>	<u>Must live within the Town of Chapel Hill's Extraterritorial Jurisdiction."</u>

SECTION 2

The **Board Specific Policies** for the **Community Design Commission, Enabling Legislation that Impacts Membership** are hereby amended to read as follows:

"North Carolina General Statute **160D-304** ~~160A-451~~.

Composition of Appearance Commission; Joint Commission

(a) Composition. - Each local government may create a special commission, to be known as the appearance commission. The commission shall consist of not less than seven nor more than 15 members, to be appointed by the governing board for terms not to exceed four years, as the governing board may by ordinance provide. All members shall be residents of the local government's area of planning and development regulation jurisdiction at the time of appointment. Where possible, appointments shall be made in such a manner as to maintain on the commission at all times a majority of members who have had special training or experience in a design field, such as architecture, landscape design, horticulture, city planning, or a related field. Members of the commission may be reimbursed for actual expenses incidental to the performance of their duties within the limits of any funds available to the commission but shall serve without pay unless otherwise provided in the ordinance establishing the commission. Membership of the commission is an office that may be held concurrently with any other elective or appointive office pursuant to Section 9 of Article VI of the North Carolina Constitution.

(b) Joint Commissions. - Local governments may establish a joint appearance commission. If a joint commission is established, it shall have the same composition as specified by this section, and the local governments involved shall determine the residence requirements for members of the joint commission.

~~Membership and appointment of commission; joint commission.~~

~~Each municipality and county in the State may create a special commission, to be known as the official appearance commission for the city or county. The commission shall consist of not less than seven nor more than 15 members, to be appointed by the governing body of the municipality or county for such terms, not to exceed four years, as the governing body may by ordinance provide. All members shall be residents of the municipality's or county's area of planning and zoning jurisdiction at the time of appointment. Where possible, appointments shall be made in such a manner as to maintain on the commission at all times a majority of members who have had special training or experience in a design field, such as architecture, landscape design, horticulture, city planning, or a closely related field. Members of the commission may be reimbursed for actual expenses incidental to the performance of their duties within the limits of any funds available to the commission, but shall serve without pay unless otherwise provided in the ordinance establishing the commission. Membership of the commission is declared to be an office that may be held concurrently with any other elective or appointive office pursuant to Article VI, Sec. 9, of the Constitution.~~

~~A county and one or more cities in the county may establish a joint appearance commission. If a joint commission is established, the county and the city or cities involved shall determine the residence requirements for members of the joint commission. (1971, c. 896, s. 6; c. 1058; 1973, c. 426, s. 63.)~~

~~Town of Chapel Hill Land Use Management Ordinance Appendix A Article 8"~~

SECTION 3

The **Board Specific Policies** for the **Planning Commission, Enabling Legislation that Impacts Membership** are hereby amended to read as follows:

"North Carolina General Statute **160D-301** ~~160A-361b~~

Composition of Planning Board

(a) Composition. - A local government may by ordinance provide for the appointment and compensation of a planning board or may designate one or more boards or commissions to perform the duties of a planning board. A planning board established pursuant to this section may include, but shall not be limited to, one or more of the following:

(1) A planning board of any size or composition deemed appropriate, organized in any manner deemed appropriate; provided, however, the board shall have at least three members.

(2) A joint planning board created by two or more local governments pursuant to Part 1 of Article 20 of Chapter 160A of the General Statutes.

~~A board or commission created or designated pursuant to this section may include, but shall not be limited to, one or more of the following:~~

~~(1) — A planning board or commission of any size (with not fewer than three members) or composition deemed appropriate, organized in any manner deemed appropriate;~~

~~(2) — A joint planning board created by two or more local governments pursuant to Article 20, Part 1, of this Chapter. (1919, c. 23, s. 1; C.S., s. 2643; 1945, c. 1040, s. 2; 1955, cc. 489, 1252; 1959, c. 327, s. 2; c. 390; 1971, c. 698, s. 1; 1973, c. 426, s. 57; 1979, 2nd Sess., c. 1247, s. 35; 1997-309, s. 7; 1997-456, s. 27; 2004-199, s. 41(a).)~~

Town of Chapel Hill Land Use Management Ordinance Appendix A Article 8"

SECTION 4

The section on **Ethics Guidelines** is hereby amended to read as follows:

"All advisory board and commission members and applicants shall agree to comply with the following ethics guidelines adopted by the Council on March 1, 1999 and updated January 31, 2018 **and October 13, 2021**:

Ethics Guidelines for Town Advisory Boards and Commissions

Members of advisory boards and commissions shall not ~~discuss, advocate, or vote on~~ any matter in which they have a conflict of interest or an interest which reasonably might appear to be in conflict with the concept of fairness in dealing with public business. A conflict of interest or a potential conflict occurs if **the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.** ~~a member has a separate, private, or monetary interest, either direct or indirect, in any issue or transaction under consideration.~~

Members of advisory boards and commissions shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the

applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. See General Statute 160D-109(b).

In addition, members of the Historic District Commission and Board of Adjustment, when these boards are hearing cases, serve as quasi-judicial bodies. Pursuant to State **General Statute 160D-109(d)** ~~160A-388(e)(2)~~, members of these boards

"shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter."

The meaning of "familial relationship" shall be as defined under General Statute 160D-109(f).

Any member who violates these Ethics Guidelines may be subject to removal from the board or commission.

If the advisory board or commission member believes he/she has a conflict of interest then that member **shall recuse himself/herself from voting on the matter**. ~~should ask the advisory board or commission to be recused from voting. The advisory board or commission should then vote on the question on whether or not to excuse the member making the request.~~

In the event a member does not recuse himself/herself, any fellow member may raise an objection to that member's participation at or prior to the hearing or vote on that matter. The remaining members of the advisory board or commission shall then by majority vote rule on the objection in accordance with General Statute 160D-109(e).

In cases where the individual member or the advisory board or commission establishes a conflict of interest, then the advisory board or commission member shall remove themselves from the voting area.

Any advisory board or commission member may seek the counsel of the Town Attorney on questions regarding the interpretation of these ethics guidelines or other conflict of interest matters. The interpretation may include a recommendation on whether or not the advisory board or commission member should excuse himself/herself from voting. The advisory board or commission member may request the Town Attorney respond in writing."

SECTION 5

This resolution shall be effective upon adoption.

This the 13th day of October, 2021.



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 4., File #: [21-0762], Version: 1

Meeting Date: 10/13/2021

Call a Legislative Hearing for Land Use Management Ordinance Text Amendments - Proposed Changes to Section 3.6.2 Historic Districts Related to Review Criteria on October 27, 2021.

Staff:

Colleen Willger, Planning Director
Judy Johnson, Assistant Director
Anyah Grahn, Senior Planner

Department:

Planning

Overview: On [April 21, 2021 <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=4916685&GUID=333205B7-F0B6-490D-AD90-260BDD05566B&Options=&Search=>](https://chapelhill.legistar.com/LegislationDetail.aspx?ID=4916685&GUID=333205B7-F0B6-490D-AD90-260BDD05566B&Options=&Search=>) the Town Council approved amendments to the LUMO to reflect legislative updates in Chapter 160D of the North Carolina General Statutes and clarify the Historic District Commission's review of Certificate of Appropriateness (COA) applications. As part of these text amendments, review criteria was removed inadvertently. Staff proposes reinstating the necessary text.



Recommendation(s):

That the Council adopt the resolution calling for a legislative hearing on October 27, 2021, to amend the Land Use Management Ordinance (LUMO) related to the Historic Districts Review Criteria.

Key Issues:

- Clarifying the criteria used by the Historic District Commission in reviewing Certificate of Appropriateness applications.



Attachments:

- Resolution

A RESOLUTION CALLING A LEGISLATIVE HEARING TO CONSIDER A LAND USE MANAGEMENT ORDINANCE TEXT AMENDMENT PERTAINING TO SECTION 3.6.2 HISTORIC DISTRICTS RELATED TO REVIEW CRITERIA (2021-10-13/R-6)

WHEREAS, Legislative updates in Chapter 160D of the North Carolina General Statutes provide that the Historic District Commission shall "adopt principles and standards to guide the commission in determining congruity with the special character of the landmark or district for new construction, alterations, additions, moving, and demolition;" and

WHEREAS, on September 23, 2019, Planning Department staff provided a recommendation to the Council Committee on Boards & Commission to amend the LUMO following the adoption of the Design Principles and Standards to provide greater clarity on the legal basis for application of the Design Principles and Standards in the Commission's review of Certificate of Appropriateness (COA) applications; and

WHEREAS, on April 21, 2021 the Town Council approved amendments to the LUMO to reflect legislative updates in Chapter 160D of the North Carolina General Statutes and remove the A through J criteria used by the Historic District Commission in their review of Certificate of Appropriateness (COA) applications; and

WHEREAS, the text amendments approved on April 21, 2021, removed additional review criteria pertinent to the Historic District Commission's review of Certificate of Appropriateness (COA) applications and additional language is required to clarify the Historic District Commission's review process.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council calls a Legislative Hearing for October 27, 2021, at 7:00 p.m. to consider a possible Land Use Management Ordinance text amendment regarding Historic District Commission Review Criteria.

This, the 13th day of October, 2021.

The Agenda will reflect the text below and/or the motion text will be used during the meeting.

By adopting the resolution, the Council calls a Legislative Hearing to consider matters related to the Historic District Review Criteria on October 27, 2021.



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 5., File #: [21-0763], Version: 1

Meeting Date: 10/13/2021

Continue the Legislative Hearing for Conditional Zoning - Amending the Chapel Hill Zoning Atlas to Rezone the Rosemary-Columbia Street Hotel Property Assemblage Located at 108, 110, and 114 W. Rosemary Street and 208 Pritchard Avenue from Residential-3 (R-3), Office/Institutional-1 (OI-1), and Town Center-2 (TC-2) to Town Center-2-Conditional Zoning District (TC-2-CZD) to November 10, 2021.

Staff:

Colleen Willger, Director
Judy Johnson, Assistant Director
Anya Grahn, Senior Planner

Department:

Planning

Overview: The Town Council held a legislative hearing on [June 23, 2021](https://chapelhill.legistar.com/LegislationDetail.aspx?ID=4990632&GUID=175615EE-6CE9-4D29-829F-C761F974CBBC) [<https://chapelhill.legistar.com/LegislationDetail.aspx?ID=4990632&GUID=175615EE-6CE9-4D29-829F-C761F974CBBC>](https://chapelhill.legistar.com/LegislationDetail.aspx?ID=4990632&GUID=175615EE-6CE9-4D29-829F-C761F974CBBC) to discuss the Conditional Zoning District Application for the Rosemary-Columbia Street Hotel at 108, 110, and 114 W. Rosemary Street and 208 Pritchard Avenue. The Council continued the legislative hearing to October 13, 2021. On October 8, 2021, the applicant requested that this item be continued from the October 13, 2021 meeting to the November 10, 2021 meeting. Staff recommends that Council defer consideration to November 10, 2021, as requested by the applicant.



Recommendation(s):

That the Council adopt the resolution deferring consideration of the proposed conditional zoning district application to November 10, 2021.



Attachments:

- Resolution

A RESOLUTION TO CONTINUE THE LEGISLATIVE HEARING TO AMEND THE CHAPEL HILL ZONING ATLAS TO REZONE THE ROSEMARY-COLUMBIA STREET HOTEL PROPERTY ASSEMBLAGE LOCATED AT 108, 110, AND 114 W. ROSEMARY STREET AND 208 PRITCHARD AVENUE FROM RESIDENTIAL-3 (R-3), OFFICE/INSTITUTIONAL-1 (OI-1), AND TOWN CENTER-2 (TC-2) TO TOWN CENTER-2- CONDITIONAL ZONING DISTRICT (TC-2-CZD) TO NOVEMBER 10, 2021 (2021-10-13/R-6.1)

WHEREAS, on June 23, 2021, the Town Council opened the Legislative Hearing for the Rosemary-Columbia Street Hotel Conditional Zoning District application and made a motion to continue the hearing to the Council Meeting on September 22, 2021; and

WHEREAS, on September 22, 2021, the Council continued that hearing to October 13, 2021; and

WHEREAS, on October 8, 2021, the applicant requested that the item be continued to the November 10, 2021 meeting.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council defers consideration of the Rosemary-Columbia Street Hotel Conditional Zoning District application to 7:00 p.m. on Wednesday, November 10, 2021.

This the 13th day of October, 2021.

The Agenda will reflect the text below and/or the motion text will be used during the meeting.

By adopting the resolution, the Council defers consideration of the proposed conditional zoning district application for the Rosemary-Columbia Street Hotel property assemblage located at 108, 110, and 114 W. Rosemary Street and 208 Pritchard Avenue to November 10, 2021.



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 6., **File #:** [21-0764], **Version:** 1

Meeting Date: 10/13/2021

Adopt Minutes from June 24, 2020 and July 29, 2020 and September 9 and 16, 2020 and October 7, 21, and 28, 2020 and November 4 and 18, 2020 and December 2 and 9, 2020 Meetings.

Staff:

Sabrina M. Oliver, Director
Amy Harvey, Deputy Town Clerk
Nikki Catalano, Transcriptionist

Department:

Communications and Public Affairs

Overview: These minutes are prepared for the meetings listed below.



Recommendation(s):

That the Council approve the attached summary minutes of past meetings.



Attachments:

- Resolution
- June 24, 2020 Special Meeting
- July 29, 2020 Special Meeting
- September 9, 2020 Special Meeting
- September 16, 2020 Work Session
- October 7, 2020 Regular Meeting
- October 21, 2020 Work Session
- October 28, 2020 Regular Meeting
- November 4, 2020 Regular Meeting
- November 18, 2020 Regular Meeting
- December 2, 2020 Work Session
- December 9, 2020 Regular Meeting

A RESOLUTION TO ADOPT SUMMARY MINUTES OF COUNCIL MEETINGS (2021-10-13/R-7)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby adopts summary minutes for meetings held on June 24, 2020 and July 29, 2020 and September 9 and 16, 2020 and October 7, 21, and 28, 2020 and November 4 and 18, 2020 and December 2 and 9, 2020.

This the 13th day of October, 2021.

The Agenda will reflect the text below and/or the motion text will be used during the meeting.

By adopting the resolution, the Council approves the summary minutes of past meetings which serve as official records of the meetings.



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 Michael Parker
Council Member Jessica Anderson
Council Member Allen Buansi

Council Member Hongbin Gu
Council Member Tai Huynh
Council Member Amy Ryan
Council Member Karen Stegman

Wednesday, June 24, 2020 **7:00 PM** **Virtual Meeting**

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 Zoom webinar directly online or by phone.

Register for this webinar:

<https://us02web.zoom.us/join/9tNfzeuTOaWcE1k3Ww7GQ> After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 841 9420 6182

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

Roll Call

Present: 8 - Mayor Pam Hemminger, Mayor pro tem Michael Parker, Council Member Jessica Anderson, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Karen Stegman, Council Member Tai Huynh, and Council Member Amy Ryan

Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Emergency Management Coordinator Kelly Drayton, Business Management Director Amy Oland, Business Management Assistant Director Matt Brinkley, Interim Planning Director Judy Johnson, Community Resilience Officer John Richardson, Planner II Michael Sudol, Planner II Becky McDonnell, Executive Director for Community Safety/Police Chief Chris Blue, Senior Planner Anya Grahn, Deputy Town Clerk Amy Harvey, Executive Director for Technology and CIO Scott Clark, and Sabrina Oliver Communications and Public Affairs Director/Town Clerk.

ROLL CALL

Mayor Hemminger opened the virtual meeting at 7:00 p.m. and summarized the

Town Council

Meeting Minutes - Draft

June 24, 2020

agenda. She called the roll, and all Council Members replied that they were present.

OPENING

1. A Resolution on Developing New Community Approaches to Improve Racial Equity and Public Safety in Chapel Hill. (no attachment)

[\[20-0456\]](#)

Mayor Hemminger announced a Council resolution that reaffirmed its June 3, 2020 commitment to eradicate racial bias and structural racism. Because the resolution was so extensive, Council Members Buansi and Stegman would make short statements about its goals, she said.

Council Member Buansi said that it was long past time for action, at all levels of government, to change policies that discriminate against and violate basic constitutional and human rights of people of color. He said that Chapel Hill's police chief had taken a progressive approach to public safety, but that policing as an institution had rightly been called into question for its racist roots and history of violence against people of color.

Council Member Buansi listed steps that the Town would take as it begins to re-imagine and re-examine and re-invest in community resources. These steps included prohibiting choke holds, ending regulatory traffic stops for low-level violations, authorizing deadly force only when there is a clear threat of death or serious bodily injury, and having clear accountability for officers violating such policies. He said that the Council had requested information that it needed to inform a transparent process and long-term change.

Council Member Stegman said that a Council Committee would be formed to clarify Community Policing Advisory Committee's (CPAC) and Justice in Action Committee's (JIAC) charges. That Committee would institute Chapel Hill Police Department (CHPD) data presentations and explore alternatives to having security resource officers in schools, she said. She stressed the Council's commitment to re-imagining the Town budget and reallocating resources in a way that would reflect the community's commitment to justice and equity.

Council Member Stegman said that the Town would hold a series of community-wide listening sessions and that a Community Task Force would make actionable recommendations on a range of issues related to public safety such as right sizing of the CHPD, relocating resources as necessary, and coordinating with Orange County and other jurisdictional partners to increase investments in programs that keep communities healthy and safe. The Council was committed to seeing fundamental change and looked forward to realizing a new bold vision of public safety, she said.

Hanna Schanzer, Chapel Hill resident, said that the resolution sounded promising but that not announcing it or making it available online prior to the meeting showed a lack of transparency by the Town.

Emile Charles, a Chapel Hill resident, gave examples of racial inequities that needed to be addressed both nationally and locally and reviewed a list of demands for reform. He asked the Council to not pass the budget until it had deconstructed ties and practices that support white supremacy.

Trinity Casimir, a Chapel Hill resident, advocated for a strategic defunding of the CHPD and a restructuring of the Town's public safety model. She recommended that the Council consult with community members who would be most affected by changes in policing rather than just making decisions on their behalf.

Rachel Collman, a Chapel Hill resident, agreed with previous speakers regarding the Town's lack of transparency and community involvement. She said that the Council's sense of urgency regarding the budget deadline came from an effort to maintain a status quo that was no longer working for everyone.

Maggie Blunk, a Chapel Hill native, said that the proposed resolution sounded promising but that reallocating CHPD funds to affordable housing would illustrate the Council's dedication to racial justice better than creating a task force down the road. She said that Chapel Hill was not the progressive city that it claimed to be.

Lindsay Ayling, a Chapel Hill resident, asked the Council to abolish the police rather than just taking half measures. She mentioned that a white supremacist had been discovered on the CHPD and said she wondered how many other officers shared his ideology. Ms. Ayling cited incidents in which she believed the CHPD had sided with neo-Nazis and white supremacists groups rather than anti-racist protesters.

Mary Alta Feddeman, a Chapel Hill native who lives in Durham, said that the Town's budget had not been changed in any meaningful way even though the Council had heard five hours of comments from people asking for change. She said only so many reforms could be made to something that was built on white supremacy before it would be necessary to drastically reconsider it.

Anna Richards, president of the Chapel Hill-Carrboro NAACP, said that aspects of Council's resolution were encouraging. She pointed out ways in which the NAACP agenda aligned with the Council's resolution and urged the Council to expedite the process and to take some steps immediately. The community would hold the Council accountable for what it was stating in the resolution, she said.

Mayor Hemminger thanked Ms. Richards for working with the Town and asked her to submit the NAACP's agenda.

Mackenzie Kwok, a Chapel Hill resident, concurred with previous speakers and said that putting limitations on the use of force had not reduced harm to black and brown communities. Banning choke holds had not saved Eric Garner or George Floyd, she pointed out. The council's professed ideals could not be accomplished without reallocating funds from the CHPD to community services and safety, she said.

Amelia Covington, a Chapel Hill resident, said that community policing had failed many times and that those funds should be diverted. Public safety meant investing in communities of color in a way that was decided by those communities, she said.

Delores Bailey, executive director of EmPOWERment, Inc., said that change would need to begin at the Council level. She suggested ways in which restructuring could make the CHPD more effective and said that it was time for change. EmPOWERment had worked for years to bring community and the police together through community meetings and that the conversation should begin with them, she said.

George Barrett, associate director at the Marion Cheek Jackson Center, said that reform had been talked about for years but violence against black people had not lessened. The resolution was a good step in the right direction, he said, but he urged the Council to be explicit about defunding the police and reallocating that money into community resources, especially black and brown communities.

Paris Miller, an EmPOWERment, Inc. board member, said she was speaking as vice chair of CPAC, which had not been consulted regarding the resolution. She implored the Council to include CPAC in future conversations on policing and community safety since that was its charge. She had recently sent a letter regarding those expectations to the Mayor and Council but had not received a response, she said.

Mayor Hemminger thanked Ms. Miller for the letter and said that she would reply.

Maia Donald, a Chapel Hill resident, said that the Council resolution came across as a last minute effort. The Council had not taken steps to strategically defund the CHPD, had not reached out to the community, and had not made the process transparent, she said. She asked Council Members to vote against the proposed budget and to disband the CHPD.

E. McManus, a Chapel Hill resident, agreed with other speakers' comments and said that she and others wanted more than what was being offered in the Council resolution. The Town budget should reflect what its residents want and need, she said.

Mayor Hemminger thanked the Council for caring so deeply about the issues and providing input. She thanked Council Members Buansi, Stegman and Ryan, in particular, for composing the resolution and expressed gratitude to the staff members who had worked on it. She stressed the Council's commitment to fostering trust, respect, human dignity, and equality for all and said they were eager to get conversations started.

Mayor Hemminger said that the Council would make its resolution available if it passes. She explained that the proposed process would include community voices.

The Council voted unanimously to adopt the resolution.

Mayor Hemminger announced that the Town would be partnering with the Orange County Local Reentry Coalition and neighboring municipalities to post Hearing Impacted Voices, a moderated panel discussion on Inequality, Policing and Injustice. The event would be free and open to the community, and information was available on the Town's Calendar and its Facebook page, she said.

A motion was made by Council Member Buansi, seconded by Council Member Stegman, that R-1 be adopted. The motion carried by a unanimous vote.

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.

1.01 Economic Development Specialist Laura Selmer Request Regarding Sole Source Purchase of Traffic Barrier Materials. [\[20-0474\]](#)

Economic Development Specialist Laura Selmer requested authorization to purchase traffic barriers for the purpose of increasing pedestrian space on Franklin Street.

A motion was made by Council Member Anderson, seconded by Mayor pro tem Parker, that R-1.1 be adopted. The motion carried by a unanimous vote.

1.02 Norma Safransky and Sharon Bagatell Regarding Energy Innovation and Carbon Dividend Act of 2019. [\[20-0475\]](#)

Norma Safransky and Sharon Bagatell, Chapel Hill residents, asked the Council to approve a resolution endorsing a NC House Resolution 763 to reduce carbon emissions. The bi-partisan bill would place a fee on fossil fuels at the source and would distribute collected money among households as a monthly dividend, they explained. If passed soon, the plan would reduce carbon emissions by 40 percent in the first 12 years and by 90 percent by 2050, they explained.

Mayor Hemminger pointed out that the Council normally receives and refers resolutions to the Town Manager, Town Attorney and Mayor. However, since the current meeting was the last before the Council's recess, she recommended adopting the resolution (2020-06-24/R-1.2) with a stipulation that staff review the wording to ensure that it lined up with what the Town could normally support.

A motion was made by Council Member Anderson, seconded by Mayor pro tem Parker, that this Petition/R-1.2 be adopted. The motion carried by a unanimous vote.

1.03 Rachel Collman Comment. [\[20-0476\]](#)

Rachel Collman said that she wanted to point out the hypocrisy of calling for a staff review of the resolution just passed while not allowing a review of the previous resolution.

This item was received as presented.

1.04 Maple Osterbrink Regarding Environmental Justice Commission. [\[20-0477\]](#)

Maple Osterbrink, a Chapel Hill resident, reminded the Council that she had recently requested \$100 for expenses related to an Environmental Justice Commission that she intended to start when in-person meetings were again allowed. She also wanted to know the legal requirements of starting a commission, she said.

Mayor Hemminger agreed to reply as soon as she could.

This item was received as presented.

ANNOUNCEMENTS BY COUNCIL MEMBERS

1.05 Mayor Hemminger Regarding Town Attorney Ralph Karpinos' Last Meeting. [\[20-0478\]](#)

Mayor Hemminger noted that Town Attorney Ralph Karpinos was retiring

after 32 years of working with the Town. She thanked him for his dedicated effort throughout the years and his willingness to explain things in a way that lay people could understand. She said that Mr. Karpinos would return in the fall when the Council could properly honor him.

1.06 Mayor Hemminger Regarding Mask Distribution. [\[20-0479\]](#)

Mayor Hemminger noted that NC Governor Cooper had announced a statewide requirement for face coverings. She said that the percentage of positive COVID-19 tests was up and the number of hospitalizations was increasing in NC. Everyone's help and participation was needed and information about when and where to get free face masks was on the Town's website, she said.

CONSENT

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

Approval of the Consent Agenda

A motion was made by Council Member Anderson, seconded by Mayor pro tem Parker, that R-2 be adopted as amended, which approved the Consent Agenda. The motion carried by a unanimous vote.

2. Approve all Consent Agenda Items. [\[20-0457\]](#)

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

3. Approve the Miscellaneous Budget Ordinance Amendment to Adjust Various Fund Budgets for FY 2019-20. [\[20-0458\]](#)

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

4. Authorize the Town of Chapel Hill to Participate in the North Carolina Ancillary Governmental Participant Investment Program (AGPIP). [\[20-0459\]](#)

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

5. Endorse a Letter from Orange County Climate Council to Governor Cooper. [\[20-0460\]](#)

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

6. Adopt a Calendar of Council Meetings through December 2020. [\[20-0461\]](#)

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

INFORMATION

7. Receive Upcoming Public Hearing Items and Petition Status List. [\[20-0462\]](#)

This item was received as presented.

DISCUSSION

8. Update on Town Efforts to Respond to the COVID 19 Crisis. (no attachment) [\[20-0463\]](#)

Emergency Management Coordinator Kelly Drayton gave an update on the Town's COVID-19 response. She said that Governor Cooper had issued an order to extend Phase II of the reopening to July 17th and would require face coverings when proper physical distancing could not be achieved. She said that North Carolina currently had more than 500 testing sites and was completing an average of 17,000 tests per day.

Ms. Drayton said that residents who had participated in a 2015 Rent and Utility Assistance Program had been returning for additional assistance. She outlined changes to the Emergency Housing Assistance Program that the Town and Orange County had proposed in order to respond to that need. The Town's Call center had been closed in June, but calls were being redirected to specific departments, she said.

Ms. Drayton said that weekly mask distribution was continuing and the Town was still accepting donations of face coverings. Staff and community partners had been distributing masks to public housing residents as well as through local food distribution networks, she said. She noted that weekly food distribution had moved to the Eubanks Park & Ride lot. Ms. Drayton said that health professionals were continuing to urge residents to practice the 3Ws: Wear a mask; Wash your hands; Wait six feet apart.

Mayor Hemminger thanked Ms. Drayton and other staff members and noted that most of the Town's department heads had been helping to distribute food. She said that there had been an increase in the number of "Food for Students" recipients, which was currently distributing at 35 sites. She thanked the staff members and community partners who had been part of the effort to help the community through the pandemic crisis.

Council Member Stegman confirmed with Town Manager Maurice Jones that a lane on Franklin Street would be closed to traffic once the Town had received the necessary barricades.

Mayor Hemminger pointed out that the Orange County Health Department's website was constantly being updated with COVID-19 information.

This item was received as presented.

9. Consider Land Use Management Ordinance Text Amendments - Proposed Changes to Section 3.7 and Appendix A Related to Permitting Flex Office in the Town Center Zoning Districts and Expanding Definitions Related to Types of Retail. [\[20-0464\]](#)

Senior Planner Anya Grahm gave a brief PowerPoint presentation on a proposed text amendment that would expand the General Business definition in the Land Use Management Ordinance (LUMO) to include Retail Sales and Retail Services. This would allow flex office space in the Town Center zoning district without having to specifically define it, she said.

Ms. Grahm proposed revising a few other definitions such as Recreation Facility and Commercial Indoor, as well as expanding the definition of Personal Services to include Performing and Culinary Arts, Physical Exercise, Crafts, and Social Customs and Activities.

Council Members confirmed that the issue of nuisance noise coming from upper stories had been addressed in the definitions section.

A motion was made by Council Member Anderson, seconded by Council Member Huynh, that R-7 be adopted. The motion carried by a unanimous vote.

A motion was made by Council Member Anderson, seconded by Council Member Huynh, that O-3 be enacted. The motion carried by a unanimous vote.

10. Consider an Application for Zoning Atlas Amendment -137 East Franklin Street and 136 East Rosemary Street Innovation Hub [\[20-0465\]](#)

Planner II Michael Sudol presented an application for a Zoning Atlas Amendment regarding an innovation hub at 137 East Franklin Street. He explained that the project would include two existing buildings on a .66-acre site that spanned a block on both East Franklin and East Rosemary Streets. The buildings exceeded the floor area ratio and height requirements of the underlying zoning districts and rezoning to Town Center-3 would bring them into compliance, he said. He noted that a rezoning would also allow a proposed 1,000 square-foot increase in floor area to enclose the Rosemary Street frontage.

Mr. Sudol said that the public hearing had been closed on June 11th and that no comments or changes had been made since then. The Planning Commission was recommending approval, he said, and he recommended that the Council adopt the Resolution of Consistency and enact Ordinance

A.

A motion was made by Council Member Ryan, seconded by Council Member Stegman, that R-9 be adopted. The motion carried by a unanimous vote.

A motion was made by Council Member Anderson, seconded by Council Member Huynh, that O-4 be enacted. The motion carried by a unanimous vote.

11. Consider the Final Budget and Related Items for FY 2020-21. [\[20-0466\]](#)

Town Manager Maurice Jones gave a PowerPoint presentation on the FY 2020-21 budget. He reviewed the process to date and pointed out that a budget must be passed by the end of June 2020. The proposed budget addressed many of the Council's strategic priorities, he said, noting that it did not include a property tax increase and would maintain core services. He pointed out that the budget did not include a pay increase for employees.

Mr. Jones said that many of the effects of COVID-19 on the budget were still unknown. He had proposed reducing or eliminating several items with the hope of restoring them in future years, he said. He explained that the Town had negotiated its percentage increase for employee health insurance down from 4 percent to 2 percent. Chapel Hill had also received a couple of fairly large grants and would be able to increase the living wage for about 20 full-time employees, he said.

Mr. Jones said that the final recommended budget (not including transfers) was a little more than \$111 million. He displayed a chart that showed the total broken down by departments. He said that the Town would spend close to \$11 million on affordable housing in the coming year, which would include \$5 million in bond funds. Staff anticipated spending a similar amount in FY 2022 when the other half of the \$10 million bond for affordable housing would be dispersed, he said.

Mr. Jones said that staff planned to examine the Town's delivery of services across all departments and would return to Council in the near future to discuss allocation of resources. He hoped to resume discussions regarding a five-year budget strategy and the goal of those discussions would be to understand community wants and needs, to make decisions regarding priorities, and to discuss how to achieve strategic goals, he said.

Council Members confirmed with staff that sales tax revenue in March was down nearly 5 percent and that April sales figures would be available on July 15th. Business Management Director Amy Oland said that average growth for the year was about 6.5 percent.

The Council also verified that hourly parking fees would increase when the Town started charging again in July or August and that this had been discussed with the Downtown Partnership.

Nancy Oates, a Chapel Hill resident, thanked the Town for fully funding its living wage commitment.

Rachel Thomas-Levy, a Chapel Hill resident, said that the CHPD budget had not changed since the Council's last meeting when citizens asked that funds be reallocated to affordable housing. She asked Council Members to listen to the community.

Mary Alta Feddeman, a Chapel Hill resident, asked to see an itemized CHPD budget, adding that black community leaders and organizers had also made that request.

Sonia D., a Chapel Hill resident, asked the Council to postpone voting on the budget and pointed out that Council Members had the power to vote against it if it did not reflect their values. She said that she had requested an itemized CHPD budget and been told that it was being worked on.

Sarah Hoffman, a Chapel Hill resident and graduate student, agreed with what others had said about the urgent need to divest from the CHPD and invest in community resources. She asked that the budget structure be changed in the next cycle in a way that would meaningfully accommodate input from constituents.

Kaori Sueyoshi, a Chapel Hill native, agreed with previous speakers regarding the CHPD. She felt encouraged by the Council's resolution but believed that voting for the proposed budget signified its satisfaction with the status quo, she said. In 2014, when she was a member of the JIAC, she had asked for information regarding race equity concerns, but that letter remained unanswered, she said.

Mr. Jones said that the CHPD budget was close to \$13 million. He pointed out that Transit was the Town's largest department and emphasized that the Town would invest close to \$11 million in affordable housing over the next fiscal year and another \$11 million, or more, in FY 2022. The Town was mandated by law to pass a budget by the end of June in order to ensure that Town services continue, he pointed out.

Mayor Hemminger said that the Community Task Force would return with recommendations. She confirmed with Mr. Jones that the Town could amend its budget throughout the year. She acknowledged that Town documents could be confusing and pointed out that the General Fund was not the overall Town budget. Staff was looking for ways to make the

budget clearer and easier to understand, she said.

Council Member Gu said that the Council owed it to the community to move cautiously and make sure that all residents, especially the most vulnerable, were being protected. She felt encouraged by the level of citizen engagement, she said, and she assured residents that passing the budget did not mean the end of the process. Working together, everyone could make Chapel Hill an example of social justice and equality, she said.

Council Member Huynh proposed a friendly amendment stating that the Council would revisit the budget when the Community Task Force recommendations came through, but Council Member Ryan said she thought that interest was met in the resolution and that spelling it out might hamstring the process. Council Member Stegman said she thought the intent of Council Member Huynh's proposed amendment was related to issues of trust.

The Council discussed how it could make revisions throughout the year and could institute greater change when developing its five-year plan. Mayor Hemminger pointed out that the Town needed to be thoughtful about making changes since nearly three quarters of the budget consisted of people. She said that COVID-19 would affect revenues and the Town's need for services. The Council was committed to looking deeply into what the community had asked but needed to do so in a thoughtful way, she said.

Mayor Hemminger said that passing the Town budget was a beginning, not an end, and that the Council would make changes throughout the year. She confirmed with Council Member Huynh that putting the issue on an agenda for discussion in early fall would satisfy his interest, and she made a commitment to work with the Manager to do that.

The Council voted unanimously to approve the FY 2020-21 budget. Mayor Hemminger pointed out that the budget included a fine-free Public Library and other changes that would enhance equity.

A motion was made by Mayor pro tem Parker, seconded by Council Member Anderson, that O-5 be enacted. The motion carried by a unanimous vote.

12. Consider Enacting a Budget Ordinance Amendment for CARES Act Funding.

[\[20-0467\]](#)

Community Resilience Officer John Richardson gave a PowerPoint presentation on a budget ordinance amendment that would allow the Town to officially receive \$746,000 in Coronavirus Aid Relief Economic Security (CARES) Act funding from Orange County. He explained that the aim of that \$2 trillion federal economic relief package was to protect people from the public health and economic impacts of COVID-19.

Mr. Richardson said that the Town had submitted a request for funding to Orange County in May 2020 and that those funds were being allotted on a per capita basis. Chapel Hill would receive about 28 percent of Orange County's \$2.6 million share from the state, he said. He recommended that the Council enact the budget amendment and said that staff would return in the fall with an update.

Mr. Richardson provided details on CARES Act requirements, which included spending funds by December 30, 2020. He presented examples of eligible expenses, summarized the proposed budget ordinance amendment, and explained how CARES dollars and FEMA funding would be coordinated.

Mr. Richardson proposed a plan for spending CARES Act funds but noted that the Council or Manager could change the spending plan at any time before December 30th. The Town and other local governments would work with a consultant to help the economic recovery and the Town's portion of that countywide effort would be \$46,000, he said.

Council Members confirmed with Mr. Richardson that the consultant's fee would come from either Economic Support or the Public Information. They ascertained that the CARES Act provided funds; whereas, FEMA money was a reimbursement for up to 75 percent of expenses. Council Member Gu asked if alternative housing for isolating family members would be covered, and Mr. Jones replied that it could be discussed with the Health Department and regional partners as a potential for CARES Act funding.

Mr. Jones and Mayor Hemminger commented on efforts to educate the public on how to protect themselves. Mayor Hemminger said that she wanted preventing evictions and foreclosures to be a top priority. She understood the need for better broadcasting equipment, but preventing evictions was more important, she said.

Mr. Jones said that he did not foresee a need to choose between the two since the Town had other funding sources set aside for rental and housing assistance.

Ms. Richards stated that the NAACP would endorse the budget if the \$155,250 for public information and intergovernmental affairs was directed toward human needs.

Council Members Ryan, Anderson and Parker agreed with Ms. Richards' comments. Mayor pro tem Parker confirmed with Mr. Jones that the Council could change allocations down the line. Council Member Buansi verified that the CARES Act money must be used for COVID-19 expenses.

Mr. Jones pointed out that a portion of Public Information funding was intended for providing more secure access and higher quality of broadcasting for the Council's virtual meetings. The Council certainly could consider waiting for that, but there were other alternatives for providing rental assistance, he said.

Council Member Gu stressed the importance of creating more space for outdoor activities, noting that doing so would help those who normally use public transit.

Mayor Hemminger recommended that the Council enact the ordinance with the caveat that the Town Manager would provide an update on other sources of funding and the needs.

A motion was made by Council Member Anderson, seconded by Council Member Huynh, that O-6 be enacted. The motion carried by a unanimous vote.

13. Consider an Application for Conditional Zoning at Weavers Grove, 7516 Sunrise Road - Proposed Change from Residential-2 (R-2) to Residential-6 Conditional Zoning (R-6-CZ) and Neighborhood Commercial Conditional Zoning (NC-CZ).

[\[20-0468\]](#)

Mayor Hemminger said that the public hearing on this item had been closed, but the Council had continued to receive public comments by email. Council Members had agreed to allow some citizens to speak but would then take final action on the item without an additional waiting period, she said.

Planner Becky McDonnell provided background on Weavers Grove, a proposed residential community on 32.6 acres along Sunrise Road. The project, developed by Habitat for Humanity and Ballentine Associates, would include 243 residential units, 100 of which would be affordable, she said. She explained that the plan also included a small commercial center and community amenities throughout. The proposal was to rezone the property from Residential-2 to Residential-6 Conditional and Neighborhood Commercial Conditional, she said.

Ms. McDonnell said that the developer had agreed to construct a berm along Interstate 40 to protect Weavers Grove and adjacent properties from traffic noise. She outlined six stipulations that had been added to Ordinance A since the Council closed the public hearing. She recommended that the Council adopt the Land Use Plan amendment and the Resolution of Consistency and enact revised Ordinance A including the six new stipulations.

Council Members confirmed that a required weekly erosion control inspection would be conducted only during active construction and that

Habitat for Humanity and Ballentine Associates did not feel that the new stipulations were burdensome.

In response to Council questions, Bruce Ballentine explained that the proposed berm would be higher than Interstate 40, except where it transitioned back down to existing grade on the east and west ends. Ballentine Associates had ideas for ways to make it even taller and planned to try extending it as well, he said.

Ms. Oates recommended that the subsidized homes be interspersed among the market rate ones in each housing type since segregating the two types could lead to social justice issues. Additionally, she warned that the subsidized units being planned on marshy ground would experience expensive flooding issues for those homeowners.

Abby Zarkin, Chandler's Green Homeowners Association president, said that neighbors wanted to see specific language addressing what the berm would accomplish. She said that some of the affordable homes would be subjected to unhealthy noise levels and that a sound study needed to be performed in order to stipulate what the berm must accomplish.

Michael Murphy, a Chandler's Green resident, agreed with what Ms. Zarkin said about the berm and expressed concern about the Chandler's Greene residences that were below the ephemeral stream. The proper solution would be to not build the three houses in that wet area, he said.

Ms. Richards agreed that there were legitimate concerns about how the affordable houses would be constructed and where they would be placed. She supported Council approval but hoped that the developer would ensure an equitable distribution of housing types within the development and not create segregated areas, she said.

Donna Bell, a Chapel Hill resident, expressed confidence that the Council would be thoughtful about the affordable housing needs. She stressed what a good partner Habitat for Humanity had been over the years, and she encouraged the Council to support the project.

Douglas Call, a Habitat board member and chair of its Advocacy Committee, urged the Council to get as many affordable homes on the site as possible. Regardless of what part of the land they end up on, the children would be playing together and the families would be walking on the same walkways, he pointed out. Approving the project would be a fine start toward changing attitudes about what the Town really was, said Mr. Call.

Danny Benjamin, a Chapel Hill resident, stated that berms sometimes made noise problem worse because of the way sound travels. He requested that a sound study be done prior to approval and that the noise

target be around 66 decibels or a level that authorities accepted.

Council Members stressed the importance of working to ensure that the berm reduce noise to 67 decibels or below and of being flexible with the site plan. They praised Habitat for working with its neighbors to mitigate problems and encouraged them to address the equity concerns that speakers had raised.

Mayor Hemminger said that the Habitat model had broken the cycle of poverty for many families. She pointed out that the project was the Council's first Conditional Zoning process for residential development and said that had allowed the Council to communicate and obtain community input in a way that had not been possible under Special Use Permit process. She thought it was the way to obtain more affordable housing in the future, she said.

A motion was made by Council Member Huynh, seconded by Council Member Stegman, that R-11 be adopted. The motion carried by a unanimous vote.

A motion was made by Mayor pro tem Parker, seconded by Council Member Buansi, that R-12 be adopted. The motion carried by a unanimous vote.

A motion was made by Mayor pro tem Parker, seconded by Council Member Anderson, that O-7 be enacted as amended. The motion carried by a unanimous vote.

14. Adopt a Resolution Closing the Public Hearings for [\[20-0469\]](#)
 A) Authorizing an Economic Development Agreement for the East Rosemary Downtown Deck & Redevelopment Project; and
 B) Conditional Zoning at 125 East Rosemary Street Parking Garage from Town Center-2 (TC-2) to Town Center-2-Conditional Zoning (TC-2-C).

Mayor Hemminger said that the Council was going to close the public hearing on this project because there was no date certain for an Economic Development Agreement. She read a statement from the Town Attorney about taking items off the agenda and said that staff would re-advertise public hearings at a later time.

A motion was made by Council Member Anderson, seconded by Mayor pro tem Parker, that R-14 be adopted. The motion carried by a unanimous vote.

APPOINTMENTS

15. Appointment to the Board of Adjustment. [\[20-0470\]](#)
 Mayor Hemminger said that appointments would be made in the fall when

there were significant openings on certain boards. However, Mayor pro tem Parker and a Council Committee had interviewed some applicants, and he was going to bring their recommendation forward tonight, she said.

A motion was made by Mayor pro tem Parker, seconded by Council Member Anderson, that Nathan Boucher be appointed to the Board of Adjustment. The motion carried by a unanimous vote.

16. Appointments to the Historic District Commission. [\[20-0471\]](#)

A motion was made by Mayor pro tem Parker, seconded by Council Member Anderson, that Josh Gurlitz and Duncan Lascelles be appointed to the Historic District Commission. The motion carried by a unanimous vote.

17. Appointment to the Orange Water and Sewer Authority Board of Directors. [\[20-0472\]](#)

A motion was made by Mayor pro tem Parker, seconded by Council Member Buansi, that Deanie Anyangwe be appointed to Orange Water and Sewer Authority Board of Directors. The motion carried by a unanimous vote.

18. Appointment to the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization Board. [\[20-0473\]](#)

Mayor Hemminger announced that Mayor pro tem Parker would represent Go Triangle at the Metropolitan Planning Organization (MPO) and that she was the Town's designee. Council Member Ryan volunteered to be the alternate, and the Council voted unanimously to appoint her to that seat.

Mayor Hemminger reminded the Council that there would be a closed session regarding candidates for the Town Attorney position at 9:00 a.m. on June 25th. She said that there might be an additional meeting at 7:00 p.m. to finish that discussion. She thanked Council Members for working hard in recent months and said she hoped they would get some much needed downtime during the summer break.

Mr. Jones expressed appreciation for the Council's thoughtfulness, support, and endurance during recent months.

Town Attorney Ralph Karpinos said that working for the Town for many years had been a wonderful experience for him and his family, and he hoped to be able to thank Council Members in person in the fall.

Mayor Hemminger pointed out that Mr. Karpinos had agreed to remain and help with the new attorney's transition.

A motion was made by Mayor pro tem Parker, seconded by Council Member Anderson, that R-15 be adopted. The motion carried by a unanimous vote.

ADJOURNMENT

The meeting was adjourned at 10:55 p.m.



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 Michael Parker
Council Member Jessica Anderson
Council Member Allen Buansi

Council Member Hongbin Gu
Council Member Tai Huynh
Council Member Amy Ryan
Council Member Karen Stegman

Wednesday, December 2, 2020 6:30 PM Virtual Meeting

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 Zoom webinar directly online or by phone.

Register for this webinar:

https://us02web.zoom.us/webinar/register/WN_2AI0VedQJCHfXBuJXH1zg After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 885 6119 1187

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

Roll Call

Present: 8 - Mayor Pam Hemminger, Mayor pro tem Michael Parker, Council Member Jessica Anderson, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Karen Stegman, Council Member Tai Huynh, and Council Member Amy Ryan

Other Attendees

Town Manager Maurice Jones, Town Attorney Ann Anderson, Planning Director Colleen Willger, Business Management Director Amy Oland, Assistant Town Manager Mary Jane Nirdlinger, LUMO Project Manager Alisa Duffey Rogers, Assistant Chief of Police Jabe Hunter, Fire Chief Vencelin Harris, Senior Planner Anya Grahn, Police Chief and Executive Director for Community Safety Chris Blue, Executive Director for Technology and CIO Scott Clark, Communications and Public Affairs Director/Town Clerk Sabrina Oliver, and Deputy Town Clerk Amy Harvey.

OPENING

Mayor Hemminger opened the work session at 6:30 p.m. She said that the evening's three agenda items would return for a regular public hearing in the

future. Citizens were welcome to send emails or call Council Members with comments, she said.

ANNOUNCEMENTS BY COUNCIL MEMBERS

0.01 Mayor Hemminger Regarding COVID-19 Updates. [\[20-0848\]](#)

Mayor Hemminger said that the rate of new, positive COVID-19 cases and hospitalizations had decreased in Orange County while rates had been increasing in surrounding communities. She said that a new vaccine would soon be distributed to healthcare workers, first responders, and other vulnerable populations. Testing was continuing each week at the R-7 parking lot on Martin Luther King Jr. Boulevard and COVID-19 updates were posted on Town's website, she said.

0.02 Mayor Hemminger Regarding Recent Ribbon Cuttings. [\[20-0849\]](#)

Mayor Hemminger pointed out that there were new lockers at University Place that provided a safe, contact-free and convenient way for people to pick up and return Public Library materials. She also noted that Signature Health had recently upgraded its facility and had expanded to provide more amenities.

0.03 Mayor Hemminger Regarding Upcoming Council Committee on Economic Sustainability Meeting. [\[20-0850\]](#)

Mayor Hemminger announced that the Council Committee on Economic Sustainability would meet on December 4, 2020 at 8:00 am. The agenda included technological information regarding the East Rosemary Street Parking Deck and a concept plan for North Chapel Hill, she said. She pointed out that meeting materials and a ZOOM link could be found on the Town's calendar page.

AGENDA ITEMS

1. Discuss the History of the Municipal Services Center and Review Recent Concept Plan, 101 Weaver Dairy Road Extension (Project #20-071) [\[20-0834\]](#)

Assistant Town Manager Mary Jane Nirdlinger gave a PowerPoint update on the Municipal Services Center (MSC) project. She outlined the goal of housing several complimentary Town services in one location. Staff had looked at Town-owned sites on Estes Drive, at University Place, at Vilcom Center, on Millhouse Road, at the current Police Station, and at Fire Station 4, she said, and she reviewed the pros and cons of those sites.

Ms. Nirdlinger said that Fire Station 4, located at the corner of Martin Luther King Jr. Boulevard (MLK) and Weaver Dairy Road Extension (WDR) seemed like a good option because it was due for replacement and its

adjacent burn tower had already been relocated. There could be an opportunity there to partner with Orange County, she said. She told the Council that staff had heard interest as well as concern from the community regarding the site and had received feedback from the Community Design Commission.

Eric Shoenagel, of Dewberry Engineering, reviewed a rough concept plan for Fire Station 4 that had been through Town review. The existing four-acre site, which included several structures and a small intermittent stream, would allow a compact building footprint on 2.99 acres, he said. He indicated a future bus rapid transit stop along MLK and said that the design included a pedestrian plaza at the corner.

Mr. Schoenagel showed a "high level" layout and discussed a possible tabletop parking deck, a stormwater management plan, planted buffers, and a multi-modal pathway along WDR. He mentioned plans to shield LED lighting and to enclose a generator to block its sound.

Council Members ascertained from staff that it was too early to give a cost estimate for Fire Station 4, but Ms. Nirdlinger said that site work would be fairly straightforward and that Orange County would pay for its share. The Council asked about building height in relation to neighbors' houses, and Mr. Shoeneagel said that early plans for 3 or 4-stories would match nearby buildings. In response to a question from Council, Ms. Nirdlinger said that the first floor probably would be higher than the first floor of apartments on WDR.

Ms. Nirdlinger pointed out that building the MSC on the current Police Department (PD) property on MLK was another possibility and that staff had been monitoring a coal ash remediation project there. She asked the Council for guidance on whether staff should pursue Fire Station 4 and/or whether they should explore the Police Department site.

The Council confirmed with Police Chief Chris Blue that the two sites would be similar from an operational standpoint. They also confirmed that it would not be possible to relocate Fire Station 4 to the PD site because the fire station was meant to cover the northern part of the city. In response to a question from Council, Fire Chief Vencelin Harris said that Fire Station 4 was slated to be redeveloped in 2023.

Council Member Buansi asked about pedestrian safety at the Fire Station 4 site, and staff outlined a preliminary plan that included multiple access points and pulling visitors to the back of the building and away from the Fire Department.

Several Council Members expressed a preference for continuing the environmental mitigation work at the PD site and locating the MSC there.

It was a more central location that would make it more accessible to residents, they said. The Council verified with staff that Orange County probably would collaborate only on the Fire Station 4 location since it already had coverage in the Downtown area.

The Council discussed ongoing coal ash mitigation efforts at the PD site. They asked staff to bring back information on the separate costs of improving Fire Station 4 if the PD site were chosen. Mayor Hemminger confirmed that the Council was in favor of putting out requests for a quote (RFQ) on the PD site while keeping options open. Mayor pro tem Parker and Council Member Buansi proposed doing a cost comparison of the two sites. Council Member Gu said that more information and discussion regarding the safety of the PD site was needed before sending out an RFQ.

Mayor Hemminger noted that the Town had spent much time and energy trying to understand what to do with that site. She asked staff to bring an update for new Council Members, and she recommended pursuing both options for the time-being and sending RFQs out on both. She pointed out that the item would come back to a public hearing at some point in the future.

This item was received as presented.

2. Short-Term Rentals. (updated with attachments 12/2/20)

[\[20-0835\]](#)

Planner Anya Grahn asked the Council to provide feedback on a plan regarding hosted, un-hosted and dedicated short-term rentals (STRs). She said that the number of active STRs in Town had decreased, from 330 in March to 218, and that approximately 73 percent of those were whole house rentals. The others were private rooms, or units that were available for 180 days or more per year, she said. Ms. Grahn explained that the purpose of her presentation was to receive direction from the Council on an ordinance regarding short-term rentals.

Rebecca Badgett, a UNC-CH School of Government attorney, cited a "Wilmington Case" that had found rental registries for short- or long-term properties to be unlawful in North Carolina. She asked for feedback from Council on regulating dedicated STRs and presented the following four options for consideration: 1) Don't allow any kind of dedicated STRs; 2) Allow established, dedicated STRs and classify them as legal non-conformities; 3) Implement a lottery system where a total number of STR zoning permits would be awarded; 4) Allow all dedicated STRs. Mayor Hemminger confirmed with Ms. Badgett that NC towns were still allowed to offer Home Occupation Permits. If Chapel Hill decided to regulate STRs, it would do so through its planning and zoning powers, the Mayor said. She reminded Council Members that they were merely being asked to express a preference and that the item would eventually come before Council for a full public hearing.

The Council indicated support for Option 2, and Mayor pro tem Parker confirmed that it would have the same effect as grandfathering and would not allow any new STRs. Council Member Ryan verified with Ms. Badgett that regulations could be layered. Council Member Anderson cautioned against incentivizing a huge rush of people registering to be grandfathered in before the Town implemented a cap.

Ms. Badgett asked if there were any zoning districts where dedicated STRs should not be allowed, and Council Members discussed how density was the issue. Ms. Badgett confirmed that Council Members were more interested in having a zone-by-zone density cap than in issuing a total number of zoning permits.

Council Members Ryan and Buansi spoke in favor of having a town-wide cap in order to protect affordable housing efforts, but Council Member Gu said that she was not sure about a total, town-wide cap. STRs had been holding strong during the pandemic, and the Town needed to adapt to market trends, she said.

Mayor Hemminger pointed out that beginning a permitting process would allow staff to learn more about existing STRs before any discussion about studying a total cap. She expressed concern that neighborhoods could be overrun by STRs and noted that the Town had already received a proposal for an entire floor.

Council Member Anderson asked if there was any way to prevent STRs from taking over entire buildings or floors but still allow more in higher density areas. Ms. Badgett replied that she had seen regulations preventing no more than two units per building. Mayor pro tem Parker commented, though, that residents of a multi-unit building might prefer having all of the STRs on a single floor. Mayor Hemminger said that an attorney would need to advise the Council regarding those legal issues.

Ms. Badgett said that the Council seemed to have decided on a combination of Options 3 and 4, which would allow some dedicated STRs with some type of a cap or limit by zoning district and perhaps a total cap once there was more information. The Council seemed to also want to consider how to address multi-unit buildings in the future, she said.

Mayor Hemminger recommended that staff work on a permitting process and return with proposals. The Council would like to give existing STRs some sort of preferential treatment, and some Council Members had concerns about an overall cap and wanted to see information about what other communities had done, she said.

Ms. Badgett asked if the Council wanted to implement a health and safety checklist for STRs, but she noted that there was no requirement to do so.

The Council generally agreed to the idea of having a safety check list for fire extinguishers, carbon monoxide detectors, correct capacity, etc. Mayor pro tem Parker suggested clarifying what "health" meant and finding out if Orange County would be involved in regulating that.

Ms. Grahn said that Planning Department staff would continue consulting with Emergency Services staff and working with the Town Attorney to develop a health and safety checklist. She reminded the Council that it had directed staff in June to conduct short-term enforcement efforts regarding STR nuisances (such as litter, noise, parking violations) and an educational campaign on any new standards adopted prior to implementation. She asked Council Members if they still supported that approach.

Mayor Hemminger replied that the Council had actually wanted to look into changing nuisance violations, in general, from a criminal offense to a civil one that had been separate from the STR discussion, but it could be tied in with it, she said. Mayor Hemminger requested that the Town Attorney pursue that, and she pointed out that other cities had, and had good outcomes with such an approach.

Council Member Anderson confirmed with Ms. Grahn that there had been only a few formal complaints about STRs. Ms. Grahn offered to bring back information on what those complaints had been.

Mayor Hemminger expressed appreciation to the STR Task Force members for their work. The market had been moving in the direction of STRs and each community was handling it differently, she pointed out. She said that the Council had wanted to understand more about dedicated STRs, and to regulate safety, but did not want to over-regulate them.

Mayor Hemminger said that the Council wanted to protect neighborhoods while also encouraging people to visit Chapel Hill and was trying to find that balance. The Town was moving toward trying to get STRs permitted, and was making progress toward understanding what it actually had, she said.

Council Member Ryan raised a concern about accessory dwelling units being pulled out of the rental market, and Ms. Grahn agreed to provide more information on that when she returned.

This item was received as presented.

3. Financial Update.

[\[20-0836\]](#)

Director of Business Management Amy Oland presented a financial update on the Town's General Fund and Enterprise Funds for the first quarter (Q1) of FY 2021. She discussed the effect of COVID-19 on Q1 General Fund

revenues and discussed reducing the Town's fund balance to offset any shortfall. She hoped the Town would not need to use any of that, she said.

Ms. Oland reported that property taxes collected in Q1 were in line with the previous five years but that sales tax had been one of the areas most impacted by COVID-19. Over the last five-to-six years, there had been about a 5 percent growth in sales tax, but staff had projected a 10 percent decrease in Q1 due to the pandemic, she said. However, the Town had actually taken in \$460,000 more than anticipated during the last four months of FY 2020, due to surprisingly large increases in June and July, she said. As a result, there had been a positive 6 percent growth, she said.

Ms. Oland reported that hotel, motel and Airbnb occupancy taxes had all been significantly impacted by COVID-19 and that the Town had seen a drastic reduction in tax revenues in those areas. She said that growth continued to be slow and that the impacts of the pandemic would likely extend into the coming year.

Ms. Oland said that department fees had been negatively impacted by the pandemic as well. The Parks and Recreation Department had been hit the hardest because it had to close facilities and cancel programs, she said.

Ms. Oland said that she anticipated expenditures to be reduced in all areas. She pointed out that instituting a hiring freeze in April 2020 had saved the Town \$702,000 in Q1. Currently, the Town had 110 vacancies (compared to the normal number of 60-70), she said, and she acknowledged that holding such a large number of vacancies could not be a long-term solution. However, it had helped to offset revenue shortfalls during the pandemic, she said.

In response to a comment by Mayor pro tem Parker, Ms. Oland said that about 70 percent of the Town's budget was for personnel and a little less than 30 percent was for operations. Mayor pro tem Parker confirmed with her that some Town services had continued had been modified. There had been weekly meetings with the Town Manager to discuss departmental needs as well as the costs and benefits of filling positions, she said.

Ms. Oland discussed the Town's Enterprise Funds. With regard to transit, she said that Q1 property tax collection had been comparable with other years but that inter-government revenues had been lower due to the timing of federal and state funding. She said that contract negotiations with the University of North Carolina at Chapel Hill (UNC-CH) had been slow due to COVID-related logistics as well, and that the State of NC had eliminated \$2.4 million in maintenance aid. However, transit had received \$5.5 million in federal Coronavirus Aid Relief and Economic Security (CARES) funding to offset some of those shortfalls, and some appropriated fund balance was being carried forward from the prior year, she said.

Ms. Oland said that parking was the Enterprise Fund that had been most impacted by COVID-19. UNC-CH not holding in-person classes and the Town stopping parking fees from March to July had a negative effect, she pointed out. However, the Town had begun charging new hourly and monthly rates on August 1, 2020, and the Finance Department was monitoring parking expenses to help reduce costs, she said.

Ms. Oland said that Housing Fund revenue during Q1 had been fairly consistent with previous years. Federal grant funding from HUD had been held up, but that was currently flowing and more revenue was being taken in during the second quarter, she said. She noted that Stormwater Fund collections and expenditures had been in line with prior years.

Ms. Oland said that she was tentatively scheduled to return to the Council on January 27, 2021 to talk about FY 2020 year-end results and give a 2021 Q2 financial update. She listed other tentative dates for budget-related discussions and said that would culminate with a presentation of the Manager's Recommended Budget on May 5, 2021.

The Council confirmed with Ms. Oland that staff had been monitoring the NC General Assembly with regard to possible additional stimulus money. They asked about indicators for relaxing the hiring freeze, and she replied that staff wanted to see more stable tax revenue and what property taxes would look like before doing that. She would have a better sense of where the Town stood in that regard when she returned to the Council in January 2021 with numbers through the end of December, she said.

This item was received as presented.

PUBLIC COMMENT FOR ITEMS ON THE AGENDA

Alexa Nota and Anthony Carey, STR Task Force co-chairs, provided extensive comments. Ms. Nota said that the Task Force supported the discussion about town wide or "by zone" density caps and had no problem with reasonable safety requirements. She also proposed having hosts create a walk-through video based on the safety checklist. Mr. Carey pointed out the ways in which Chapel Hill was different from other communities, and he discussed several possible approaches to regulation.

BJ Warshaw, an STR operator, shared his positive experiences with running an Airbnb and an access dwelling unit. He praised a recommendation to include accessory dwelling units in the hosted and un-hosted categories and expressed gratitude for the plan to grandfather STRs. The Town already had ways of addressing civic disturbances and did not need to institute overly-restrictive measures for STRs, he said.

Eric Plow, 20-year owner of a Chapel Hill building that includes seven separate STRs, said that no complaints had ever been filed against his rental business.

He pointed out that Airbnb and other similar firms had self-review processes that blacklisted owners or guests who do not maintain standards. Legally, any safety regulations the Town imposed would need to be applied to all rentals equally, he said.

Gwen Stephens, a Chapel Hill resident, said that STRs provide a service that typical rental models had difficulty accommodating and she mentioned various circumstances that lead to people renting STRs. She thanked the Town for receiving feedback from operators and for the plan to grandfather existing STRs. Ms. Stephens expressed support for a safety checklist and made several additional requests and recommendations.

Manish Atma, a Chapel Hill hotel developer and owner, spoke against grandfathering units that had been operating illegally. Doing so would be punishing those, like him, who had been abiding by STR rules, he said. He hoped the Council would conclude that STRs needed to be regulated and would limit their numbers and locations, he said.

Mayor Hemminger said that staff would take the Council's and citizens' comments and return with recommendations at a future public hearing.

ADJOURNMENT

The meeting was adjourned at 9:10 p.m.



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 Michael Parker
Council Member Jessica Anderson
Council Member Allen Buansi

Council Member Hongbin Gu
Council Member Tai Huynh
Council Member Amy Ryan
Council Member Karen Stegman

Wednesday, December 9, 2020 7:00 PM Virtual Meeting

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 Zoom webinar directly online or by phone.

Register for this webinar:

https://us02web.zoom.us/webinar/register/WN_I_NhzdvoRP2Ole6xzTeGqg After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 846 3793 0751

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

Roll Call

Present: 8 - Mayor Pam Hemminger, Mayor pro tem Michael Parker, Council Member Jessica Anderson, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Karen Stegman, Council Member Tai Huynh, and Council Member Amy Ryan

Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Florentine Miller, Town Attorney Ann Anderson, Planning Director Colleen Willger, Operations Manager Judy Johnson, LUMO Project Manager Alisa Duffey Rogers, Business Management Director Amy Oland, Economic Development Officer Dwight Bassett, Emergency Management Coordinator Kelly Drayton, Police Chief/Community Safety Executive Director Chris Blue, Senior Planner Anya Grahn, Principal Planner Corey Liles, Planner II Michael Sudol, Urban Designer Brian Peterson, Executive Director for Technology and CIO Scott Clark, Executive Director for Technology and CIO Scott Clark, Communications and Public Affairs Director/Town Clerk Sabrina Oliver, and Deputy Town Clerk Amy Harvey.

OPENING

Town Council

Meeting Minutes - Draft

December 9, 2020

Mayor Hemminger opened the virtual meeting at 7:00 p.m. and welcomed the public. She said that Spanish interpreters would be participating from the beginning of the meeting to the end of Item 10.

Mayor Hemminger called the roll and all Council Members replied that they were present.

ANNOUNCEMENTS BY COUNCIL MEMBERS

0.01 Mayor Hemminger and Council Vote Regarding Continuing Items 14 and 15 to January 27, 2021. [\[20-0877\]](#)

14. Close the Public Hearing to Consider a Request to Close a Portion of an Unmaintained and Unimproved Monroe Street Public Right-of-Way. [\[20-0867\]](#)

A motion was made by Council Member Ryan, seconded by Council Member Anderson, that Item 14's Public Hearing was continued to January 27, 2021, as the applicant had requested. The motion carried by a unanimous vote.

15. Continue the Public Hearing: Conditional Zoning Application for Columbia Street Annex, 1150 S. Columbia Street, from Residential-2 (R-2) to Mixed Use-Village-Conditional Zoning District (MU-V-CZD). [\[20-0868\]](#)

A motion was made by Council Member Anderson, seconded by Mayor pro tem Parker, that Item 15's Public Hearing was continued to January 27, 2021, as the applicant had requested. The motion carried by a unanimous vote.

0.02 Mayor Hemminger Regarding Event Honoring Start of Exploring Pathway of James Cates. [\[20-0878\]](#)

Mayor Hemminger explained that the Town would begin exploring a case regarding James Cates, a former community member who had been killed on November 21, 1970, at the age of 22. The Council wanted to acknowledge the loss and to obtain a full accounting of the events that had led to an attack on him at the University of North Carolina at Chapel Hill (UNC-CH), all that occurred afterward, and what role the Town had played in those events, she said.

Council Member Buansi confirmed with Mayor Hemminger that the Town would allow investigations of Town records and would help witnesses participate in interviews. The Town was committed to being open and transparent about all discoveries made, the Mayor said.

0.03 Proclamation: Ron Stutts Day. [\[20-0879\]](#)

Mayor Hemminger said that the Council was proclaiming December 18, 2020 to be Ron Stutts Day in Chapel Hill. Mr. Stutts, who had been "The Voice" of Chapel Hill and Carrboro for the past 43 years would retire from WCHL on December 18, 2020, and the Council wanted to thank him for his many contributions to the community, she said.

0.04 Mayor Hemminger Regarding Concept Plan at 150 East Rosemary Street Moving to December 14 Community Design Commission Meeting. [\[20-0880\]](#)

Mayor Hemminger said that a Community Design Commission (CDC) meeting regarding the 150 East Rosemary Street concept plan had been moved from December 10 to December 14, 2020, at 6:30 pm. More information and supporting documents were available on the Town's website, she said.

0.05 Mayor Hemminger Regarding First 2021 Council Meeting on January 6. [\[20-0881\]](#)

Mayor Hemminger said that the Council's next meeting would be held on January 6, 2021.

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.

0.06 Edmund Burke Regarding Short Term Rentals. [\[20-0882\]](#)

Edmond Burke, a Chapel Hill resident, expressed concern that short-term rentals would threaten the character and charm of Chapel Hill's residential areas, and he made several recommendations for regulation.

1. East West Partners Request for Murray Hill Limited Scope SUP Modification. [\[20-0855\]](#)

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

CONSENT

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

Approval of the Consent Agenda

A motion was made by Council Member Anderson, seconded by Council Member Buansi, that R-1 be adopted, which approved the Consent Agenda. The motion carried by a unanimous vote.

2. Approve all Consent Agenda Items. [\[20-0856\]](#)

3. Revise Sections III. D. and III. E. 1. of the Council Procedures Manual Regarding Naming Policies and the Acceptance of Gifts and Donations. [\[20-0857\]](#)

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

4. Adopt a Resolution Supporting an Application for Transportation Demand Management (TDM) Grant. [\[20-0858\]](#)

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

5. Continue the Discussion of a Land Use Management Ordinance Text Amendment for Townhomes in the Blue Hill District to February 24, 2021. [\[20-0859\]](#)

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

INFORMATION

6. Receive Upcoming Public Hearing Items and Petition Status List. [\[20-0860\]](#)

This item was received as presented.

7. Update on the Airport Hazard District Land Use Management Ordinance Text and Map Amendment. [\[20-0840\]](#)

This item was received as presented.

DISCUSSION

8. Update on Town Efforts to Respond to the COVID-19 Crisis. (no attachment) [\[20-0861\]](#)

Mayor Hemminger said that UNC-CH would update the Council on January 13th regarding its 2021 spring semester plans.

Emergency Manager Kelly Drayton provided an update on the Town's COVID-19 response. She pointed out that Governor Cooper had announced a modified stay-at-home order from 10 p.m. to 5:00 a.m. to be in effect through January 8, 2021.

Ms. Drayton outlined new measures regarding non-essential businesses and alcohol sales and discussed precautions that citizens should take during the holiday season. The Town's winter message was, "Spread Joy, Not Illness", she said, and she emphasized the importance of continuing to wear masks, wash hands regularly, and wait safe distances apart.

Ms. Drayton said that North Carolina would receive its first shipment of COVID-19 vaccines on December 14th and would follow a four-phase distribution schedule from the National Academy of Science, Engineering and Medicine. She reported that the Town had served more than 46,000 individuals at its Food Bank during the pandemic, had distributed almost 24,000 masks, and had provided assistance to 400 households through its Emergency Housing Assistance Program.

Ms. Drayton mentioned several additional Town efforts to assist families and said that communication campaigns had been translated into Spanish, Mandarin, Burmese and Karen. The Town would retain many of those strategies and be even stronger when the pandemic was over, she said.

Mayor Hemminger pointed out that Food for Students had distributed more than 750,000 meals during COVID-19. She said that people of all ages had gotten involved in supporting the community. Individuals could check the Town's website for information on how to make donations for rental assistance and could also go to the Orange Water and Sewer Association (OWASA) webpage for information on how to help people with utility payments, she said.

The Mayor and Council discussed how North Carolina's counties and towns could institute rules that were more restrictive than the governor's orders -- but not any that were more lenient. Mayor Hemminger said that UNC-CH would be better able to plan for isolation and quarantine because it had not filled the number of single-occupancy dorm rooms that it had planned. She expressed pride in how Orange County and local communities had worked together during the pandemic and how local businesses had stepped up to create safe environments.

This item was received as presented.

9. Open the Public Hearing for Conditional Zoning - Phi Gamma Delta at 108 W. Cameron Avenue from Office/Institutional-1 (OI-1) to Office/Institutional-3-Conditional Zoning. (OI-3-CZ) [\[20-0862\]](#)

Planner Anya Grahm presented a rezoning application from the Phi Gamma

Delta, fraternity, located on the northwest corner of Cameron Avenue and Columbia Street in the Cameron-McCauley Historic District. She explained that the applicant had exceeded its allowed floor area when enclosing a back porch in 2019 and was seeking to replace a 2010 SUP with Conditional Zoning in order to allow the additional 1,044 square feet.

Ms. Grahm said that the Chapel Hill Fire Department had said that bollards in the shared driveway would not likely impede access and the Town's Inspections Department had confirmed that the building included a sprinkler system and fire alarm. She recommended the Council open public hearing, receive comments, and enact Ordinance A on January 13, 2021.

Kevin Hornik, an attorney with Brough Law Firm, said that Phi Gamma Delta had originally been advised, incorrectly, that installing glass windows would not affect the floor area ratio of its porch. He said that the purpose of the current request was to bring the site, in its current condition, into compliance with the Town's Land Use Management Ordinance (LUMO).

A motion was made by Council Member Buansi, seconded by Council Member Huynh, to close the public hearing and receive comment for an additional 24-hours. The motion carried by a unanimous vote.

10. Public Hearing Continued: Conditional Zoning for 1200 & 1204 Martin Luther King Jr. Blvd. from Residential-4 (R-4) and Neighborhood Commercial (NC) to Office/Institutional-2-Conditional Zoning District (OI-2-CZD) and Neighborhood Commercial Conditional Zoning District (NC-CZD) (Project #19-065). [\[20-0863\]](#)

Planner Michael Sudol outlined the plan for the 13.9-acre site on Martin Luther King Jr. Boulevard, which included converting an original Special-Use Permit (SUP) to a Conditional Zoning (CZ) process. The site was currently zoned Residential-4 and Neighborhood Commercial and the applicant was requesting a rezoning to Office Institutional-2-Conditional for a self-storage facility and mobile home park, he explained. He said that expanding to Neighborhood Commercial Conditional as well would allow the applicant to demolish and reconstruct a gas station and convenience store.

Mr. Sudol reviewed conditions pertaining to signage, notification of available lots, new fencing, buffers, rents, and an option to convert to annual leases. He addressed the length of time that mobile homes must be retained onsite. He said that conditions allowed seven of the new units to be placed in the Resource Conservation District (RCD) and others to be moved around on the site.

Mr. Sudol said that existing conditions included 73 mobile home units that

were scattered across the site. He showed where a proposed bus rapid transit (BRT) station would be located and provided additional information about how that would conflict with the applicant's proposed right-in/right-out entrance. He said that the applicant had agreed to remove the right-in lane when the BRT stop was constructed.

Mr. Sudol said that about 16 of the mobile units would be impacted and that 10 new units were being proposed. The applicant was committing to keeping units on site for 15 years and had agreed to an option that would allow conversion to annual leases within 30 days of entitlement, he said. He showed a list of proposed modifications and noted that three Town advisory boards had recommended approval, with conditions, and two boards had recommended denial. He recommended that the Council close the public hearing, receive comments, and consider the item at its January 13, 2021 meeting.

Developer Dan Jewel, of Coulter Jewell Thames, said that the applicant, Stackhouse Properties LLC, was committed to all Mr. Sudol had outlined. He reviewed changes regarding the driveway, relocation and purchase of mobile home units, and the proposed location of a playground. He said that three of the four units could not be moved until a Zoning Compliance Permit had been approved. If the Council would allow seven additional units in the RCD, the total number would be 82 mobile home units, he said.

Mr. Jewell provided responses to questions and issues that the community had raised at a November 18, 2020, neighborhood meeting. These pertained to tree removal, pot holes, road width, lighting, signage, and speed limits. He requested that a rear-door loading area be allowed to stay open until 10:00 p.m.

Council Member Stegman said that much uncertainty remained regarding long term safety and security of mobile home park residents and that the Council should consider more ideas before finalizing the negotiation. She asked if the applicant was willing to meet with staff to explore the following: 1) More creative options for joint management, perhaps with a non-profit partner; 2) Giving the Town first right of first refusal if the applicant decided to sell; 3) Determine whether the parcel that the mobile homes were on could be treated differently.

Mr. Jewell replied that he was always happy to talk with staff. However, he had not discussed those issues with Stackhouse Properties and could not say what their response might be, he said.

Council Member Huynh asked if the applicant would be open to adding speed tables on the mobile home park streets, and Mr. Jewell agreed to talk with Stackhouse and the Town's Fire Department about doing so.

Council Member Huyhn asked about the motivation for having a Real

Estate agent do a market analysis only once every four years, and Mr. Jewell said that it seemed to be a good duration for looking at market changes. Council Member Huynh asked about the thinking behind having the enrollment period for annual leases be 30 days for current tenants, and Mr. Jewell said it was to allow any new residents to default to standard monthly leases.

Council Member Buansi asked if all of the applicant's commitments would be written as stipulations, and Mr. Jewell said that they could be. Council Member Buansi asked about typical yearly tenant turnover, and Mr. Jewell agreed to provide that information.

Council Member Ryan confirmed with Mr. Sudol that any of the proposed impacts to the RDC would be in the outer 20 feet of the Jordan Buffer. She verified with Mr. Jewell that any rents that were more than 15 percent higher than what the market analysis had shown would be reduced. She also confirmed with him that a mobile home would be removed and the pad made available for someone else if a tenant left before 15 years. She ascertained that taxes were paid with monthly rent and would increase if rents increased.

Council Member Gu asked about projected increases in traffic volume, and Mr. Jewell replied that there would be 169 new peak hour trips. She replied that she wanted to know the current number as well in order to determine the percentage of increase. She raised questions about residents' safety while the right in/right out driveway was operating, and Mr. Jewell replied that large truck deliveries would be infrequent. He pointed out that the driveway would be widened and that new pedestrian crossings would be added as well.

Council Member Gu confirmed that a 15-year lease condition would run with the land. She verified with him that the applicant's market rate analysis had been based on a sampling of mobile home parks in the Raleigh and Charlotte metro areas.

In response to a question from Council Member Anderson, Mr. Jewell said that a new prohibition against having certain play equipment in front yards had been based on standard rules in the mobile home park industry. She confirmed as well that anyone who moved in from another mobile home park would have access to an annual lease.

Mayor pro tem Parker proposed discussing provisions to ensure that the same standard of maintenance continued over the lifespan of the mobile home park. In addition, what protections against eviction if the property were sold would Stackhouse accept, he asked. He stressed the need for a process of negotiation and dispute resolution for when changes were made.

Jaclyn Gilstrap, Justice in Action Committee chair, expressed concern

about the potential long-term impacts on current residents who would eventually be "pushed out" of the park. She pointed out that Council Members who had run on a platform of affordable housing had an opportunity before them to maintain that promise.

Delores Bailey, executive director of EmPOWERment, Inc., said that some of the concerns she had sent to Council had not been addressed. She wondered how additional, possibly larger, units would have any privacy when units already were positioned so closely together. Ms. Bailey also told the Council that rules were being sent to residents periodically, without explanation, and that residents had no way to talk with anyone about that.

Nathaly Grijalva, a Tarheel Mobile Home Park resident, said that she had received inconsistent messages about rules and had gotten a confusing message when she responded. Receiving messages and not being able to talk with anyone about them was common, she said, and she requested clarification from Stackhouse Properties about that.

Melissa Ginsberg, a Tarheel Mobile Home Park resident, also emphasized the need for better and more consistent communication between the landlord and tenants. However, she did appreciate what Stackhouse had done to help her and her daughter move into one of the new units and was happy about the plan for signage and speed limits, she said.

Mayor Hemminger stressed the Council's commitment to supporting residents of mobile home park communities and to keeping families in Chapel Hill. However, the Council was also voting on a Future Land Use Map that would support higher density and different land uses along the BRT route, she pointed out. She said that both issues were important and that the Council wanted staff to bring a more nuanced plan forward that would help mobile home park residents transition if and when the land were redeveloped.

Mayor Hemminger encouraged the applicant to hold another community meeting and proposed that the Council continue the public hearing to January 2021 in order to see if there were options that had not been considered. Doing so would allow time to implement what management had committed to doing, get residents' reactions, hear back from staff on a plan for transitions, and process what it really would mean to lock the property down for 15 years, she said.

Mr. Jewell commented that no other mobile home park in Town had the protections and guarantees that Stackhouse was offering. Stackhouse Properties believed its proposal was the only financially viable way to own and operate a mobile home park in Chapel Hill, given the current price of land, he said.

Mr. Jewell pointed out that there would be no guarantee that anyone else would come forward with any plan other than de-populating the mobile home park, if his client were to sell the land. He agreed to provide the requested information and said he appreciated how the Council was trying to do the best for Town residents.

Council Members generally agreed with Mayor Hemminger's statement and stressed the importance of working with Town partners to prioritize and create an overall plan for mobile home parks.

Council Member Buansi urged the applicant to engage in conversations about options, such as public/private partnerships, to continue managing the property if it were sold.

Council Member Huynh emphasized the need for more speed tables, more frequent rental market analyses, and staff follow-up on residents' statements regarding the inconsistency of rules. He pointed out that residents had not asked for a playground but had said that they wanted a space that met current residents' needs. He asked that the enrollment period be extended beyond the proposed 30 days and said he was not in favor of adding units in the RCD.

A motion was made by Council Member Anderson, seconded by Mayor pro tem Parker, to continue the Public Hearing to January 27, 2021. The motion carried by a unanimous vote.

11. Charting Our Future - Consideration for the Adoption of the Future Land Use Map - Update to Chapel Hill 2020.

[\[20-0864\]](#)

Land Use Management Ordinance (LUMO) Project Manager Alisa Duffey Rogers presented minor modifications to the Future Land Use Map (FLUM) update to the Chapel Hill 2020-2050 comprehensive plan. She outlined the three proposed modifications that UNC-CH and UNC Health had requested: 1) Include "auxiliary hospitals" in the Commercial Office land-use category; 2) Change the Institutional/Civic character type name to include University in its title and include minor changes to its definition; 3) Make the Civic character type for the NC 54 Focus Area primary rather than secondary in one area.

Ms. Duffey Rogers also outlined a staff recommendation to reduce street frontage height to four stories in the South Columbia Gateway Focus Area. She said that all other aspects of Chapel Hill 2020-2050 would remain unchanged. She recommended that the Council consider the minor changes and adopt the new FLUM, which would replace the current one.

The Mayor and Council praised Ms. Duffey Rogers for the vast amount of detail that she had processed over the past three years. They confirmed with her that specifying "hospital" in the FLUM would not obligate the

Town to approve a small hospital as a use.

Kimberly Brewer, a Chapel Hill resident, expressed appreciation for the recommendation to reduce building height in the South Columbia Street area but pointed out that neighbors had previously argued that a four-story development was also incompatible due to environmental and traffic constraints. She encouraged the Council to make that location a Special Gateway Area rather than a focus area.

Julie McClintock, a Chapel Hill resident, called on the Council to develop a Gateway Entranceway Plan for the north and south ends of Highway 15-501. She stressed the importance of ensuring that future zoning retain the college town character. The Town should evaluate whether the proposed four-story structure could be supported by safe transportation, meet storm water requirements and environmental standards, and retain existing affordable housing in the area, she said.

Council Members said that they liked the change to four stories and the proposed gateway idea. They discussed the need to balance various concerns and look at the South Columbia Street area in more detail during the upcoming LUMO rewrite. They agreed to a proposal by Council Member Ryan that a statement on the South Columbia Street page state that the Council would be refining its decision regarding that area in Phase 2.

A motion was made by Council Member Huynh, seconded by Council Member Stegman, that R-5 be adopted. The motion carried by a unanimous vote.

12. Consider an Application for Conditional Zoning for Bridgepoint at 2214 and 2312 Homestead Road from Residential-5-Conditional (R-5-C) to Residential-5-Conditional Zoning District (R-5-CZD). [\[20-0865\]](#)

Planner Anya Grahn gave a PowerPoint presentation on a Conditional Rezoning request for Bridgepoint, a 9.2-acre site on Homestead Road. The property was currently zoned Residential-5 Conditional Use and the applicant, Capkov Ventures, was asking to rezone it to Residential-5 Conditional Zoning District, she explained. She said that the application had been through multiple advisory board and staff reviews and that the Council had last seen it at a public hearing on November 18, 2020.

Ms. Grahn outlined the proposal to relocate two dwelling units, demolish associated buildings, and construct 54 townhomes and a stormwater retention system. She showed the location and surrounding landmarks on an area map and indicated a perennial stream in the northern portion of the site. She described a proposal for new public streets, which would connect to a Town-owned property at 2200 Homestead Road.

Ms. Grahn explained how the applicant had worked with staff to reduce

the amount of land disturbance in an RCD managed use zone down to 22 percent. The applicant had also been working to reduce disturbance in the upland zone, she said, and she provided reasons why staff believed the applicant was headed in the right direction. Capkov Ventures had committed to working with Town stormwater staff to further reduce total land disturbance before submitting a final plan, she said.

Ms. Grahn reviewed the applicant's proposal to disturb 55 percent of the steep slopes. She noted that the LUMO limited disturbance to 25 percent of areas with a slope of 25 percent or more. However, only 2,133 square feet of disturbance would occur on a natural slope, with the remainder being on man-made slopes, she pointed out.

Ms. Grahn noted that the proposal for five affordable units was 15 percent of the number required by the Town's Inclusionary Zoning Ordinance. She discussed parking regulations, street signage, stream water improvements, and a right-of-way conveyance for a future, multi-modal Town project. She recommended that the Council adopt the resolution abandoning the 2010 SUP, adopt the resolution of consistency, and enact the ordinance approving the Conditional Zoning Atlas Amendment.

Eric Chupp, representing Capkov Ventures Inc., discussed the history of the application and asked for the Council's approval. He said that the improved plan was specifically designed to address the housing needs of middle income families. He provided details about townhome prices and features, parking, landscaping, elevations, sidewalks, public green spaces, street signals and lighting, bicycle facilities, and more.

Mr. Chupp said that Capkov Ventures would make an estimated \$25,000 payment in lieu to the Town's Parks and Recreation Department for any deficiency in active recreation. He said that the five affordable homes would be evenly dispersed throughout the community. Three of them would be for people making 80 percent or less of the area median income (AMI) and two would be for those making 65 percent AMI or less, he said. All of the affordable homes would be conveyed to the Community Home Trust for perpetual affordability, Mr. Chupp said.

Mayor Hemminger asked about preventing units from becoming short-term rentals, and Mr. Chupp agreed to add covenants and conditions that would prohibit leases shorter than a year.

Council Member Ryan clarified with Mr. Chupp that a previous higher estimate of RCD encroachment had been a miscalculation on the applicant's part. She ascertained that the applicant would dedicate land for future construction of a greenway but was not constructing that. She confirmed that the applicant would clear and grade the area carefully and in consultation with the Town's arborist.

Council Member Anderson pointed out that the improved project was another example of why review by the Town's urban designer was so important, and she implored staff to integrate that review at the beginning of the process. She also asked staff to look into modifying the Inclusionary Zoning Ordinance in a way that would allow adjustment for different price points.

Council Member Gu encouraged the applicant to be conscious of improving the internal environment and the appearance of the development from Homestead Road.

Council Member Ryan explained that she voted against the resolution because she remained troubled about the stormwater plan and its effects on the RCD.

A motion was made by Council Member Anderson, seconded by Mayor pro tem Parker, that R-6 and R-7 be adopted and that O-1 be enacted as amended to approve the rezoning with a stipulation that the applicant include language preventing short-term rentals in its covenants. The motion carried by the following vote:

Aye: 7 - Mayor Hemminger, Mayor pro tem Parker, Council Member Anderson, Council Member Buansi, Council Member Gu, Council Member Stegman, and Council Member Huynh

Nay: 1 - Council Member Ryan

13. Consider a Petition to Annex Property at 7000 Millhouse Road. [\[20-0866\]](#)

Planner Corey Liles gave a brief PowerPoint presentation on the annexation of 9.76 acres on Millhouse Road to allow Carolina Donor Services to build a 51,000 square-foot office and lab facility in the recently-created Millhouse Enterprise Zone.

Mr. Liles said that a revenue estimate staff had previously presented would not apply if Orange County agreed to grant the property 501(c)(3) exemption status. However, there would be a cost for services, a one-time Fire District payment, and other possible opportunities to collect property taxes, he said. He recommended that the Council enact the ordinance, pointing out that annexation at any later point would be at the property owner's discretion.

Mayor Hemminger mentioned that the Enterprise Zone had attracted a great deal of interest. The Town was excited about Carolina Donor Services making its state headquarters in Chapel Hill and bringing jobs to Town, she said.

A motion was made by Council Member Anderson, seconded by Mayor pro tem Parker, that O-2 be enacted. The motion carried by a unanimous vote.

14. Close the Public Hearing to Consider a Request to Close a Portion of an Unmaintained and Unimproved Monroe Street Public Right-of-Way. [\[20-0867\]](#)

This item was moved to the January 27, 2021 meeting.

15. Continue the Public Hearing: Conditional Zoning Application for Columbia Street Annex, 1150 S. Columbia Street, from Residential-2 (R-2) to Mixed Use-Village-Conditional Zoning District (MU-V-CZD). [\[20-0868\]](#)

This item was moved to the January 27, 2021 meeting.

16. East Rosemary Parking Deck Update. [\[20-0869\]](#)

Economic Development Manager Dwight Bassett gave a PowerPoint update on the East Rosemary Redevelopment Parking Deck. He said that an opinion of probable costs from Walker Consultants had been in line with other estimates that were on the Town's website. He presented renderings and provided more information about proposed materials and about changes to the facade's design.

Mr. Bassett said that a traffic impact analysis had been completed and that the Town had made an offer to purchase property on North Street. Staff was continuing to explore options for solar technology and would share those recommendations in the future, he said.

Mr. Bassett said that the Town had also submitted a letter of interest to UNC-CH and was working on a final draft of the Wallace Deck lease. The final review of management and site license agreements was beginning, he said. He noted that the Town's review of financial projections based on occupancy and demand had been more conservative than Walker Consulting's estimates.

Mr. Bassett said that Walker Consulting's recent presentation at a Council Committee on Economic Sustainability meeting had proposed three parking deck options for consideration: 1) A license plate recognition system that would use the Town's existing technology and a gate counter (\$250,000); 2) A gate and license plate reader with pay stations (\$750,000); 3) A system that would be mostly all technology with limited monitoring by staff (\$1.3 million). Mr. Bassett said that the Town's current budget could cover up to (\$750,000). With Council approval, staff would begin to negotiate a contract and return in February 2021 with additional financial information on the overall construction budget, he said.

Council Members confirmed with Mr. Bassett that there were sufficient resources in the Town's contingency budget to spend up to \$750,000 and still maintain a 5 percent contingency. In response to the Council's questions, he said that staff intended to negotiate both Options 2 and 3.

Council Members Ryan and Anderson expressed discomfort with the idea of using contingency funds, which were for unexpected occurrences, so early in the process. Council Member Anderson asked staff to bring back examples of how the Town had financed other decks, such as 140 west and to explain why they were looking at 5 percent rather than 10 percent contingency. Council Members said they supported having a separate line item and not using a contingency fund.

Council Members expressed a general preference for Option 2, if the cost of Option 3 could not be reduced. Council Member Gu confirmed with Mr. Bassett that maintenance costs would be an estimated \$17,000 to \$20,000 for Option 2 and \$50,000 to \$60,000 for Options 3. Council Member Huynh proposed getting information on the cost of using only one camera for several parking spots in Option 3, and Mr. Bassett agreed to determine the cost difference.

Mayor Hemminger stressed the importance of being fiscally conscious. She asked Mr. Bassett to provide the names of nearby parking decks that Council Members could look at.

Mr. Bassett said he hoped to return with a final construction budget in February 2021. He might also return in January so that the Council could authorize a letter of intent with UNC-CH, he said.

This matter was received and filed.

ADJOURNMENT

The meeting was adjourned at 10:46 p.m.



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 Michael Parker
Council Member Jessica Anderson
Council Member Allen Buansi

Council Member Hongbin Gu
Council Member Tai Huynh
Council Member Amy Ryan
Council Member Karen Stegman

Wednesday, July 29, 2020 **7:00 PM** **Virtual Meeting**

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 Zoom webinar directly online or by phone.

Register for this webinar:

<https://us02web.zoom.us/join/84740133468> After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 847 4013 3468

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

Roll Call

Present: 8 - Mayor Pam Hemminger, Mayor pro tem Michael Parker, Council Member Jessica Anderson, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Karen Stegman, Council Member Tai Huynh, and Council Member Amy Ryan

Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Town Attorney Ann Anderson, Fire Chief Vencelin Harris, Emergency Operations Manager Kelly Drayton, Business Management Director Amy Oland, Transportation Planning Manager Bergen Watterson, Manager of Engineering and Infrastructure Chris Roberts, Senior Engineer Ernest Odel-Larbi, Public Works Director Lance Norris, Executive Director for Technology and CIO Scott Clark, Communications and Public Affairs Director/Town Clerk Sabrina Oliver, and Deputy Town Clerk Amy Harvey.

OPENING

Mayor Hemminger opened the virtual meeting at 7:00 p.m. and reviewed the

Town Council

Meeting Minutes - Draft

July 29, 2020

agenda. She called the roll, and all Council Members replied that they were present.

ANNOUNCEMENTS BY COUNCIL MEMBERS

0.01 Proclamation: The Voting Rights Act and The Fifteenth Amendment. [\[20-0521\]](#)

Mayor Hemminger introduced a proclamation to recognize the 55th anniversary of the Voting Rights Act and the 150th anniversary of the 15th Amendment to the US Constitution.

Council Member Buansi read the proclamation, which explained that Amendments 13, 14 and 15 had given African Americans their freedom, citizenship, and voting rights, but that subsequent Jim Crow laws had stripped those rights for nearly 100 years. In 1965, President Lyndon B. Johnson signed the Voting Rights Act into law, but a 2013 US Supreme Court decision had enabled measures that suppressed the vote, Council Member Buansi read. The proclamation urged all citizens to exercise their right to vote in the November 2020 election.

Mayor Hemminger expressed gratitude to the organizations that educate the public on when and where to vote. The Council would make sure that people know how to do so safely during the current pandemic, she said.

This item was received as presented.

0.02 Mayor Hemminger Regarding Juneteenth Proclamation. [\[20-0522\]](#)

Mayor Hemminger said that the Council had proclaimed June 19, 2020, as Juneteenth, in celebration of the day in 1865 when African Americans in Galveston, Texas learned that slaves had been freed. She said that there had been many requests for the Town to adopt Juneteenth as a holiday and that the Council planned to hold a community conversation regarding that idea.

This item was received as presented.

0.03 Mayor Hemminger Regarding Census. [\[20-0523\]](#)

Mayor Hemminger pointed out that only 68.2 percent of Orange County residents had responded to the US Census. She urged residents to fill it out, stressing that local appropriations and representation depended on it. Information would not be tracked or stored, but merely counted, she said.

This item was received as presented.

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

1. Approve all Consent Agenda Items. [\[20-0502\]](#)

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

2. Approve the Miscellaneous Budget Ordinance Amendment to Adjust Various Fund Budgets for FY 2020-21. [\[20-0503\]](#)

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

DISCUSSION

3. Consider a Resolution to Appoint a New Town Attorney for the Town of Chapel Hill. [\[20-0504\]](#)

Mayor Hemminger announced that Ann Anderson, of the UNC School of Government, would officially become Chapel Hill's new Town Attorney on September 1, 2020. Ms. Anderson had stood out from a pool of strong candidates because of the depth and breadth of her knowledge, her familiarity with local government, and her understanding of Chapel Hill's community values, the Mayor said. The current Town Attorney, Ralph Karpinos, who was retiring after 32 years with the Town, would work with Ms. Anderson during the transition, and the Council would hold a celebration to honor him in the fall, Mayor Hemminger said.

Attorney Anderson thanked the Council for the opportunity, which she said would be a new highlight in her career. She was looking forward to working with the Council in a town that she loved, she said.

Mr. Karpinos congratulated the Mayor and Council for their outstanding choice and said he looked forward to working with Ms. Anderson during the transition period.

A motion was made by Mayor pro tem Parker, seconded by Council Member Buansi, that R-2 be adopted. The motion carried by a unanimous vote.

- 3.01 3.01 Update on Town Efforts to Respond to the COVID-19 Crisis. [\[20-0524\]](#)

Emergency Management Coordinator Kelly Drayton gave a PowerPoint

presentation on the Town's ongoing COVID-19 response. She discussed Orange County Department of Housing and Community Development's efforts to administer emergency assistance and said that half of the 365 households that had received assistance were in Chapel Hill.

Ms. Drayton reported on The Interfaith Council's continuing efforts to provide safety for its shelter residents. She discussed how the Town was partnering with numerous organizations to provide critical resources to the community. She said that more than 18,000 masks had been distributed and that the Food Bank had been serving 250-300 households per week.

Ms. Drayton noted that childcare had emerged as a major challenge. She pointed out that Chapel Hill-Carrboro schools would be virtual for more than 12,000 students and said that the Town and county had been addressing options for childcare.

Ms. Drayton said that a section of Franklin Street had been closed in order to add capacity for sidewalk dining and sales, and to give more space for physical distancing. She said that the Town was continuing to work with its partners and consultants on a long-term recovery plan and that an impact assessment should be disseminated the following week. The Town was also working with stakeholders to launch a website that would become a central portal for recovery resources and information, she said.

Council Members confirmed that the Franklin Street lane closure could be extending beyond October and that school closures were currently planned for nine weeks. With regard to childcare, they verified with Mr. Jones that staff had been working with the county, the school system and non-profits regarding how to accommodate the most vulnerable residents.

Mayor Hemminger said that moratoriums on evictions and utility bills were expected to be lifted within the next few days and that the Town was expecting an increase in requests. Staff had been working to coordinate a community response, she said, noting that information on how to make a donation was on the Town website.

Mayor Hemminger said that a USDA extension for food was set to expire at the end of August and that she would keep the Council informed about efforts by mayors across the state to get state support. Food for Students had been serving children who normally received free or reduced lunches at school, and the Council wanted that to continue, she said. She pointed out that Liz Cartano, of Child Nutrition Services, and others, had been delivering food to children at 36 sites.

This item was received as presented.

4. University of North Carolina at Chapel Hill Roadmap for [\[20-0505\]](#)

Re-Opening. (no attachment)

University of North Carolina at Chapel Hill (UNC-CH) Provost Bob Blouin provided an update on a "Carolina Together" road map for reopening UNC's campus during the COVID-19 pandemic. He said that UNC had worked closely with the Orange County Department of Public Health, the UNC System Office, and others to develop the plan.

Provost Blouin explained that the road map included directives to wear masks, to keep a physical distance, and to wash hands on a regular basis, standards that were consistent with CDC regulations and cutting edge research and data on best practices. He said that UNC-CH had been monitoring campus adherence to community standards and guidelines, hospital capacity, and the availability of rapid and accurate testing and contact tracing. Students were being required to sign off on specific COVID-related standards as a condition of their enrollment, he said.

Provost Blouin said that both Labcorp and NC Healthcare would conduct the testing. He explained how the University had reduced dormitory density. He said that Town and University police chiefs had been working together regarding areas in the community where students lived off campus.

Dr. Kurt Ribisl, Gillings School of Global Public Health chair, reviewed how a multi-disciplinary committee had studied best messages and channels for reaching students about taking precautions. He said that UNC-CH would provide students with masks, sanitizers and thermometers. He discussed plans for role modeling, peer-to-peer communication, crowd sourcing, and other means of promoting messages and showed examples of signage and videos that were part of the "Carolina Together" campaign.

Dr. Allison Lazard, associate professor at the UNC Hussman School of Journalism and Media, discussed barriers and misunderstandings related to mask wearing and stressed the importance of getting accurate information onto social media. Overall, there had been high compliance by young adults, she said. She recommended that UNC include "Masks Required" signage to reinforce State, University, and Town expectations.

Mayor Hemminger said that the Town had requested that UNC's messaging address the community and not just the UNC campus and to convey the idea of one community trying to be safe together.

In response to questions from Council, Provost Blouin characterized UNC's working relationship with the Orange County Health Department as "terrific" and said that the two had common expectations and that the University had sought recommendations from the County regarding testing, quarantining and isolating.

Council Member Buansi asked how students who live off campus and test

positive would be monitored and cared for. Provost Blouin said that this would be addressed on a case-by-case basis. Some students might stay where they live; whereas, others might want to go home, he said. Remedies could include quarantine or isolation on campus, he said, but pointed out that most who were living off campus would probably not come back for that.

With regard to a question about accountability for those who violate community standards, Provost Blouin said that students would sign and attest to being fully aware of the consequences for violations and that UNC expected them to comply wherever they were.

Council Member Anderson asked about triggers for terminating the plan, and Provost Blouin said that decisions would be made by chancellors of the 17-campus system, the System Office leadership, and the Board of Governors. Criteria would include testing availability/turnaround and quarantine/isolation space, he said.

In response to a question about testing criteria, Provost Blouin said that UNC was following CDC recommendations and was testing only those with symptoms (with the exception of those in the athletics program who were undergoing asymptomatic testing because of their additional risk). He said that testing everyone could create a false sense of security that could discourage students from wearing masks.

With regard to Council questions about students living off campus, Provost Blouin said that Town and UNC police had been in close contact regarding events that violate state mandates for mask wearing and group size. He pointed out that fraternities and sororities were located on private properties that were under the Town's legal jurisdiction.

In response to a question about students going to COVID-19 hot spots on weekends and bringing the virus back with them, Provost Blouin said that UNC had tried to minimize travel by eliminating breaks. However, the University had no legal right to hold students on campus unless NC Governor Cooper issued a stay-at-home order, he pointed out.

Council Member Anderson asked if UNC could make not traveling a condition of enrollment, and Provost Blouin agreed to discuss that with UNC-CH's road-map committee.

Council Member Gu pointed out that asymptomatic students could spread the virus, and Provost Blouin replied that UNC-CH had been educating students and expected them to follow the rules. Council Member Gu confirmed with him that there had been a cluster of COVID-19 cases due to student athletes not maintaining those standards. She said that some students might not have the same level of awareness as others and asked what triggers would lead to UNC-CH closing its campus.

Provost Blouin replied that the trigger probably would be more connected to the rate of change than to the absolute number of cases. If UNC were to have a few large clusters of positive cases, that would be a challenge, he said. He said that the University would be launching a dashboard that would track the ratio of positive cases to the number of tests.

In response to questions about special precautions for vulnerable populations, Provost Blouin said that UNC-CH was encouraging those who were older than 60, those with susceptible family members, and those with childcare issues to work remotely. The University was equipping employees from high-risk populations with personal protective equipment and education programs for every member of UNC-CH's housekeeping staff, he said.

Council Member Stegman asked if UNC-CH was helping Orange County with contact tracing of students and staff who live off campus, and Provost Blouin replied that he would raise that issue at an upcoming meeting with the County. She asked about a policy or standard regarding Greek life and off-campus parties, and he said that UNC had limited authority to regulate that but had been requiring fraternities and sororities to state how they would address issues such as parties. There was an expectation that they would be good citizens, he said.

Council Member Stegman and Mayor Hemminger discussed recent efforts to find alternatives to calling 911 to report people who were not wearing face coverings. Council Member Stegman said that the issue might pose an opportunity for Town/University collaboration.

Council Member Huynh asked how UNC would track off-campus repeat offenders and what the consequences for noncompliance would be. Provost Blouin replied that UNC-CH was not in a position to enforce community standards off campus.

Mayor pro tem Parker expressed skepticism about UNC-CH's ability to isolate and quarantine students. In addition, active monitoring would be required in the community, rather than merely relying on masks and a complaint-driven system, he said.

Provost Blouin replied that UNC-CH did not have the resources to police what students living in the community did; whereas, the Town did have some authority regarding compliance with mask wearing and physical distancing. He pledged to work with the Town on a week-to-week basis and to monitor whether circumstances rose to a level that required the University's attention.

Council Members suggested that the University work with the Town to explore monitoring neighborhoods that contain significant clusters of students. They confirmed with Provost Blouin that UNC Healthcare had been returning test results in 24-36 hours and had indicated support for

doing more than 200 tests per day. UNC-CH had only been testing those who were symptomatic and/or had been in contact with someone who tested positive, he said.

The Council confirmed that UNC-CH was expecting a 30 percent reduction in its normal total of 8,500-8,700 dormitory students. Provost Blouin pointed out that UNC-CH would need to be home for some students even if it changed to total remote learning. The Council verified with him that UNC would continue to pay individuals who needed to be quarantined or isolated, regardless of their level within the organization.

Council Member Ryan said that bringing 20,000 people into Town would stretch the testing resources that were currently available to the community, but Provost Blouin replied that UNC Hospitals would triple testing capacity. Council Member Ryan recommended that the University batch test some student groups since testing was inadequate.

James Talantino, a UNC student, spoke about at-risk populations such as elderly African Americans, who reside in neighborhoods where off-campus students would live. He stressed the importance of having a system in place to protect permanent residents.

Diane Bloom, a School of Public Health adjunct but speaking for herself, proposed only admitting students who could provide evidence that they had been tested and were negative. UNC's plan seemed headed for disaster because the University was not capable of controlling viral spread, she said.

Provost Blouin commented that UNC would not allow guests in student dorms. He said that not wearing a mask would only be permitted when students were eating in the dining room or in their rooms with only a dorm mate. Students living in suites would be expected to wear masks at all times, he said. Provost Blouin said that employing the campus police would be a last resort because UNC-CH was trying to minimize such authoritarian action.

Lea Metcalf, a UNC graduate student, said that it was not possible to open safely and that attempting to do so would lead to deaths. She encouraged citizens to put pressure on other agencies that could reduce the financial burden that UNC would incur if it did not open. She characterized the road map as "bordering on delusional", since it depended on converting people to wearing masks, who do not want to be converted, and masks were not panaceas, since they only decrease risk by 65 percent, she said.

Louie Rivers, a Planning Commission member, said that UNC had inadvertently created a regressive road map that was setting students up to fail and shifted the burden to those with the least amount of power. What resources would the Town have in the face of significant COVID-19

spread, he asked. He stated that the University's efforts to reach out to the community had been shallow.

Mr. Rivers asked if UNC-CH had the authority to take an off ramp, and Provost Blouin replied that such a decision would be made in consultation with the UNC System Office. He expected constant communication between UNC, the Board of Governors, and the Board of Trustees and critical indicators would be monitored and shared across the UNC system in collaboration with other universities within the region, he said.

Lindsay Ayling, a UNC student, pleaded with UNC-CH to refuse the Board of Governors' directive to not embark on a course of action that would lead to people dying. She proposed going to remote education for one more semester and raising money to make up that cost.

Logan Pratico, a Town resident and recent UNC graduate, said he felt stunned by the decision to hold in-person classes while the pandemic was increasing. He characterized allowing 20,000 mostly asymptomatic 18-22 year-olds from all over the country to walk around Town as terrifying. Students would not remain socially distanced no matter how many videos UNC put out and Town residents would suffer the consequences, he said. Mr. Pratico said that UNC should be ashamed of itself for prioritizing money over citizens' lives.

Greear Webb, a UNC sophomore, said he agreed with the previous speakers and believed the proposed road map would mean welcoming the deaths of students, faculty members, and essential campus workers. He asked Provost Blouin and Mayor Hemminger where they stood on a recommendation from the Student Commission on Campus Equality and Student Equity to hold a mock academic day with simulations that would test the policies outlined in the road map.

Provost Blouin replied that UNC had not acted on that recommendation, mainly due to timing, but that he was willing to talk more about it at another time. Mayor Hemminger said that it was the first she had heard the idea and that she would look into it.

Molly McConnell, a Chapel Hill resident, said she agreed with the previous speakers. The Board of Governors should be held accountable for an "appalling and disturbing mistake", she said, adding that, at the very least, there should be no students living off campus.

George Barrett, executive director at Marion Cheeks Jackson Center, said that Town residents had been modeling good behavior and making a lot of sacrifices to stay safe. However, there had already been large student parties in the Northside neighborhood, and students had been gathering in large groups without wearing masks, he said. Mr. Barrett pointed out that this was a public health issue and also one of racial equity.

Lamar Richards, chair of the Commission on Campus Equality and Student Equity, said that the majority of UNC-CH students lived off campus, where the greater community would be at risk if UNC-CH followed its current road map. He said that UNC had not effectively communicated its expectations to students and had been constantly changing its plan. He said that students and housekeeping staff had attested to a lack of personal protective equipment and guidance.

Mayor Hemminger thanked citizens for their comments and acknowledged that the Council did have concerns about the campus reopening. She agreed that some residents would have higher risk and exposure and said that the Town needed to concentrate on mitigating that. She encouraged UNC to be proactive, rather than reactive. The Town understood that UNC-CH did not have complete control but voices could influence decisions, she said.

Mayor Hemminger explained that the current meeting was not set up for Council motions, but that the Council would continue to address the issue and would bring the item back again. She pointed out that residents who had additional comments could send them in writing to the Town Manager.

This item was received as presented.

5. Authorize the Town Manager to Finalize Arrangements for Construction of the Elliott Road Extension Project. [\[20-0506\]](#)

Transportation Planning Manager Bergen Waterson gave a PowerPoint presentation on the status of the Elliott Road Extension, a project that would connect Fordham Boulevard to Ephesus Church Road and include a roundabout. The road improvement was expected to carry about 7,800 vehicles daily and would relieve congestion at that intersection, she said.

Ms. Waterson said that the projected total budget for the project had been \$8.8 million (\$3.8 million for Phase I and \$5 million for Phase II) in 2011. The Town had borrowed \$4.7 million in 2016, \$900,000 of which was allocated for Phase II, and had planned to borrow \$2.6 million more, she said. However, the price of right-of-way acquisition had been higher than expected, so the total current cost of Phase II construction was \$6.88 million, she said.

Ms. Waterson explained that, in addition, some funds for Phase II had been channeled to other more urgent capital projects (DHIC Greenfield Commons and the Hamilton Road Fire Station), so there was currently only \$3 million available. The Town was awaiting a \$434,000 reimbursement from the NC Department of Transportation (DOT) for Phase 1 improvements, she said.

Ms. Waterson said that the developer had received bids in January 2020

that put the total cost at \$7.53 million, leaving the Town with a \$4.53 million funding gap (or \$4.1 million if the DOT reimbursement is considered). Therefore, staff had decided to manage construction on its own and had received three bids, the lowest of which was \$6.88 million, she said. She pointed out that managing the project itself saved about \$650,000, leaving the funding gap at \$3.88 million.

Ms. Waterson recommended that the Council adopt Resolution-3, authorizing the Town Manager to execute a contract with Conti Enterprises, Inc. for \$6,047,442 to construct the Elliott Road Extension. She also recommended that the Council adopt Resolution-4, which would declare the Town's intent to reimburse itself for project expenditures.

Business Management Director Amy Oland summarized the plan for debt financing, which included using \$3.4 million intended for a Municipal Services Center that the Town was not yet ready to begin. She said that current lower interest rates would bring additional savings as well, and she outlined a borrowing plan that she would bring back in October/November for Council approval. Ms. Oland pointed out that Resolution-4 would allow staff to be reimbursed for any expenditures that it might incur from moving forward with the contract before having the borrowing in place.

Mayor Hemminger praised staff for saving money by rebidding the project.

Rita May, a Chapel Hill resident, spoke about the financial repercussions from COVID-19. She asked the Council to halt the proposed expenditure and to reconsider all non-essential Transit funding until the Town's revenue situation became clearer.

Julie McClintock, representing CHALT (Chapel Hill Alliance for a Livable Town), said that citizens saw no good reason to spend taxpayer money on the Elliott Road Extension and summarized a list of concerns about flooding that had been included in a recent letter from them to the Town. She requested a new cost/benefit analysis for the Blue Hill District (BHD) and said that CHALT objected to the resolution that empowered the Manager to borrow more money for a road that would bring no demonstrable value to the Town.

Nancy Oates, a Chapel Hill resident, pointed out that construction costs for its 2022 Homestead Road affordable housing project might increase as well and encouraged the Council to plan ahead.

Mayor Hemminger confirmed with Ms. Oland that the Town would be able to reimburse the \$4 million that it borrowed from tax increment financing in the BHD, which was intended to help pay for road infrastructure over time. She pointed out that there would be an increase in property taxes

from three large apartment complexes that were being constructed. Mayor Hemminger said that the additional funding would come from the Town's Debt Fund, which had a surplus because the Municipal Services Center building was being delayed.

Mayor Hemminger confirmed with Town Attorney Ralph Karpinos that he had reviewed original documents, and the Council's 2019 resolution, and had concluded that the Town was obligated to move forward with the project. She confirmed with Ms. Waterson that an Ephesus-Fordham Small Area Plan and a traffic impact analysis for the area had both recommended the Elliott Road Extension.

Mayor Hemminger verified with Chad Beck, project manager for Kimley Horn & Associates, that culverts under Elliot Road and Fordham Boulevard had been designed to meet FEMA regulations and standards. The project had achieved a "No Rise" certification and there would be no increase in flood elevation, Mr. Beck said.

Mayor Hemminger verified with Ms. Oland that borrowing an additional \$3.8 million would push the repayment schedule from 12 to 20 years. She emphasized that the Town would not be taking money from other projects or from operating expenses. The Council was being asked to vote on whether it would take the Town Attorney's advice and move forward, she said.

Council Member Anderson and Mr. Jones discussed ways to better anticipate and communicate about cost changes in the future. Mayor Hemminger pointed out that the Elliott Road Extension project had begun before the current Council and Manager were with the Town.

Council Member Stegman pointed out that the Elliott Road Extension would take pressure off Highway 15-501 and add pedestrian and bike improvements.

Council Member Ryan ascertained from Ms. Waterson that large planting strips and wide sidewalks were required frontages in the BHD and that the previous Council had negotiated for the raised bike lanes. She suggested that the current Council examine whether or not those frontages were realistic and if the bike and pedestrian facilities were what the Town could afford.

A motion was made by Mayor pro tem Parker, seconded by Council Member Stegman, that R-3 be adopted. The motion carried by a unanimous vote.

A motion was made by Mayor pro tem Parker, seconded by Council Member Stegman, that R-4 be adopted. The motion carried by a unanimous vote.

**REQUEST FOR CLOSED SESSION TO DISCUSS ECONOMIC
DEVELOPMENT, PROPERTY ACQUISITION, PERSONNEL, AND/OR
LITIGATION MATTERS**

A motion was made by Mayor pro tem Parker, seconded by Council Member Stegman, that this be entered into closed session as authorized by General Statute Section 143-318.11(a)(4), to consider an economic development matter. The motion carried by a unanimous vote.

ADJOURNMENT

The meeting was recessed at 11:48 p.m., the Council went into closed session and the meeting adjourned at the end of the closed session.



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 Michael Parker
Council Member Jessica Anderson
Council Member Allen Buansi

Council Member Hongbin Gu
Council Member Tai Huynh
Council Member Amy Ryan
Council Member Karen Stegman

Wednesday, September 9, 2020 7:00 PM Virtual Meeting

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 Zoom webinar directly online or by phone.

Register for this webinar:

https://us02web.zoom.us/webinar/register/WN_urVomoszTye2bi7qssLdqq After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 894 3763 1900

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

Roll Call

Present: 8 - Mayor Pam Hemminger, Mayor pro tem Michael Parker, Council Member Jessica Anderson, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Karen Stegman, Council Member Tai Huynh, and Council Member Amy Ryan

Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Florentine Miller, Town Attorney Ann Anderson, Interim Planning Director Judy Johnson, Emergency Management Coordinator Kelly Drayton, Fire Chief Vencelin Harris, Executive Director for Community Safety and Police Chief Chris Blue, Housing and Community Executive Director Loryn Clark, Housing and Community Assistant Director Sarah Vinas, Economic Development Officer Dwight Bassett, Business Management Director Amy Oland, LUMO Project Manager Alisa Duffey Rogers, Planner II Becky McDonnell, Planner II Michael Sudol, Public Works Director Lance Norris, Traffic Engineering Manager Kumar Neppalli, Fire Marshal Tommy Gregory, Executive Director for Technology and CIO Scott Clark, Communications and Public Affairs Director/Town Clerk Sabrina Oliver, and Deputy Town Clerk Amy Harvey.

OPENING

Town Council

Meeting Minutes - Draft

September 9, 2020

Mayor Hemminger opened the virtual meeting at 7:00 p.m. and called the roll. All Council Members replied that they were present.

1. Recognize Ralph Karpinos for his Years of Service. (no attachment)

[\[20-0564\]](#)

Mayor Hemminger recognized retiring Town Attorney Ralph Karpinos, who had worked with the Town for 35 years and provided legal advice to eight mayors, five town managers, and more than 50 council members. She noted the many ways in which Mr. Karpinos had been a state leader and had earned the respect of his colleagues across North Carolina.

Former Mayor Kenneth Broun commented on Mr. Karpinos's strong ethical sense and loyalty and described him as the best municipal lawyer in North Carolina. Former Mayor Rosemary Waldorf said that Mr. Karpinos had brought an unwavering moral sense to work every day, and Former Mayor Kevin Foy commented on his calm demeanor, candor, truthfulness and dry sense of humor.

Former Mayor Mark Kleinschmidt noted Mr. Karpinos's strong ethical sense and said that his guidance had led the Town to achieve greatness. Orange County Commission Chair Penny Rich shared personal anecdotes of how Mr. Karpinos had helped her grow when she was a Chapel Hill Town Council Member. Mayor Hemminger said that a number of former Council Members regretted that the current COVID-19 pandemic was preventing them from celebrating with Mr. Karpinos in person.

The Council proclaimed September 9, 2020 to be Ralph Karpinos Day in Chapel Hill and Mayor Hemminger said that he would be sorely missed. She presented him with a key to the city for his strong commitment to the community and his work to uphold its values of social justice and equity. She said that Mr. Karpinos had asked for any donations to be made to the James Karpinos Scholarship Fund at UNC Asheville and the Chapel Hill Emergency Housing Assistance Program, she said.

Mr. Karpinos thanked the Council for the resolution and recognition and commended current and former mayors and councils for their dedication and commitment to Town. He encouraged Town leaders to continue demonstrating how well local government works.

ANNOUNCEMENTS BY COUNCIL MEMBERS

- 1.01 Mayor Hemminger Regarding Upcoming Meetings.

[\[20-0601\]](#)

Mayor Hemminger announced that a virtual public information meeting on a concept plan for the Town's Municipal Services Center at 101 Weaver Dairy Road Extension would be held on September 15th at 5:15 p.m. She said that the Carolina North Development Agreement annual meeting and

update would also be held virtually on September 17 at 5:30 p.m. Dates and times for other advisory board virtual meetings were on the Town website, she said, noting that the public was welcome to attend.

1.02 Mayor Hemminger Regarding Virtual September 11 Memorial Meeting. [\[20-0602\]](#)

Mayor Hemminger said that a memorial for the September 11, 2001 attacks would be held virtually due to the COVID-19 pandemic. Following her announcement, the Council held a moment of silence for those who had lost their lives while helping others on that tragic day.

1.03 Council Member Anderson Regarding Census. [\[20-0603\]](#)

Council Member Anderson said that the deadline for filling out the Census had been extended. She pointed out that the final count would determine federal funding and state representation at the federal level for the next decade. Only 60 percent of North Carolina residents had returned their forms, she said.

1.04 Council Member Anderson Regarding Voting Options. [\[20-0604\]](#)

Council Member Anderson described North Carolina's voting options, which included voting by mail.

1.05 Julie McClintock Regarding FLUM. [\[20-0605\]](#)

Julie McClintock, a Chapel Hill resident, petitioned the Council to delay its vote on the Future Land Use Map (Agenda Item 23), which she said needed to be reevaluated due to COVID-19 considerations.

Mayor Hemminger pointed out that the normal process was to receive and refer petitions but that the Council would wait and bring the request up during Item 23.

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.

2. Town Manager's Office Request for Concept Plan Review. [\[20-0565\]](#)

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

CONSENT

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

Approval of the Consent Agenda

A motion was made by Council Member Anderson, seconded by Council Member Huynh, that R-1 be adopted as amended, which approved the Consent Agenda. The motion carried by a unanimous vote.

3. Approve all Consent Agenda Items. [\[20-0566\]](#)

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

4. Enact the Annual Budget Ordinance Amendment to Re-appropriate Funds for Prior Year Encumbrances and Other Commitments. [\[20-0567\]](#)

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

5. Consider a Minor Modification to the 2019-2020 Community Development Block Grant Program Plan. [\[20-0568\]](#)

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

6. Adopt the Corrected FY 2020-21 Fee Schedule. [\[20-0569\]](#)

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

7. Adopt a Resolution Supporting a Grant Application to the Governor's Highway Safety Program. [\[20-0570\]](#)

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

8. Designate Juneteenth an Official Town Holiday. [\[20-0571\]](#)

Mayor Hemminger said that the Council had voted to make June 19th ("Juneteenth") an official Town holiday, effective June 21, 2020. She said she was pleased to be able to do so with partners in Orange County, she said.

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

Town Council	Meeting Minutes - Draft	September 9, 2020
9.	<p>Authorize the Sale of Public Housing Property at 605 Oak Avenue.</p> <p>This resolution(s) and/or ordinance(s) was adopted and/or enacted.</p>	[20-0572]
10.	<p>Approve the Town Manager's Employment Contract Extension.</p> <p>This resolution(s) and/or ordinance(s) was adopted and/or enacted.</p>	[20-0573]
11.	<p>Call a Public Hearing for Conditional Zoning at 125 and 135 East Rosemary Street Parking Garage from Town Center-2 (TC-2) to Town Center-2-Conditional Zoning District (TC-2-CZD) on September 30, 2020.</p> <p>This resolution(s) and/or ordinance(s) was adopted and/or enacted.</p>	[20-0574]
12.	<p>Call a Public Hearing for September 30, 2020 to Consider Text Amendments that Expand Opportunities for Special Use Permit Applications to be considered under Conditional Zoning Review.</p> <p>This resolution(s) and/or ordinance(s) was adopted and/or enacted.</p>	[20-0575]
13.	<p>Call a Public Hearing on October 7, 2020 for Land Use Management Ordinance Text Amendment to Table 3.7-1: Use Matrix Pertaining to Allowed Uses in Planned Development-Mixed Use (PD-MU).</p> <p>This resolution(s) and/or ordinance(s) was adopted and/or enacted.</p>	[20-0576]
14.	<p>Call a Public Hearing on October 7, 2020 for Land Use Management Ordinance Text Amendment to Section 5.14.4 Pertaining to Signs Exempt from Regulation.</p> <p>This resolution(s) and/or ordinance(s) was adopted and/or enacted.</p>	[20-0577]
15.	<p>Call a Public Hearing for October 7, 2020 to Consider a Request to Close a Portion of an Unmaintained and Unimproved Public Right-of-Way of Monroe Street.</p> <p>This resolution(s) and/or ordinance(s) was adopted and/or enacted.</p>	[20-0578]
16.	<p>Adopt a Revised Meeting Schedule to Hold Meetings in a Virtual Environment through October 31, 2020 or Until the Orange County Stay At Home Order is Lifted.</p> <p>This resolution(s) and/or ordinance(s) was adopted and/or enacted.</p>	[20-0579]
17.	<p>Adopt Minutes from January 8, and 22, 2020 and February 12, and 19, 2020 Meetings.</p>	[20-0580]

Town Council	Meeting Minutes - Draft	September 9, 2020
	<p>This resolution(s) and/or ordinance(s) was adopted and/or enacted.</p> <p>INFORMATION</p>	
18.	<p>Receive Upcoming Public Hearing Items and Petition Status List.</p> <p>This item was received as presented.</p> <p>DISCUSSION</p>	[20-0581]
19.	<p>Update on Town Efforts to Respond to the COVID-19 Crisis. (no attachment)</p> <p>Emergency Management Coordinator Kelly Drayton gave a PowerPoint update on the Town's COVID-19 response. She said that Phase 2.5 of a Safer at Home Plan had gone into effect statewide and explained the changes included in that plan, which would last until October 2, 2020. Orange County's order differed from the state in that it would continue to limit crowd size to 10 indoors and 25 outdoors, she said.</p> <p>Ms. Drayton said that Orange County was continuing to administer Emergency Housing Assistance Program funds on behalf of the Town. As of August 20, more than \$368,000 had been used to assist 230 Town residents, and the County had reported a steady decrease in evictions since June, she said. She reported that the Town had distributed more than 20,000 face masks thus far.</p> <p>Ms. Drayton said that a USDA extension of eligibility waivers was allowing students up to 18 years of age to be served, so the Town's Food for Students initiative would continue. She pointed out that staff had been hosting a weekly food drive at the Eubanks Park and Ride and had served an average of 270 households each week over the summer.</p> <p>Ms. Drayton said that Scholastic Support Centers, a new program partnership between the Town, Chapel Hill-Carrboro YMCA, and the Chapel Hill-Carrboro City Schools, would offer academic support and childcare at the Community Center on Estes Drive and at the Hargraves Center.</p> <p>Ms. Drayton noted that a new collaboration of county, state and local partners would offer free COVID-19 testing on Wednesdays from 10:00 am to 2:00 p.m. at 725 Martin Luther King Jr. Boulevard. She provided information about a University of North Carolina at Chapel Hill (UNC-CH) plan to revert to online education and said that UNC-CH and Town staff had been meeting weekly.</p> <p>Ms. Drayton said that residents could report minor violations, such as an</p>	[20-0582]

individual not wearing a face covering, or a small group not following physical distancing rules, through the Chapel Hill Police Department's non-emergency line. More serious violations, such as large gatherings, should be directed to 911 for an immediate response, she said.

The Council discussed safety procedures and protocols with the Town Manager, who offered to provide a comprehensive list. They confirmed that staff had been working closely with regional partners on a campaign to promote flu shots.

Mayor Hemminger suggested clarifying some language in the Town's state of emergency order. She also noted that Orange County's COVID-19 dashboard was linked to UNC-CH's.

This item was received as presented.

20. Consider a Structure for the Task Force on Developing New Community Approaches to Improve Racial Equity and Safety. [\[20-0583\]](#)

Town Manager Maurice Jones recommended that the Council consider a structure, composition and general charge for a 13-member Re-imagining Community Safety Task Force. Additionally, he recommended that the Council form a subcommittee to refine the Task Force's charge prior to its first meeting.

Mr. Jones discussed a resolution that the Council had passed on June 24, 2020 regarding a plan to enhance racial equity and community safety in Town and to create a task force to lead that effort. He presented a proposed charge for Council consideration, which he said had been revised to include more specific language that Mayor pro tem Parker had recommended. Mr. Jones proposed a timeline that included a September 24th deadline for Task Force applications and an October 7th date for the subcommittee's recommendations to Council.

Chapel Hill Police Chief Chris Blue noted that the Council's June resolution had included several changes to Police Department (PD) policies related to use of deadly force, choke holds, and the duty to intervene if a fellow employee violated PD policy. The Council had requested that PD policies include clear accountability for officers who violate those rules, he said. Chief Blue said that the Council's resolution had also ended the use of regulatory traffic stops for low-level, non-moving violations.

Chief Blue said that the PD had made the recommended changes and distributed them to employees. He pointed out that the PD's policies had already been aligned with those in a national Eight Can't Wait campaign, but said that recent policy updates had made those alignments clearer.

Chief Blue noted that the Council's resolution had requested that the

Town Manager collect information and data that would help inform community discussions and provide more transparency and accountability. That information had been put on the Town's website, he said, adding that the website was evolving and that he welcomed feedback.

Executive Director of Community and Housing Loryn Clark gave a general overview of a plan to work with community partners and faith-based organizations to hold facilitated listening sessions and information gathering events in the community. She described an approach and tools that the Task Force would use and outlined a process for developing racial equity strategies.

Mr. Jones said that a request for proposals from consultants would be posted within a week with the goal of having a response before the Task Force began its work. He recommended that the Council approve revised Resolution 15, which would create the task force.

Mayor Hemminger said that all Council Members had expressed interest in being part of the process; therefore, there would be two subcommittees: one to work on the Task Force's charge, and the other to review applicants, she said.

Council Member Stegman asked why a ban on the use of choke holds that had been included in the Council's resolution had not been specifically stated in the revised PD policy manual.

Chief Blue replied that the way it was written was consistent with what other towns across the country had stated to ensure that choke holds would not be a matter of normal arrest-making techniques. That would not completely eliminate what an officer might need to use to protect him/herself in a deadly situation, he said.

Council Members pointed out that their interest had been to completely ban choke holds. They said that many cities across the country had done so and pointed out that a change regarding regulatory stops had been made despite how some communities had not banned those. The Council asked for more information about the PD's reasoning. They expressed concern about the item coming back without any questions being raised. It was inappropriate for staff to unilaterally change something that the Council had extensively debated, Mayor pro tem Parker said.

Council Member Huynh suggested posting the PD's quarterly report on the data site, and Council Member Anderson asked the Manager to look into having the facilitator provide input on the final charge and timeline.

Miriam Thompson, a Chapel Hill resident and community activist, commended the Council for the effort and said she supported the charge

to the Manager to integrate racial equity and public safety into every aspect of Town operations. She recommended that the Task Force have the broadest, deepest and most diverse participation possible. Ms. Thompson stressed the importance of recruiting people of color, immigrants, young people, those of low wealth, and others.

Paris Miller, vice chair of the Chapel Hill Community Policing Advisory Committee (CPAC), stressed the importance of including CPAC on the front end of all conversations regarding law enforcement and community safety resolutions. CPAC wanted to play a key role in those discussions, she said.

James Williams, Orange Bias-Free Policing Coalition chair, asked to be informed about any opportunity for his Coalition to provide assistance. A number of people on the Coalition had expertise related to policing and equity, he said.

Anna Richards, Chapel Hill-Carrboro NAACP president, said she concurred with having the consultant look at the charge. She recommended finding a way to measure implementation and progress along the way and expressed concern about the tight closing date for Task Force applications.

The Mayor and Council discussed extending the application deadline and talked with Mr. Jones about a possible order and timing of the process. Mr. Jones said that the Task Force probably would not begin its work until the week of October 12th at the earliest. He raised the idea of getting feedback from the Government Alliance on Race and Equity (GARE) on the charge and on providing that to the consultant for review.

Council Member Ryan proposed changing "prioritizing appointment by those who represent impacted communities" to "taking care to ensure broad participation by those who represent..." in a paragraph regarding prioritizing.

Some Council Members suggested naming additional groups that should be included on the Task Force, but others thought that would become too complicated. The Council finally agreed, stating "ensuring broad participation" would be sufficient.

The Council agreed to a 13-member Task Force with two alternates. Mayor Hemminger proposed two subcommittees: Council Members Buansi, Parker, Ryan and Stegman would work on the charge; Council Members Huynh, Gu and Anderson would interview applicants. She proposed designating the two liaisons when the Council appointed the Task Force.

A motion was made by Council Member Anderson, seconded by Mayor pro tem Parker, that R-15 be adopted as amended. The motion carried by a

unanimous vote.

21. Open a Public Hearing and Consider Authorizing an Economic Development Agreement for the East Rosemary Downtown Deck & Redevelopment Project. [\[20-0399\]](#)

Agenda items 21 and 22 will be considered together.

Mr. Jones provided background information on an economic development agreement (EDA) and possible property exchange between the Town and Grubb Properties to support a parking deck and redevelopment project on East Rosemary Street. The proposed project included having the Town build a 1,100-space parking garage and Grubb Properties building a 200,000 square-foot office building with wet labs, he said.

Mr. Jones described the proposed plan to exchange the Town-owned Wallace Deck and land for properties at 125 and 135 East Rosemary Street and to build a new parking deck at 135 East Rosemary Street. Grubb Properties would construct a new office building/wet lab that had a projected value of \$80 million, he said.

Mr. Jones showed aerial views of the area and renderings of proposed buildings. He discussed streetscape and parking improvements and pointed out that the plan included new green space and a pocket park. The project would align with Town goals of attracting and retaining companies that create jobs and would make Downtown a destination, he said. Mr. Jones said that public comment could be received for the next 24 hours and that the item would return to the Council for a vote on September 30, 2020.

Economic Development Officer Dwight Bassett provided additional views and drawings of the site and discussed public input since December 2019.

Attorney Bob Jessup, of Sanford Holshouser LLP, gave an overview of the EDA, which followed a structure that had been laid out in an April 2020 memo of understanding. The EDA accomplished the Council's goals and the Council understood the risks and benefits, he said. He outlined the terms of the agreement and said he hoped the project would be beginning in early 2021. He discussed the advantages for both parties, and noted the Town's limited right to repurchase if construction did not proceed in a timely manner. Only a few, very narrow areas of disagreement remained, Mr. Jessup said.

Business Management Director Amy Oland explained that design, construction, and land swap would total \$32.9 million, which the Town would borrow over a 20-year term. She reviewed financing and cash flow projections for that period and explained the staff's assumption that Parking Fund revenues would sufficiently cover debt payments.

Ms. Oland said that it would take five years for the Town to generate positive cash flow. However, if the Town used the \$2.4 million that UNC would pay upfront for its 100 parking spaces, it would see positive cash flows in year two, she said. She pointed out that the Town had recently increased its downtown parking rates. Twenty-year projections showed a \$24.9 million positive cash flow, if occupancy rates remain consistent, she said.

Mr. Bassett pointed out that the Town would also ultimately gain 250 new spaces (not including the 100 spaces reserved for UNC). The Town had also raised parking fees and was being more strategic on parking management, he said. He outlined a schedule leading up to the Council's September 30, 2020 vote. After that, the Council would consider authorization of the debt for the parking deck, he said.

Mr. Bassett projected deck construction beginning in April or May 2021. He recommended that the Council open the public hearing, consider authorizing the EDA, close the public hearing, and allow a 24-hour comment period and then consider swapping 150 East Rosemary Street for 125 and 135 East Rosemary Street on September 30th.

Mayor pro tem Parker requested a provision stating that the Town would not be obligated to build the deck if the guaranteed maximum price came in over a certain amount. He also questioned a provision in the EDA that exempted Grubb Properties from the agreement if it did not get an entitlement for the office building by the end of November 2021 but requires the Town to wait two to three years for a reversion provision to kick in. If Grubb Properties decided not to proceed, then the Town should not have to let the project sit there, he argued.

After some discussion among the parties, Mr. Bassett said that an "out" provision regarding the guaranteed maximum price would be included in the final EDA draft that the Council would see on September 30th. Grubb Properties also agreed to address the reversion concern.

Council Member Gu asked questions about the length of time for public comment, ongoing negotiations over property acquisition, and third party appraisals of four lots included in the land exchange. She confirmed with Mr. Jessup that the Town would pay \$30,000 per month to lease the Wallace Deck during the construction period and with Ms. Oland that the Town would continue to pay for the Wallace Deck until 2024.

Mayor Hemminger pointed out that the Town would generate about \$1 million a year in revenues from the Wallace Deck, but Council Member Gu replied that she had seen that 2016 revenues had been \$500,000 and less than that in 2017. She asked about the terms of UNC's commitment, and Mr. Bassett said final comments from UNC were expected soon. The current terms were that UNC would pay the Town's net cost of constructing 100 spaces, roughly \$2.9 million and would contribute to

annual maintenance of the deck, he said.

Council Member Gu asked about options if Grubb Properties could not proceed, and Mr. Jessup explained the circumstances under which the Town would have the right to buy the property back. If the building were not built, the Town would have consolidated and expanded downtown parking, opened up a parcel for development, and facilitated redevelopment, he said. Mr. Jessup said there would be no direct financial risk to the Town as long as it was satisfied with its projections for operations of the parking deck.

Council Member Gu and Mayor Hemminger discussed the basis for revenue projections, with Council Member Gu raising concern based on past revenues and Mayor Hemminger noting changes that should increase revenues in the future. Council Member Gu said that she had not seen any analysis that had convinced her that the project was feasible.

Julie McClintock, representing Chapel Hill Alliance for a Livable Town (CHALT), said that CHALT members were enthusiastic about the project but thought there was insufficient documentation to show that the Town would not be left with a \$30,000 white elephant if Grubb Properties decided to not construct the office building. She urged the Council to refrain from voting to incur considerable financial risk until the EDA stated that Grubb agreed to construct the building. Ms. McClintock recommended that the Town hire a knowledgeable real estate attorney with construction contract experience to view the agreement before moving forward with it.

Matt Gladdek, Downtown Partnership director, said that downtown businesses were grateful for the Council's continued effort to move the project forward.

Donna Bell, a Chapel Hill resident, requested that conversations regarding the new parking infrastructure include bike and pedestrian mobility.

Mayor Hemminger said that the Town had an opportunity to get a new commercial building that would bring jobs and opportunities. She said that Chapel Hill had been losing research and technology companies because it had no places to put them. She expressed confidence that the new deck would pay for itself and stressed the importance of being ready to rebound when the COVID-19 pandemic was over.

Council Member Gu repeated her desire to see a more objective analysis from a third party before moving to the next step. She had concerns about the viability of the project and did not want to put the Town in a difficult situation two or three years down the road, she said.

Mayor pro tem Parker and Council Member Ryan expressed agreement with

Mayor Hemminger's position. Mayor pro tem Parker said that safeties had been built into the project and Council Member Ryan said that the Council had looked at data and numbers and had much expert help with that. It was a risk for the Town, but it was a carefully-considered one that had a very big upside for the future, Council Member Ryan said.

A motion was made by Council Member Anderson, seconded by Council Member Huynh, to close the public hearing and receive comment for an additional 24-hours. The motion carried by the following vote:

Aye: 7 - Mayor Hemminger, Mayor pro tem Parker, Council Member Anderson, Council Member Buansi, Council Member Stegman, Council Member Huynh, and Council Member Ryan

Nay: 1 - Council Member Gu

22. Open a Public Hearing and Consider Exchanging 150 E. Rosemary for 125 and 135 E. Rosemary to Support the East Rosemary Redevelopment Project and Parking Deck. [\[20-0584\]](#)

This item was considered with item 21.

23. Charting Our Future - Update on Future Land Use Map (FLUM) Engagement & Consideration of Changes to the Proposed FLUM. [\[20-0585\]](#)

Land Use Management Ordinance (LUMO) Project Manager Alisa Duffy Rogers gave a PowerPoint presentation on the Charting Our Future project, which mapped Chapel Hill land use to the year 2049. She said that there had been approximately 84 opportunities for community members to learn about the project and that she had reported on it to the Council at least 20 times during the past 2.5 years.

Ms. Duffy Rogers reviewed elements of the Future Land Use Map, summarized feedback from Town boards and commissions, and described proposed changes to several focus area maps as well as the document's introduction. She reviewed next steps, which would lead to the Council considering adoption on October 28, 2020. Ms. Duffy Rogers recommended that the Council authorize the Town Manager to make the recommended changes.

Harvey Krasny, a Summerfield Crossing resident, said that the proposed land use map for the North 15-501 area had incorrectly stated the heights of structures in sub-area C and contradicted three previous versions. He said that six subdivisions, totaling 578 homeowners in that area, did not wish to be overtaken by mixed-use development, which would destroy

their investments and degrade their quality of life. He asked the Council to correct the map and return Summerfield Crossing and the adjacent 5-acre, undeveloped property to all residential homes or townhomes of two to three stories, as had been depicted in the 2019 draft map.

Michael Hoppa, a Chapel Hill resident, expressed concerns about the North 15-501 area becoming less appealing with higher density housing and mixed-use development dominating the corridor. He hoped that protecting and not encroaching upon existing neighborhoods would become an explicit part of the plan, he said.

Margo Ginsberg, an Erwin Village Community resident, expressed objections to increasing story heights and building more multi-family residential properties in an area that was mainly comprised of single-family homes and townhomes.

Weijin Wu, an Old Oxford Road resident, pointed out that the Council had unanimously voted against a proposal by Summit Properties to build a four-story apartment complex in the area less than two years prior. He said that the current FLUM seemed to totally disregard the consensus of the residents and Town Council. Mr. Wu asked that the five-acre undeveloped property west of Irwin Road be designated for residential homes or townhomes of two-story height only.

Council Member Ryan and Mayor Hemminger confirmed with Ms. Duffey Rogers that an additional meeting for the Council to look more closely at the recommended changes would be held prior to the close of the public hearing. Mayor Hemminger encouraged Council Members to meet with Ms. Rogers in the near future to go over any concerns and comments.

A motion was made by Council Member Anderson, seconded by Council Member Huynh, that R-18 be adopted. The motion carried by a unanimous vote.

24. Receive Wegmans Traffic Calming Report and Consider Authorizing Traffic Calming Improvements. [\[20-0586\]](#)

Senior Planner Judy Johnson gave a PowerPoint presentation on a traffic calming plan for Wegmans, which had been approved in October 2017 and was under construction. She said that Wegmans had been working hard to reach a community consensus regarding traffic impacts.

Ms. Johnson displayed a map showing an area at the intersection of Old Durham Road where Wegmans planned to divert traffic to reduce conflicts. She pointed out that the ordinance addressed "No Thru Truck Traffic" signs, stops signs, and electronic speed signs at two locations and crosswalks. The goal was to implement the traffic calming plan before the Certificate of Occupancy was issued in December 2020 or January 2021,

she said. She recommended that the Council adopt Resolution A and enact Ordinances A and B.

A motion was made by Mayor pro tem Parker, seconded by Council Member Huynh, that R-19 be adopted. The motion carried by a unanimous vote.

A motion was made by Mayor pro tem Parker, seconded by Council Member Stegman, that O-2 and O-3 be enacted. The motion carried by a unanimous vote.

SPECIAL USE PERMIT(S)

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.

25. Open the Public Hearing: Application for Special Use Permit - Christ Community Church, 141 Erwin Road (Project #19-119). [\[20-0587\]](#)

Planner Becky McDonnell presented a special use permit (SUP) application for Christ Community Church and gave an overview of the proposed 11,000 square-foot development on a 2.8-acres site at the corner of Old Oxford and Erwin Roads. She explained that stormwater controls would be under a 117-space parking lot, indicated two entrances, and said that the plan included new bike lane and sidewalks. The site was currently zoned Residential 2, she said, noting that places of worship were permitted uses in all residential districts.

Ms. McDonnell pointed out that the applicant had requested several modifications to regulations. These included allowing a shed to remain on the property and permitting an eight-foot fence to be part of the buffer. Another request pertained to sharing a buffer along the southern property line, she said.

Ms. McDonnell said that the applicant was requesting a 9.75-inch increase in the maximum building height to accommodate a portion of a planned cupola. In addition, the applicant had asked to extend the construction start and completion deadlines to five and eight years, respectively, she said. Ms. McDonnell said that all Town boards and commissions had recommended approval and recommending that the Council open the public hearing and continue it to October 7, 2020 for possible action.

Council Member Ryan asked about an agreement to discharge stormwater onto the adjacent southern property. Ms. McDonnell recommended discussing that with the applicant. Council Member Ryan asked Ms.

McDonnell to bring back information on whether or not that neighbor would be prevented from discharging the water farther downstream.

Council Member Stegman clarified the terms of the shared buffer agreement and confirmed with Ms. McDonnell that any subsequent developers would be bound by its requirements as well.

Developer Phil Post, speaking for the applicant, reviewed the site plan and provided details about the buffer agreement, land exchange, and plan to drain stormwater into Summit Properties' underground facility and ultimately into its pond. He said that the applicant had agreed to build a berm at the edge of the parking lot that would force water into a stormwater chamber. Ultimately, water detention would be about 15 percent greater than the Town required, said Mr. Post.

Mr. Post explained that an existing shed would be used for gardening tools. He said that the applicant had consolidated parking and reduced impervious surface by about 20 percent since the Council had last seen the plan. He pointed out that a traffic study had concluded that the project would have no impact on intersections and conformed to all R-3 zoning requirements.

Bo Harrison showed views of the building from four different directions and described its architecture and features. He explained that the leading edge of the cupola would be 9-3/4 inches above the allowable height and said that lowering it would change the building's character.

Christ Community Church Pastor Byron Peters spoke about the church's presence in the community and his enthusiasm for the project.

Council Member Ryan asked staff to check on what protections would be in place for when stormwater reached Summit Properties.

Council Member Gu confirmed with Mr. Post that extensive discussions with two neighbors had led to working out some issues. The applicant had also worked closely with Summit Hospitality to coordinate stormwater plans and implement agreements, Mr. Post said. He pointed out that the Town's Stormwater Advisory Board had unanimously approved Stipulation 7, regarding the stormwater plan.

Mr. Krasny expressed strong opposition to the development of a house of worship on land that had been zoned for low density residential development. He and 577 other homeowners had bought homes in the area with the full understanding and that it would remain residential, he said. He listed several adverse effects that the proposed structure and parking lot would have and said that the project would not enhance resale values of homes in the neighborhood.

Mr. Hoppa pointed out that there already were five churches within a square mile of the site. However, three of those churches were one-story buildings and the other two were set back from the residential areas, he said. He argued that Council approval of the SUP would set a precedent for allowing non-residential buildings and businesses to increasingly encroach.

Rebecca Smith, Windover Homeowners Association (HOA) president, Lindsey Garrison, and Margo Ginsberg, Erwin Village HOA vice president, each expressed concern about the church being granted an SUP for an area that was marked low density residential on the Town's land use map. They argued that the building would overwhelm neighboring houses, increase traffic at dangerous intersections and increase stormwater run-off. The proposed church would not meet the SUP requirement of maintaining or enhancing the value of contiguous property, they said. Scott Radway, representing Summit Hospitality, said that Summit had worked cooperatively for approximately 18 months to facilitate good stormwater management by accepting water from the church site. He said that the proposed land swap would keep more trees on both sites of the boundary. He said that the church would be a good addition to the community and pointed out that Summit Hospitality did not have any development application in process.

A motion was made by Mayor pro tem Parker, seconded by Council Member Stegman, that Council recess the public hearing to October 7, 2021. The motion carried by a unanimous vote. Council Member Anderson had been disconnected from the virtual meeting and was unable to vote.

Mayor Hemminger reminded all that the SUP process prevented Council Members from conversing with anyone about the item until October 7th.

26. Open the Public Hearing: Application for Special Use Permit
Minor Modification-Charterwood, 1701 Martin Luther King Jr.
Blvd.

[\[20-0588\]](#)

Planner Michael Sudol presented an SUP application for a minor modification that would extend the Charterwood SUP construction completion from June 25, 2020 to June 25, 2022. He showed an aerial view of the seven-building, mixed use development and indicated the uncompleted portion. He recommended that the Council open the public hearing, receive evidence, and continue the public hearing to October 7, 2020.

George Richley, president of Ballentine Associates, explained how high construction costs and the COVID-19 pandemic had caused State

Employees Credit Union (SECU) to delay its plans for that portion of Charterwood. However, if the Council granted an extension, SECU had authorized pre-renovation work on the Old Altemeuller House, which had been an important part of the 2012 SUP approval, he said.

The Council vote unanimously to close the public hearing, and Town Attorney Anderson pointed out that there would be a 24-hour public comment period on the item.

A motion was made by Mayor pro tem Parker, seconded by Council Member Stegman, that the Council close this Special Use Permit public hearing and receive comment for an additional 24-hours. The motion carried by a unanimous vote. Council Member Anderson did not vote on the item as she lost connection during the previous item.

ADJOURNMENT

The meeting was adjourned at 11:36 p.m.



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 Michael Parker
Council Member Jessica Anderson
Council Member Allen Buansi

Council Member Hongbin Gu
Council Member Tai Huynh
Council Member Amy Ryan
Council Member Karen Stegman

Wednesday, September 16, 2020 6:30 PM Virtual Meeting

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 Zoom webinar directly online or by phone.

Register for this webinar:

https://us02web.zoom.us/join/wn_ogt2ynl_qjgahT6b5gDSwQ After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 833 8110 5144

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

Roll Call

Present: 8 - Mayor Pam Hemminger, Mayor pro tem Michael Parker, Council Member Jessica Anderson, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Karen Stegman, Council Member Tai Huynh, and Council Member Amy Ryan

Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Florentine Miller, Town Attorney Ann Anderson, Interim Planning Director Judy Johnson, Emergency Management Coordinator Kelly Drayton, Fire Chief Vencelin Harris, Police Chief/Community Safety Executive Director Chris Blue, Senior Planner Adam Nicholson, Principal Planner Corey Liles, LUMO Project Manager Alisa Duffey Rogers, Interim Zoning Enforcement Manager Gene Poveromo, Housing Director Faith Brodie, Housing and Community Executive Director Loryn Clark, Executive Director for Technology and CIO Scott Clark, Communications and Public Affairs Director/Town Clerk Sabrina Oliver, and Deputy Town Clerk Amy Harvey.

OPENING

Town Council

Meeting Minutes - Draft

September 16, 2020

Mayor Hemminger opened the meeting at 6:30 p.m. and reviewed the agenda. She called the roll, and all Council Members replied that they were present.

ANNOUNCEMENTS BY COUNCIL MEMBERS

0.01 Proclamation: Constitution Week. [\[20-0627\]](#)

Council Member Huynh read a proclamation for Constitution Week September 17-23, 2020. It said that the U.S. Constitution stood as a testament to the tenacity of Americans throughout history to maintain their liberties, freedoms, and inalienable rights. The proclamation pointed out that some members of the U.S. still lacked equal protection under the law due to systemic and institutional racism.

0.02 Proclamation: Diaper Need Awareness Week. [\[20-0628\]](#)

Council Member Anderson described how some families struggle to afford adequate supplies of diapers. She read a proclamation that designated September 21-27, 2020 as Diaper Needs Awareness Week and encouraged all to thank and support the Diaper Bank of North Carolina for its work.

0.03 Mayor Hemminger Regarding Advisory Board Virtual Meetings. [\[20-0629\]](#)

Mayor Hemminger pointed out that Town advisory boards had been continuing to meet virtually during the COVID-19 pandemic. The public was always welcome to attend those meetings, she said, adding that information on how to do so was on the Town's website.

0.04 Mayor Hemminger Regarding Carolina North Development Agreement Meeting. [\[20-0630\]](#)

Mayor Hemminger said that information regarding a virtual meeting on the Carolina North Development Agreement was available on the Town's website.

0.05 Mayor Hemminger Regarding Meeting with Staff and UNC Leaders about COVID-related Issues. [\[20-0631\]](#)

Mayor Hemminger said that she, the Town Manager, and Chapel Hill Police Chief Chris Blue had recently met with the University of North Carolina at Chapel Hill (UNC) to talk about issues related to COVID-19, student behavior, and upcoming Halloween celebrations. She said that UNC hoped to make a final decision about its spring semester by November 1, 2020.

0.06 Mayor Hemminger Regarding Orange County Recovery Visioning Meetings. [\[20-0632\]](#)

Mayor Hemminger said that Orange County Recovery visioning meetings related to human services were scheduled for the next day. She urged

residents to check the Town website for information.

AGENDA ITEMS

1. Update on Town Efforts to Respond to the COVID-19 Crisis. (no attachment) [\[20-0606\]](#)

Emergency Management Coordinator Kelly Drayton gave an update on the Town's COVID-19 response and long-term recovery efforts. She said that an impact assessment survey would be finalized later in the month and then used as part of recovery strategies. Staff would provide additional information on the long-term process at the Council's September 30, 2019 meeting, she said. She noted that a draft long-term recovery plan would be available for public review in early November.

Ms. Drayton said that the Orange County Health Department would work with state and local partners to offer free COVID-19 testing from 10:00 a.m. to 2:00 p.m. on Wednesdays at 725 Martin Luther King Jr. Boulevard. Additional information could be found at Orange County's website, she said.

Ms. Drayton pointed out that September was National Preparedness Month and that the current theme was "Disasters Don't Wait, Make Your Plan Today". Information was available at ready.gov in September, she said. She urged all who were able to do so to get an annual flu shot and stressed the importance of wearing a mask, washing hands, and waiting a safe distance away from others in order to avoid contracting COVID-19.

This matter was received and filed.

2. Continued Discussion of Chapter 160D Updates to Land Use Management Ordinance and Town Code of Ordinances. [\[20-0607\]](#)

Land Use Management Ordinance (LUMO) Project Manager Alisa Duffy Rogers provided background on 2019 state legislation that had led to Session Law 2019-111 (Land Use Law 160D). She said that the LUMO and other Town regulations would need to be brought into alignment with 160D by July 1, 2021 and that Conditional Use District Zoning (CUDZ) would not be allowed after that date.

Ms. Duffy Rogers explained that state legislators viewed CUDZ as problematic because it combined the legislative action of rezoning with the quasi-judicial special use permit (SUP) process. Under 160D, all CUDZ districts would need to become CZ districts by December 31, 2020, she said. She outlined how the change would affect projects currently in process and pointed out that CUDZ areas, Residential 3-C and Residential 4-C, lacked parallel CZ districts.

Ms. Duffy Rogers asked the Council to decide whether to create parallel CZ districts in areas Residential 3-C and 4-C only, or create CZ districts for all existing CUDZ districts. Either choice would bring the Town into conformance with 160D by the end of the year, she said.

The Mayor and Council agreed by consensus to convert all districts to CZ and create a Residential Special Standards Commission Zoning District and a Mixed-Use Village Conditional Zoning District. They said that CZ was a good tool for having the kind of oversight the Town wanted. They stressed the importance of communicating to the public that the change would not remove the Town's legislative prerogatives.

Council Members confirmed with Ms. Duffy Rogers that any conditions existing under an SUP would automatically convert to CZ conditions on December 31, 2020 and that the Town would not have to notify landowners or property owners of that change. She noted that conversion would include making a LUMO text change in a public process.

Principal Planner Corey Liles said that the Town would still be able to do SUPs for some special uses such as drive-thrus and gas stations that need case-by-case reviews due to their potential impacts on surrounding areas. Exceptions would include projects exceeding 20,000 square feet of building space and/or 40,000 square feet of land disturbance, he said.

Mr. Liles explained that 160D would change the SUP review process by disallowing advisory board recommendations as a basis for Council decisions. He said that Town boards could continue reviewing SUPs, but their recommendations would not be sent to the Council during SUP hearings.

Mr. Liles said that the Council could either amend the LUMO or completely discontinue advisory board review. He pointed out that boards would be allowed to continue making recommendations to the Council during a CZ process, however, and that the Council would be conducting more of those due to its decision to convert.

Council Member Anderson inquired about the reasons for the change, and Mr. Liles said that receiving outside information during a quasi-judicial SUP process could create uncertainty about how the decision was made. The Mayor and Council verified with him that board chairs could not provide an opinion and that boards would no longer be allowed to comment on rezonings unless those were fully separate from SUPs.

Mayor pro tem Parker said that the long-term goal should be to phase SUPs out while building what is important about them into the CZ process. Council Member Stegman agreed and said that CZs were more effective, led to better outcomes, and allowed for the community input that

everyone wanted.

Council Member Buansi stressed the importance of educating advisory boards on their changed role, and Council Member Ryan commented on the usefulness of board recommendations. She wondered if there would be a correct and legal way for those opinions to still work their way into the process, perhaps through staff, she said.

Council Member Gu asked if board members could provide expert testimony at hearings, and Mr. Liles characterized that as an interesting consideration that staff could delve into. Mayor Hemminger said, in summary, that Council Members wanted to stick with CZ as much as possible but still wanted information from advisory boards communicated to them in some manner that was legal.

Mr. Liles said that 160D included a new option in which appeals of Historic District Commission (HDC) decisions on Certificates of Appropriateness would bypass the Board of Adjustment (BOA) and go directly to the NC Superior Court. He said that the Council could amend the LUMO accordingly but that staff had found many reasons to not do that and just maintain the status quo.

Council Member Anderson argued for keeping things as they were, stating that she was not aware of any tensions between the HDC and the BOA. Council Members agreed by consensus to leave things as they were, but Mayor Hemminger asked for feedback on what BOA members thought about the idea.

Mr. Liles said that the text amendment would come back to Council for adoption before the July 1, 2021 deadline and that next steps would include a work session on definition changes in October 2020. Staff would report back with any new information, he said.

This matter was received and filed.

3. Discuss the Concept Plan Review Process.

[\[20-0608\]](#)

Planner Adam Nicholson gave a PowerPoint update on information staff had gathered regarding the concept plan review (CPR) process. He said that it took an average of 320 days from submission to when Council reviewed a concept plan and that applicants had expressed concern about the complexity of the process and the amount of time and resources it required. Chapel Hill's CPR process was different from other jurisdictions, most of which had staff review concept plans, he pointed out.

Mr. Nicholson presented ideas that included having a preliminary staff review by a technical team, an urban design team, and/or a long-range planning team. Additional reviews could include the Planning Commission

and/or other boards, which might work together or individually, he said. He said that quarterly reports could then be provided to the Council regarding individual concept plan applications.

Council Member Anderson pointed out that the Community Design Commission had petitioned the staff report. Mayor Hemminger said that staff had been specifically asked at a Council Committee on Economic Sustainability (CCES) meeting in June to obtain feedback from the CDC.

Mr. Nicholson replied that staff could certainly follow up and get that feedback. He asked Council Members to describe their goals for CPR and to state whether they thought there should be evaluation criteria. He began to propose a potential pilot review process, but Mayor pro tem Parker said that the presentation seemed to be laying out changes without knowing what the goals were or if current goals were being met. That seemed backwards because it was starting with a solution and working back to the problem, he said.

Mr. Nicholson replied that he was trying to make the Council aware of the conversations staff had been having and to get Council feedback on what the goals for CPR should be.

In response to a question from Council Member Buansi about how and why the CPR process had begun, Mr. Nicholson explained that a group of designers in the 1990s had proposed that the CDC review a "back of napkin sketch" to help determine whether or not a proposed project would be feasible, viable, and successful.

Council Member Ryan said that she thought the original goal had been to give applicants a "toe the waters" sense of how a project might be received before doing all of the work that goes into a formal submission. It was designed to be a simple process that would give an idea of whether spending money to develop the project would be worth doing, she said.

Council Members said it would be especially useful to have comments on concept plans from Urban Designer Brian Petersen during CPR process. They agreed that it was important for them to determine goals. Council Member Anderson said that a joint board meeting probably would not be well-attended and would hamper board-specific conversations. Council Member Ryan spoke in favor of having the Stormwater Advisory Board look at concept plans to determine if there would be issues.

Council Members thought it would be worth exploring and having the Planning Commission review projects, if its members chose to be involved. They said that the CDC could provide information about how a project fit into a small area plan. Council Member Huynh proposed exploring the potential for more joint board meetings, and Mayor Hemminger suggested

that CDC or PC forum might include ways to engage other boards and the public.

The Mayor and Council expressed support for some, high level, staff involvement, and they agreed that existing Town traffic data should be available during the CPR process. They spoke in favor of an early and strong staff review of the design, of what the project would offer the Town, and of how the concept fit into the Town's long-range plans.

The Council discussed providing a check list that developers could answer to show they understood Town plans and strategies before presenting their concept plan. They agreed that the goal of a CPR was to determine whether a project was the right type of use for the location and if it comported with the goals for that part of Town. A standardized list of questions and some staff involvement would help guide that, they said.

Mayor Hemminger proposed that the Council consider moving CPRs to Council work sessions in order to avoid hearing them late at night at the end of regular meetings.

This matter was received and filed.

4. Receive an Update on Public Housing Activities.

[\[20-0609\]](#)

Public Housing Director Faith Brodie gave a PowerPoint presentation on the Town's "scattered site" public housing model, which included 336 apartments. She said that the model avoided having housing developments with large concentrations of low-income families. She described improvements that had been made prior to March 2020 and the start of the COVID-19 pandemic.

Ms. Brodie said that COVID-19 had brought significant changes for staff and residents and that a decrease in resident income had led to decreases in rental payments and an increase in weekly food distribution. As of September 15, 2020, approximately 46 percent of households had not paid rent and staff's focus had shifted from restoration and maintenance to keeping staff and residents informed and safe, she said.

Ms. Brodie noted that the Town had a contract with the U.S. Department of Housing and Urban Development (HUD) regarding its largest public housing neighborhoods: South Estes, Craig Gomains, and Trinity Court. She explained that a HUD management assessment had designated the Town as "troubled" in November 2019 because 40 units at Trinity Court had been empty since March 2018. Those units had been empty for safety reasons and the Town would not have received the troubled status if they had been demolished, she pointed out.

Ms. Brodie said that HUD had created a recovery agreement with the Town

that included performance targets and strategies and that staff had been working to meet and exceed those. She pointed out that demolition of Trinity Court would remove those 40 unoccupied units and lead to a better assessment from HUD. She said that staff would begin bringing quarterly reports to the Council and would present a report covering the first two quarters on February 2, 2021.

The Council said that closing Trinity Court was the right choice and they confirmed with Ms. Brodie that HUD was pleased with the steps the Town was taking to move out of its troubled status. Council Member Buansi confirmed with her that the factors that had contributed to the troubled status had been remedied and that the Town had been granted an extension for residents to complete a training program. He also confirmed with her that staff typically conducted at least three surveys a year to determine what residents want.

Council Member Gu asked for the community survey response rate, and Ms. Brodie agreed to provide that. Council Member Gu also asked about the possibility of safely doing face-to-face surveys, and Ms. Brodie replied that residents would be unlikely to want that. Council Member Gu said that extra phone calls might be necessary to determine changes in employment status and other concerns.

Council Member Gu ascertained from Ms. Brodie that staff had not notified HUD about Trinity Court earlier than they did because they had been told to wait and see what the Town's Rental Assistance Demonstration (RAD) application would look like before starting demolition. In response to a comment by Council Member Gu, Ms. Brodie said that she did not believe that the community's confidence in her department had been undermined.

The Council confirmed with Ms. Brodie that hiring a maintenance supervisor and an additional contractor had facilitated the building rehabilitation process. The Council asked about recruiting residents for an advisory council, and Ms. Brodie explained that the deterrents included time, dedication to serve, and a commitment to the entire public housing portfolio rather than just one's own neighborhood.

Council Members discussed how residents were more willing to share concerns with peers than with staff and they confirmed with Ms. Brodie that a Residents Advisory Board had only three members out of 12 communities. Council Member Stegman raised the possibility of providing stipends and confirmed with staff that grant funds that had been used in the past were available.

This matter was received and filed.

5. Future Items for Discussion. (no attachment)

[\[20-0610\]](#)

Susanna Dancy, a CCES member, thanked the Council for its meaningful discussion regarding the CPR process (Item 3). She thought the Community Design Commission (CDC) would endorse the idea of checklists for developers and a standardization of submission materials, she said. She said that the goal of the CDC petition had been to make the process more productive and relevant.

Ms. Dancy noted that two additional options for reworking CPRs had not been included in the staff presentation: 1) keep the review with the CDC, Housing Advisory Board, and Council, but change what goes into it; and 2) improve the application, checklist and materials, but have a Planning Commissions/CDC joint meeting to review those together.

REQUEST FOR CLOSED SESSION TO DISCUSS ECONOMIC DEVELOPMENT, PROPERTY ACQUISITION, PERSONNEL, AND/OR LITIGATION MATTERS

A motion was made by Mayor pro tem Parker, seconded by Council Member Anderson, that Council enter Into closed session as authorized by General Statute Section 143-318.11(a)(3) to discuss, give instructions, and preserve attorney-client privilege regarding litigation brought by Chandler's Green, Ltd. against the Town of Chapel Hill, Habitat for Humanity of Orange County, NC, Inc., and Ballentine Associates, P.A. At the conclusion of the closed session, the Council will adopt a single motion to end the closed session and adjourn the meeting without taking further action.. The motion carried by a unanimous vote.

ADJOURNMENT

The meeting was recessed at 9:06 p.m., the Council went into closed session and the meeting adjourned at the end of the closed session.



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 Michael Parker
Council Member Jessica Anderson
Council Member Allen Buansi

Council Member Hongbin Gu
Council Member Tai Huynh
Council Member Amy Ryan
Council Member Karen Stegman

Wednesday, October 7, 2020 **7:00 PM** **Virtual Meeting**

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 Zoom webinar directly online or by phone.

Register for this webinar:

https://us02web.zoom.us/webinar/register/WN_BfGkHbGoTjOGa-yY9P4jg After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 861 4979 1964

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

Roll Call

Present: 8 - Mayor Pam Hemminger, Mayor pro tem Michael Parker, Council Member Jessica Anderson, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Karen Stegman, Council Member Tai Huynh, and Council Member Amy Ryan

Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Florentine Miller, Town Attorney Ann Anderson, Parks and Recreation Director Phil Fleischmann, Public Works Director Lance Norris, Affordable Housing Manager Nate Broman-Fulks, Fire Chief Vencelin Harris, Emergency Management Coordinator Kelly Drayton, Planner II Becky McDonnell, Planner II Michael Sudol, Housing and Community Executive Director Loryn Clark, Senior Planner Jake Lowman, Police Chief and Executive Director for Community Safety Chris Blue, Assistant Town Manager Mary Jane Nirdlinger, Housing and Community Assistant Director Sarah Vinas, Manager of Engineering and Infrastructure Chris Roberts, Interim Planning Director Judy Johnson, Executive Director for Technology and CIO Scott Clark, Communications and Public Affairs Director/Town Clerk Sabrina Oliver, and Deputy Town Clerk Amy Harvey.

OPENING

Mayor Hemminger opened the virtual meeting at 7:00 p.m. and reviewed the agenda. She called the roll, and all Council Members replied that they were present.

ANNOUNCEMENTS BY COUNCIL MEMBERS

0.01 Proclamation: Skip Single Use Plastics Month. [\[20-0694\]](#)

Mayor Hemminger encouraged all residents to request "no utensils" when ordering take-out meals. She said that the Town had been encouraging businesses to reduce single-use plastics since October 2018.

0.02 Mayor Hemminger Regarding Public Information Meeting for West Rosemary Street Hotel. [\[20-0695\]](#)

Mayor Hemminger announced a public information meeting regarding a proposed hotel on West Rosemary Street. The meeting would be held virtually on Oct 15, 2020, from 5:15 to 6:00 p.m., she said.

0.03 Mayor Hemminger Regarding Upcoming Advisory Board Meetings. [\[20-0696\]](#)

Mayor Hemminger pointed out that the Library Board, Community Policing Advisory Committee, Historic District Commission, Environmental Stewardship Advisory Board, and Justice in Action Committee were all scheduled to meet the following week. Specifics were on the Town website, she said.

0.04 Mayor Hemminger Regarding Fall Safety during COVID. [\[20-0697\]](#)

Mayor Hemminger encouraged residents to observe the 3Ws (Wear a mask, Wash your hands, Wait a safe distance apart) when participating in fall activities during the current COVID-19 pandemic. She noted that state and county websites had posted guidance for creative ways to celebrate Halloween and that the Town's Parks and Recreation Department was holding 31 days of safe activities throughout October. She stressed the importance of wearing the right kind of mask and urged everyone to also get flu shots as well.

0.05 Council Member Ryan Regarding Election Deadlines. [\[20-0698\]](#)

Council Member Ryan encouraged all citizens to get out and vote in the upcoming national election. She reviewed voting information and stressed the importance of wearing a mask. Safety protocols would be in place at polling places, she said.

0.06 Council Member Anderson Regarding 2020 Census. [\[20-0699\]](#)

Council Member Anderson pointed out that the time for responding to the 2020 Census was running out. She said that people could fill out those forms online or by phone and that related information was available at my2020census.gov.

Mayor Hemminger commented that only about 70 percent of Chapel Hill's residents had responded to the Census. She explained that those numbers would affect how much federal funding the Town received over the next 10 years. Students who were living in Town on April 1, 2020 should also be counted, even if Chapel Hill was not their primary residences, she said.

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

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

0.07 Julie McClintock Request Regarding Rescheduling October 26 Information Session on Aura Project to Mid-November. [\[20-0700\]](#)

Julie McClintock, a Chapel Hill resident, presented a petition from herself and three others that requested an October 26th public information session on the Aura Project be rescheduled to mid-November. She provided several reasons for the request and said that rescheduling would allow staff more time to inform a larger audience about possible changes on Estes Drive.

Town Manager Maurice Jones replied that staff had already begun the process of rescheduling that meeting to after the national election.

0.08 Celeste Clamage Comments Regarding Budget. [\[20-0701\]](#)

Celeste Clamage, a Chapel Hill resident, inquired about the Town's plans to follow through on the Mayor's June 24, 2020 commitment to address the Chapel Hill Police Department's budget in the fall. She recommended that the item be put on a near future agenda and that the public be allowed to provide input.

Mayor Hemminger replied that a task force would begin meeting soon and

that the Council would be sharing related information.

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 Parker, seconded by Council Member Huynh, that R-1 be adopted, which approved the Consent Agenda. The motion carried by a unanimous vote.

1. Approve all Consent Agenda Items. [\[20-0663\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
2. Temporarily Suspend Certain Ordinances and Authorize the Town Manager to Continue Temporary Measures to Aid Retail and Restaurant Use during the COVID-19 Pandemic State of Emergency. [\[20-0664\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
3. Approve an Affordable Housing Funding Request from the Compass Center. [\[20-0665\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
4. Call a Public Hearing for November 4, 2020 to Consider Annexing Property at 7000 Millhouse Road. [\[20-0666\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
5. Call a Public Hearing on November 4, 2020 for Land Use Management Ordinance Text Amendment to Section 5.9.2 Pertaining to Methods to Providing Required Parking and Loading. [\[20-0667\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.

INFORMATION

6. Receive Upcoming Public Hearing Items and Petition Status List. [\[20-0668\]](#)
This item was received as presented.
7. Receive Annual Compliance Reports for July 1, 2019 - June 30, [\[20-0669\]](#)

2020 for the Carolina North, Glen Lennox, and Obey Creek Development Agreements.

This item was received as presented.

DISCUSSION

8. Update on Town Efforts to Respond to the COVID 19 Crisis. (no attachment) [\[20-0670\]](#)

Emergency Management Coordinator Kelly Drayton gave an update on the Town's COVID-19 pandemic response. She discussed a new "Slow COVID NC" app for tracing the virus and noted cancellations of some Town-sponsored festivals and special events. She said that Orange County had posted a list of high, medium and low risk activities for Halloween through fall.

Ms. Drayton mentioned the launch of Neighborhood Support Circles, a collaborative effort with the Refugee Community Partnership, which would bring academic and childcare support to low-income families. She said that an Emergency Housing Assistance Program, which was a partnership among Orange County and local towns, had served more than 300 Chapel Hill residents with housing assistance since January.

Ms. Drayton said that information on where and when testing was available across Orange County could be found at: [Townofchapelhill.org/coronavirus](https://townofchapelhill.org/coronavirus). She noted that October was Cyber Security Awareness Month and encouraged residents to go to staysafeonline.org for information on how to enhance cyber security.

Ms. Drayton stressed the importance of continuing to follow the 3Ws and said that October was the best month to get a flu shot since flu season typically peaks in February.

Ms. Drayton said that Orange County's rate of positive COVID-19 cases had been hovering at about 2 percent. Mayor Hemminger added that hospitalizations due to COVID-19 had been low and were holding steady.

This item was received as presented.

9. Receive the FY20 Affordable Housing Annual Report. [\[20-0671\]](#)

Assistant Director of Housing and Community Sara Viñas presented results from the Town's Affordable Housing Annual Report. She said that the Council had awarded \$6.1 million, which included \$5 million in bond funding to community partners to be used for affordable housing (AH) projects. The Town had developed an AH preservation strategy, had provided emergency housing assistance to 150 households, and had selected a potential development partner for a Town-owned AH project at

2200 Homestead Road, she said.

Ms. Viñas said that the Town's Affordable Housing Development Reserve had awarded \$11.1 million to support projects in the community over the last five years. The Town had already surpassed its five-year target to support by almost 400 percent, she pointed out.

Affordable Housing Manager Nate Broman-Fulks gave an update on key Town initiatives. He noted a dramatic increase in the need for rent, utility, and mortgage assistance due to COVID-19. Those impacts were ongoing and the number of households being assisted continued to rise, he said. He said that more than \$900,000 from federal funds had gone toward those needs through the Town's Emergency Housing Assistance Program.

Mr. Broman-Fulks highlighted nine new townhomes in the Chandler Woods neighborhood and said that those would be made permanently affordable through the Community Home Trust. He discussed four new homes in the Southgrove neighborhood and mentioned a family that had transitioned there from public housing. He said that the first \$5 million in AH bond funds would go to five projects and that a total of 275 projects would be developed with partners through that allocation.

With regard to redevelopment, Mr. Broman-Fulks said that significant progress was being made on Town-owned land at 2200 Homestead Road and that staff expected a development application to be submitted in a few weeks. He said that a memo of understanding would be executed with a partner for a Jay Street project soon and that the community visioning plan for the Bennett Road site would move forward when in-person community engagement could resume.

Mr. Broman-Fulks said that staff anticipated approximately 15 new and 400 preserved homes in the current year, with the majority of those preserved units coming through the Emergency Housing Assistance Program. In the coming year, staff expected to make progress on the Town-owned land, to increase the inventory of transitional housing, and to continue providing emergency assistance, he said.

The Council confirmed with Mr. Broman-Fulks that AH projects were being designed to serve a variety of income levels, from extremely low to moderate. The Mayor and Council praised staff for their work and for going beyond the norm during the recent pandemic.

Mayor Hemminger encouraged residents to continue contributing to the Emergency Housing Fund, and she confirmed with Ms. Viñas that the Finance Department had been looking into enabling donations online. Mayor Hemminger proposed that staff get information out to let people

know how they could donate.

This item was received as presented.

10. Orange County Food Council Update.

[\[20-0672\]](#)

Ms. Viñas reminded Council Members that a 2019 memo of understanding (MOU) among Orange County and local governments in support of the Orange County Food Council was set to expire in March 2021.

Food Council Coordinator Ashley Hager gave a PowerPoint update on the Food Council's work in FY 2019-2020 and its scope of work for the coming two years. She said that activities since 2019 included developing a regional collaborative, facilitating partnerships, developing a Farmer Food Share Program, assembling a community food resource guide, making presentations, and designing information that illustrates the relationship between food security, AH, and systemic racism.

Ms. Hagar said that the Food Council had partnered with local schools and Orange County Solid Waste to start a composting pilot program. It had organized a report regarding food security and had hosted social justice and racial equity workshops, she said. She said that the Food Council had made progress in all identified areas and that its primary scope of work over the next year would be to develop a food policy agenda, recruit new members, and create a racial equity community data index.

Ms. Hagar described the Food Council's philosophic basis and said that "racial equity" referred to its work on systemic issues that cause barriers to access. She said that the purpose of a food policy agenda was to provide recommendations on practices and policies for improving the food system. Accountability and transparency were key to that process, she said.

Council Member Buansi noted that only 3 percent of Carrboro Farmers' Market farmers were people of color, and he asked about the process for participating there. Ms. Hager explained that farmers' market board members process applications and determine who becomes a permanent vendor and that this reflected a history of racism and increased barriers for non-white farmers. The Food Council had begun collaborating with the Health Equity Council and the Human Rights Commission to explore what a comprehensive racial equity community data index would look like, she said. She offered to follow up by providing examples of what the Food Council had been looking at.

Council Member Anderson asked how barriers to food access would be removed. She was having difficulty understanding what actual outcomes the Food Council was targeting and what it had achieved, she said.

Ms. Hager explained that the primary outcome had been to build trust and relationships with agencies that had been on the front lines and with community members who were experiencing food insecurity. The Food Council had been working with agencies to understand how they were delivering food in order to ensure that it was being delivered where it was wanted and being used effectively, she said. Ms. Hagar pointed out that building relationships took time. The Food Council wanted to understand the purpose and practices across agencies and would then move into looking at solutions to end hunger, she said.

Council Member Anderson asked what the Food Council had done to help get food out to marginalized communities during COVID-19. Ms. Hager replied that a number of Food Council Members had volunteered to connect local farmers and cooperatives in order to increase access to fresh, nutritious food.

Mayor Hemminger asked what the Food Council could do to become more of a partner in that effort, and Ms. Hagar said that it had recently begun discussing that with local social service and health agencies. She pointed out that the Food Council was not a direct service provider. The Food Council wanted to help facilitate types of food and how services are delivered but was entirely open to how it could be more supportive, she said.

Mayor Hemminger proposed that the Food Council consider helping agencies with grant writing, and Ms. Hagar agreed to raise the issue during the next food system coordination conference call.

Council Member Anderson recalled that non-profit food suppliers had wanted a Food Council that could help them with sharing resources, writing grant proposals, and making other broader connections. It was not clear to her how effective the Food Council had been after two years, she said. She commented on how the Food Council's agenda for the next couple of years seemed to be developing a food policy agenda when the current need was for immediate help during a pandemic.

Ms. Hagar replied that the Food Council had been participating in the long-term recovery process and was trying to be a bridge to food access providers. Acting out of urgency and not out of a commitment to equity values, might mean missing a time to work on a deeper level, she said. She said that the Food Council was available for immediate planning at the same time that it was moving forward with its food policy agenda.

Council Member Stegman remarked that she had understood from the start that the Food Council would be intentionally focused on a model that differed from that of direct service food providers. The idea was to get to the root causes of barriers to equity in order to inform and advise others

on how to address those over the long term, she said. She characterized the amount of Food Council engagement with work groups in the community as impressive.

Council Member Huynh left the meeting.

This item was received as presented.

11. Presentation: University of North Carolina at Chapel Hill Semi-Annual Campus Development Report. [\[20-0673\]](#)

Evan Yassky, executive director of Facilities Planning and Design at the University of North Carolina at Chapel Hill (UNC-CH), provided a semi-annual update on UNC-CH's Capital Projects Program.

Mr. Yassky pointed that he had sent information to the Town regarding projects that had been put on hold due to COVID-19. He said that HVAC and other improvements had been completed at three residence halls and that the completion date for a surgical tower for UNC Healthcare had been pushed to late 2023 or early 2024.

Mr. Yassky reported that a Central Generation Plant being built on behalf of UNC-CH Healthcare was still early in construction. He noted that Berry Hall had been demolished and would be replaced by a UNC Medical Education Building and that the Curtis Media Center was being constructed as part of the School of Journalism and Media.

Mr. Yaasky said that Porthole Alley remained highly important but that design had been slowed due to the COVID-19 pandemic. He said that UNC-CH had moved to a new method for The Horace Williams Solar and Energy Storage Project and hoped to complete construction on that by next spring.

This item was received as presented.

12. Open a Public Hearing to Consider a Request to Close a Portion of an Unmaintained and Unimproved Public Right-of-Way on Monroe Street. [\[20-0674\]](#)

Manager of Engineering and Infrastructure Chris Roberts presented a request to close a portion of a currently unmaintained and unpaved street. He reviewed the state statute regarding public street and alleyway closings and noted that it provided an appeal process if the Council were to adopt the resolution.

Mr. Roberts showed the area on a map and indicated where the closing would isolate part of a right-of-way (ROW) on Monroe Street. He explained how the closure would isolate one property, which was currently accessed by a private driveway. He said that the developer had proposed

a full public access easement to provide reasonable legal access to that parcel, but the property owner, Zalman Joffe, had argued that the plan would not provide reasonable vehicular access to his property.

Mr. Roberts said that staff would work on the next legal steps to protect the current Monroe Street ROW and stop the closure process if an associated project, Columbia Street Annex, were to fail. He said that the developer understood and agreed to that. He recommended that the Council open the public hearing, allow public comment for 24 hours, and consider taking action on October 28, 2020.

At Mayor Hemminger's request, Mr. Roberts showed Mr. Joffe's property on the map. She confirmed with him that the ROW off South Columbia included steep slopes and crossed a perennial stream that was unused and in poor condition. The Mayor also confirmed that the easement was not currently being walked along or used it in any way.

Mayor pro tem Parker verified with Mr. Roberts that the entire section of Monroe Street being shown on the map was not being used. He raised the possibility of waiting to address the closure along with the Columbia Street Annex project, which might or might not be approved.

Mr. Roberts replied that the applicant had wanted to see if the ROW would be approved as a first step to the larger project.

Mayor pro tem Parker proposed having a provision in the resolution that would automatically have the closure go away if the Columbia Street Annex were not approved, and Mr. Roberts agreed to discuss that with the Town Attorney.

Council Members raised questions about making a decision without a traffic impact analysis or information about the larger development and without knowing what the NC Department of Transportation's (NC-DOT) planned to do in the area.

Architect Wendi Ramsden, representing Coulter Jewell Thames, argued that the closure would not deprive Mr. Joffe of reasonable access to his property. She said that her firm had offered Mr. Joffe an option for connecting to Columbia Street, and she provided background on negotiations with NC-DOT.

Council Member Gu verified with Ms. Ramsden that the Transportation and Connectivity Advisory Board had not commented on the closure but had not been supportive of the larger development.

Zalman Joffe stated that the proposed closure would completely block him from using two or three of his four lots. Proceeding with the closure would

lead to changing the RCD, which would mean that he would be able to expand his property as well, he said.

Mayor Hemminger asked staff if Mr. Joffe's comment about the RCD was accurate, and Mr. Roberts said that he would need to refer that to the Planning Department.

Ms. Ramsden emphasized that her firm had no plans to remove or change the RCD, and Mayor Hemminger confirmed with her that the requested variance was only for managed and upper zones on the east side of the stream.

Mayor pro tem Parker asked about the size of the encroachment in feet, but Ms. Ramsden did not know off hand. She pointed out that the Town's planning and stormwater departments had seen fit to move the request forward.

Mayor Hemminger asked if it was accurate that Mr. Joffe's would be able to develop more units, but Planning staff replied that they had not done an in-depth evaluation because a ROW closure was not a Planning process. Planner Jake Lowman speculated that an unimproved ROW would not allow for a subdivision without much being improved. He said that the RCD would still be in place and that the distance from stream rule would still apply. He noted several constraints and hurdles that Mr. Joffe would need to overcome in order to gain more lots.

Mayor Hemminger said that several Council Members wanted the item to come in conjunction with the overall project, and Council Members requested more information on items such as where the RCD was in relation to the properties, how traffic would be affected, and what Mr. Joffe's redevelopment options would be if the request for closure were approved.

Ms. Ramsden proposed also exploring what the applicant would need to do to undo the process if the development did not go forward.

Council Member Anderson recommended that staff provide more holistic views that include input from traffic engineering and planning in the future.

Mayor Hemminger said that Council Member Huynh had left the meeting due to illness but wanted to be recorded as voting in favor.

A motion was made by Mayor pro tem Parker, seconded by Council Member Anderson, to continue the Public Hearing to November 4. The motion carried by a unanimous vote. Council Member Huynh did not vote.

SPECIAL USE PERMIT(S)

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.

13. Consider an Application for Special Use Permit -Christ Community Church, 141 Erwin Road.

[\[20-0675\]](#)

Planner Becky McDonnell presented a special use permit (SUP) application for Christ Community Church, a proposed 11,000 square-foot place of worship on approximately three acres at the corner of Erwin and Old Oxford Roads. She said that the area was zoned Residential 2, and she pointed out that places of worship were permitted uses in residential zoning districts.

Ms. McDonnell said that 117 parking spaces would be included and that stormwater controls would be located under the parking lot. There would be two entrances and bike lanes and that sidewalks would be improved, she said. She summarized recently included information about a proposed stormwater discharge point on the adjacent property to the south. She recommended that the Council consider enacting Resolution A, to approve the SUP.

Developer Phil Post, representing the applicant, pointed out that the Town Manager and five advisory boards had agreed that the application met the four findings of fact for approval. He asked the Council to adopt Resolution A.

Council Member Ryan pointed out that the Planning Commission had requested a 20-foot buffer on either side of the property boundary, but Mr. Post replied that the ordinance allowed those 20 feet to be shared with 10 feet on each side. Sharing the buffer would preserve hardwoods and facilitate the discharge of stormwater from Church property, he said. He pointed out that the adjacent property would not be required to cooperate regarding stormwater otherwise.

Harvey Krasny, a neighboring resident, expressed opposition to having any house of worship or institutional structure at the site. His objections were based on traffic concerns and building height, he said, adding that the church would tower over the surrounding 578 residential homes. He said that the proposed church would not maintain or enhance the value of contiguous properties and would not conform to general plans for the physical development of the area as low density residential use only.

Rebecca Smith, Michael Hoppa, and Emily Johnson outlined some of the concerns listed in a petition from 49 of their neighbors who had requested that the Council deny the SUP. These concerns related to character and value of surrounding neighborhoods, setting a precedent for encroachment, building height, increasing traffic, and worsening stormwater runoff.

Margo Ginsberg, Erwin Village Homeowners Association vice president, predicted worsening traffic hazards at McGregor Drive and said that the project would set a dangerous precedent for her neighborhood. Thirty-nine Erwin Village residents had signed a petition imploring the Council to deny the SUP, she said.

Scott Radway, representing Summit Properties, said that Summit had agreed to be fully responsible for the stormwater discharge in accordance with Town rules. The proposed buffer alignment would provide a better way to save trees on the southwest corner of the applicant's property, and Summit supported the application as drawn, he said.

Council Members pointed out that Chapel Hill had traditionally considered houses of worship to be congruent with the character of single-family neighborhoods. They noted that Town ordinances required stormwater to be managed. Church traffic would not have a great impact since it would occur mostly on Sundays, they said.

The Council verified that the applicant was willing to accept a Planning Commission stipulation that a shed be taken out of the buffer, if moved at all. They noted that no rezoning was being considered, so approval would not lead to other projects. Council Member Gu said that reducing impervious surface would improve the project. Mayor Hemminger said that the proposal was much better than others the Council had seen for the site.

A motion was made by Mayor pro tem Parker, seconded by Council Member Anderson, to close the public hearing. The motion carried by a unanimous vote. Council Member Huynh did not vote.

A motion was made by Mayor pro tem Parker, seconded by Council Member Ryan, that R-5 be adopted as amended. The motion carried by a unanimous vote. Council Member Huynh did not vote.

14. Consider an Application for Special Use Permit Minor Modification - Charterwood, 1701 Martin Luther King Jr. Blvd. [\[20-0676\]](#)

Planner Michael Sudol presented a request to extend the construction completion date for Charterwood from June 25, 2020 to June 25, 2022. He said that the SUP had been granted in September 2012 and the Town Manager had already allowed a one-year administrative extension. The

requested modification would extend that for an additional year, he said.

Mr. Sudol showed an aerial view of the site, which was located at the intersection of Martin Luther King Jr. Boulevard and Weaver Dairy Road. He explained that the request pertained only to the southern portion.

Mayor Hemminger commented that the Council should, at some point, discuss authorizing the Town Manager to approve such items as well. She raised the possibility of reducing impervious surface and other issues, and Mr. Sudol replied that the applicant was open to having that discussion.

The Mayor and Council discussed whether or not to continue the item until the applicant could be present and ultimately decided to ask the applicant to share his thoughts before or at the October 28, 2020 Council meeting.

A motion was made by Council Member Ryan, seconded by Council Member Anderson, to continue the Public Hearing to October 28, 2020. The motion carried by a unanimous vote. Council Member Huynh did not vote.

Aye: 4 - Mayor Hemminger, Council Member Anderson, Council Member Gu, and Council Member Ryan

Nay: 3 - Mayor pro tem Parker, Council Member Buansi, and Council Member Stegman

Excused: 1 - Council Member Huynh

15. Open the Public Hearing: Land Use Management Ordinance Text Amendment - Table 3.7-1: Use Matrix - Self-Storage Facility, Conditioned. [\[20-0677\]](#)

Development Planner Jake Lowman presented a Land Use Management Ordinance text amendment (TA) that responded to a request from Adam Golden, on behalf of NR Edge Property Owner LLC. He explained that the applicant was seeking to modify an existing SUP for Carraway Village in order to allow a self-storage facility as a special use in a Planned Mixed Use development. That use had not been allowed at the time of the applicant's original SUP and was currently only allowed in Office Institutional 2 and Conditional Zoning districts, he explained.

Mr. Lowman said that the proposed change would add an "S" under Planned Development Mixed Use in the Town's Land Use Management Ordinance use table. He recommended that the Council open the public hearing, receive comments for 24 hours, and schedule action for November 4, 2020.

Mayor pro tem Parker confirmed that any Council decision would not affect a separate request for conditioned self storage.

Chad Love, Ramsley subdivision HOA president, commented on the difference between the applicant's original drawings for Carraway Village and what was being proposed. He pointed out that Carraway Village was at a gateway location and said that proposals for a gas station, self storage, go-carts, and so forth was short-sighted and seemed to be grasping at what could be gotten at the moment. Mr. Love encouraged the Council to think about the long-term effect on those who live at the north side of Town.

Adam Golden, representing NR Edge and Northwood Ravin, emphasized that the requested change would pertain only to Block G, which was at the most northwestern edge of the parcel, 900 feet away from Eubanks Road.

Council Member Gu confirmed with Mr. Lowman that Council approval of the text amendment would not automatically approve self-storage for Carraway Village or automatically grant conditional self-storage use to others in the future.

A motion was made by Mayor pro tem Parker, seconded by Council Member Anderson, to close the public hearing and receive comment for an additional 24-hours. The motion carried by a unanimous vote. Council Member Huynh did not vote.

16. Open the Public Hearing: Limited Scope Special Use Permit Modification - Carraway Village, 3000 Eubanks Road. [\[20-0678\]](#)

Mr. Lowman presented a SUP modification request for Carraway Village. He reminded Council Members that they had resolved in early March 2020 to limit the request's scope to the following five changes: adjust permitted uses to allow conditioned storage on Block G only, allow service stations in blocks A, B, and C as a primary use, adjust regulations for commercial signs, and consider terminating Public Street A off Eubanks Road at the edge of Block G.

Mr. Lowman provided additional details on each of the requested changes and indicated on a map what each would entail. He said that staff had evaluated the application and had reported to the Community Design Commission and Planning Commission. He recommended that the Council open the public hearing, receive comments, and continue the public hearing to November 4, 2020.

Council Member Ryan confirmed with Mr. Golden that Council approval would merely modify the number of tenant panels allowed on the gateway sign and would not allow additional signs. Council Member Gu confirmed with him that gas stations were currently allowed as an accessory use anywhere on the project but that he was proposing to add it as a primary

stand-alone use. If the Council were to approve the request, a gas station and convenience store would be put on only one of those three locations, he said.

Council Members pointed out the 4- to 5-acre area where storage was being proposed was large enough to allow more than one facility. They verified with Mr. Lowman that the applicant would not be limited to only one facility unless the Council made that a specific part of approval.

Mr. Golden gave a presentation on how the SUP modification would help to further the project's economic development goals and set the project up for success. He said that self storage was one of only a few possible viable uses for Block G, and he pointed out that it would generate less traffic than would other uses.

Mr. Golden noted that the current SUP allowed a gas station as a secondary use anywhere on the project. The current proposal was to make it a primary use but only on Block A, B or C, he said.

With regard to Public Street A, Mr. Golden explained that a large Resource Conservation District (RCD) and floodplain was very close to where the road would connect to the adjacent property. Making that connection would be extremely expensive, require extensive permitting, and did not seem viable, he said.

Council Member Huynh returned to the meeting.

Mr. Love commented that neighbors were willing to accept changes that were done in the right way. He characterized how Carraway Village was developing as not reflecting Chapel Hill and not what the first impression of the Town should be. Neighbors wanted to support development but did not feel that Carraway Village was becoming what had been promised and thought the Town should require better, he said.

Mayor Hemminger said that she had remaining concerns about the gas station being visible from the highway and being near the RCD. She pointed out that the Council had approved several self storage units that had never been built.

A motion was made by Council Member Ryan, seconded by Council Member Stegman, to continue the Public Hearing to November 4, 2020. The motion carried by a unanimous vote.

17. Open the Public Hearing: Land Use Management Ordinance Text Amendment - Proposed Changes to Section 5.14.4 (Campaign Signs). [\[20-0679\]](#)

Planner Becky McDonnell opened the public hearing for a text amendment to update the Town's campaign sign regulations. She said that state law required a 30-day period after an election until political signs could be removed without penalty. That differed from the Town's 40-day period, so staff had developed language to update the Town's ordinance to comply, she said.

Ms. McDonnell recommended that the Council open the public hearing, receive comments for 24 hours and continue the item for possible action on November 4, 2020.

A motion was made by Council Member Anderson, seconded by Council Member Buansi, to close the public hearing and receive comment for an additional 24-hours. The motion carried by a unanimous vote.

CONCEPT PLAN REVIEW(S)

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.

18. Concept Plan Review: Municipal Services Center, 101 Weaver Dairy Road Extension. [\[20-0680\]](#)

This matter was deferred to the October 28, 2020 Council meeting.

19. Council Vacancy Update. (no attachment) [\[20-0681\]](#)

Mayor Hemminger explained that this process had been put on hold due to COVID-19 and the national elections. The Council wanted to wait until the public could be more involved because filling a Council seat and discussions about whether or not to reduce the number of Council Members deserved broad public input, she said.

This item was received as presented.

APPOINTMENTS

20. Appointments to the Community Design Commission. [\[20-0682\]](#)

The Council reappointed Ted Hoskins to the Community Design Commission.
appointed.

21. Appointments to the Housing Advisory Board. [\[20-0683\]](#)

The Council appointed Dustin Mills to the For-Profit Developer seat; Susan Hunter to the Homeowner or Tenant seat; Mark Shelburne to the Housing, Planning or Public Policy Expert seat; and reappointed Anne Hoole to the Real Estate Broker seat on the Housing Advisory Board.

appointed.

22. Appointments to the Planning Commission. [\[20-0684\]](#)

The Council appointed Elizabeth Losos in the Community Design Commission Champion seat and John Rees in the Transportation and Connectivity Advisory Board Champion seat.

23. Appointments to the Reimagining Community Safety Task Force. [\[20-0685\]](#)

The Council appointed Delores Bailey, Robert Campbell, Jemesha Cannon-Phillips, Marcus Farrow, Emma Ferriola-Bruckenstein, Desmond Frierson, Paris Miller, Heather Nash, Eliazar Posada, Ehmu Ra, Jeremy Roberson, Matthew Sullivan, and Shugong Wang to the Reimagining Community Safety Task Force.

The Council appointed Jaclyn Gilstrap and Malcom Hunter as alternates to the Reimagining Community Safety Task Force.

Mayor Hemminger read a list of appointments to the Reimagining Community Safety Task Force and said that the liaisons would be Council Members Stegman and Huynh, with Council Member Buansi as the alternate. The item would return to Council at its October 28, 2020 meeting, she said.

24. Appointments to the Transportation and Connectivity Advisory Board. [\[20-0686\]](#)

The Council appointed Katherine Huge and Denise Matthews to a Chapel Hill seat on the Transportation and Connectivity Advisory Board.

ADJOURNMENT

The meeting was adjourned at 11:03 p.m.



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 Michael Parker
Council Member Jessica Anderson
Council Member Allen Buansi

Council Member Hongbin Gu
Council Member Tai Huynh
Council Member Amy Ryan
Council Member Karen Stegman

Wednesday, October 21, 2020 **6:30 PM** **Virtual Meeting**

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 Zoom webinar directly online or by phone.

Register for this webinar:

https://us02web.zoom.us/webinar/register/WN_fgPYF1uzTXOTxMpnprT8VQ After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 890 9053 7187

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

Roll Call

Present: 8 - Mayor Pam Hemminger, Mayor pro tem Michael Parker, Council Member Jessica Anderson, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Karen Stegman, Council Member Tai Huynh, and Council Member Amy Ryan

Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Florentine Miller, Town Attorney Ann Anderson, Interim Planning Director Judy Johnson, LUMO Project Manager Alisa Duffey Rogers, Community Resiliency Officer John Richardson, Principal Planner Corey Liles, Interim Zoning Enforcement Manager Gene Poveromo, Executive Director for Technology and CIO Scott Clark, Communications and Public Affairs Director/Town Clerk Sabrina Oliver, and Deputy Town Clerk Amy Harvey.

OPENING

Mayor Hemminger opened the virtual meeting at 6:30 p.m. Mayor Hemminger called the roll and all Council Members, with the exception of Jessica Anderson,

Town Council

Meeting Minutes - Draft

October 21, 2020

replied that they were present. Council Member Anderson arrived at 6:46 p.m.

ANNOUNCEMENTS BY COUNCIL MEMBERS

[\[20-0721\]](#)

0.01 Mayor Hemminger Regarding Governor Cooper's Extension of Phase 3.

[\[20-0722\]](#)

Mayor Hemminger announced that Governor Cooper had extended Phase 3 of COVID-19 restrictions for three more weeks due to an increasing number of cases and hospitalizations. Orange County's positivity rate remained at 3 percent or less, but other counties were experiencing 5 percent and higher, she said.

0.02 Mayor Hemminger Regarding Celebrating Halloween Differently This Year.

[\[20-0723\]](#)

Mayor Hemminger said that downtown streets would not be closed for Halloween this year because social gatherings contribute to the spread of COVID-19. She reminded residents to continue observing the 3Ws: Wear a proper mask, wash hands frequently, and wait six feet apart during Halloween as well.

0.03 Mayor Hemminger Regarding Grant for Launch Business Accelerator.

[\[20-0724\]](#)

Mayor Hemminger announced that a \$230,000 grant from Lemoore Capital Company would expand programming at the Launch Business Accelerator in Chapel Hill. The grant would enable Launch to invest in software and technology, expand its start-up support services, and hire a community manager, she said.

AGENDA ITEMS

1. Progress Report on Climate Action Plan.

[\[20-0708\]](#)

Community Resiliency Officer John Richardson gave a PowerPoint presentation on the Town's Climate Action Plan. He reported that Town operations made up about 2 percent of Chapel Hill's total annual carbon emissions, while the larger community made up about 98 percent. He noted the importance of acting collectively and said that the Town had been doing fairly well when compared with other cities.

Mr. Richardson said that actions outlined in the Climate Action Plan would lead to a reduction in emissions over time. He noted that community emissions levels had dropped by about 3 percent from 2005 to 2017 and said that the Town was well positioned to meet its goal of 26-28 percent reduction by 2025 if that trend continued.

Mr. Richardson provided details on actions the Town could take to further

lower emissions. These included having a cleaner electricity grid, carbon neutral new construction, more electric vehicles, EV charging stations, and green building retrofits. He provided information on costs and on how such actions would affect Town goals.

Mr. Richardson said that responses to a Town climate action survey on accessibility and affordability had pointed to the need for a social justice/social equity focus. He discussed the need for partnerships and incentives to help drive behavioral changes in the community.

Mr. Richardson said that the Town had converted nearly 2,000 street lights to LED in recent months, cutting street light emissions in half. Staff had been looking at doing the same with Town parks, he said. Greening the grid, designing for more carbon neutrality in new construction, and transitioning to electric vehicles were the most impactful steps the Town could take, he said.

Mr. Richardson pointed out that three electric Town buses would be on the road in the first half of 2021 and that the Town would be in a position to purchase up to seven more due to a federal grants. Transit was expecting to expand electric vehicle charging opportunities as well, he said. He noted that a grant from Duke Energy Foundation had enabled the Town to plant trees in public housing neighborhoods and said that more trees would be planted during Arbor Day celebrations.

Mr. Richardson said that staff would move forward with implementation, and he described a plan for virtual public engagement during the pandemic. He would share the final Plan with the Council in early November and then return in January 2021 with a final version to be considered for adoption, he said.

Council Member Anderson joined the meeting at 6:58 p.m. She explained that she had been delayed due to a family injury.

Council Members confirmed with Mr. Richardson that "greening the grid" could include retrofitting existing structures and that adding solar to Town buildings could be part of the overall plan. Mayor pro tem Parker recommended that staff think broadly about state advocacy, and he emphasized the importance of spreading the benefits of going green equitably.

The Council confirmed that calculations regarding vehicle mile reductions would be more clearly highlighted in the plan. They confirmed that the Town would remain informed regarding changes in technology, governmental policies, grant and partnership opportunities. Mr. Richardson agreed to include recommendations in the Plan for things the Town should do when rewriting its Land Use Management Ordinance.

Council Member Stegman asked about including more concrete guidelines for what the Council could request in new development, and Mr. Richardson replied that merely holding new development to the same AIA 2030 standard as Town buildings would do a lot to achieve reductions. He said that staff had been thinking about exploring incentives as well.

Council Member Gu asked for more quantitative details and a prospective tool that would show the environmental impact of different development choices. She also noted the value of including multiple departments when making improvements so that upgrades could be done simultaneously.

Council Members confirmed that demographic information would be included with survey data and that preserving natural land would be included in the Action Plan. They discussed how the Town had the potential to work with other local jurisdictions through Orange County Climate Council meetings and said that the University of North Carolina at Chapel Hill (UNC-CH) was a member of that group as well.

Mayor Hemminger said that green stormwater infrastructure should be listed in Town building codes and in all development plans going forward. She recommended that the Climate Action Plan include information about waste reduction and composting, and she proposed telling the story better about planting trees. She said that Duke Energy had not moved fast enough and that she wanted the Council to advocate for it to accelerate its plan.

Mayor Hemminger spoke in favor of converting all Town lights to LED. She praised the idea of having a dashboard to easily show the public what Chapel Hill was doing. She asked if putting community solar on top of parking decks would be an option and stressed the importance of having the business community convert their parking lot lights to LED.

Mayor Hemminger confirmed with Mr. Richardson that members of the public could reach him at: jrichardson@townofchapelhill.org or sustainability@townofchapelhill.org.

This item was received as presented.

2. Continue Discussion of Chapter 160D Updates to Land Use Management Ordinance and Town Code of Ordinances. [\[20-0709\]](#)

Planner Corey Liles provided background information on Chapter 160D, a section of N.C. general statutes, and discussed provisions that would come into effect by July 2021 or once the Town adopted the necessary updates in its Land Use Management Ordinance (LUMO) and Town code.

Mr. Liles pointed out that 160D would prohibit the Council from using advisory board recommendations when deciding on special use permits

(SUPs) and said that it probably would not be wise to transmit board recommendations to the Council during SUP hearings.

Mr. Liles said that the Council had previously raised the idea of having advisory boards report to staff, which could then do an unbiased evaluation of that input and include appropriate conditions in recommendations for Council approval. That approach would allow advisory boards to raise issues about an SUP proposal, but it would add time to the review process, he said.

Mr. Liles said that staff wondered how advisory boards and the public would feel about having staff evaluate board input. He asked Council Members if they thought that seemed like a good approach, and, if so, if advisory boards should continue to hear from the public on community concerns.

Most Council Members expressed concern about having staff decide what input to move forward. Mayor Hemminger wondered if the Council might review action minutes from board meetings and/or if board members would be allowed to speak before the Council.

Mr. Liles replied that reviewing action minutes probably would be okay since those were public record. With regard to board members speaking at SUP hearings, however, he pointed out that the Council needed to avoid the perception that board members were inserting themselves into the discussion.

Council Members raised the idea of having some board members appear as expert witnesses, but Town Attorney Ann Anderson pointed out that qualifying for an advisory board did not, in and of itself, mean that a person was qualified as an expert witness.

Mayor pro tem Parker commented on how the Town had been phasing SUPs out and how most SUPs would be modifications. The Council might be trying to solve a problem that would ultimately take care of itself, he said.

Mr. Liles agreed that the Town expected to see more Conditional Zoning in the future and that the current volume of SUPs was expected to go down.

Mayor Hemminger said that the Council wanted Town advisory boards to be involved in reviews and needed guidelines for such a path. She asked Mr. Liles to research whether Council Members could read action minutes from advisory board meetings and to work with the Town Attorney to find out what could legally be done to incorporate board input.

Mr. Liles agreed and added that he would also ask for advisory boards' reactions to having staff evaluate their input.

LUMO Project Manager Alisa Duffey Rogers discussed development approvals with vested rights, the right of an applicant to continue a development as it has been approved even if regulations are amended after the approval was granted, and pointed out that vested rights were time limited. Under 160D, most approvals were valid for one year, but 160D did provide for site-specific vesting plans that have terms ranging from two to five years, she said.

Ms. Duffey Rogers said that the Town's form district permits, Blue Hill District and its SUPs, were considered site specific vesting plans. She asked if the Council wanted to continue specifying those as such and if there were any other development approvals that it should include. In addition, if there were any other approvals such as Conditional Zoning that should merit a longer vesting term, she asked.

After a brief discussion, the Council decided to continue its current practice with the Blue Hill District and SUPs, and perhaps add Conditional Zoning. Council Member Ryan confirmed with Ms. Duffey Rogers that the Town had been mistaken when it put a one-year time limit on SUPs, which should have been two years. Deciding to call it a "site-specific vesting plan" would mean changing it to what the Town's actual practice had been, Council Member Ryan said.

Mayor pro tem Parker confirmed with Ms. Duffey Rogers that 160D also broadened a concept called "permit choice", which would allow someone who currently filed a complete application to lock in the pre-160D rule and have an opportunity to mix and match new and old rules all the way through the process.

Ms. Duffey Rogers noted that there was an opportunity for a term lasting three to five years, but she confirmed that Council wanted to keep the 1-2 year term, with an opportunity to extend. She said that the next step would be to hold a virtual meeting with development review boards and that she would return in December 2020 or January 2021 to talk about zoning topics. Staff would then work toward making all necessary updates by spring 2021, Ms. Duffey Rogers said.

This item was received as presented.

3. Discuss Processes for Developing Council Initiated Resolutions. (no attachment) [\[20-0710\]](#)

Facilitator Maggie McGlynn opened a discussion of steps the Council might take to respond to emerging issues in ways that would be inclusive and create equitable, high-quality policy decisions. She had been asked to help develop a process in which the Council would engage each other and the public regarding Council-initiated petitions and resolutions, she said.

Ms. McGlynn said that she had interviewed all Council Members and had heard that Council-initiated petitions and resolutions could be "a bit

messy" due to a lack of clarity regarding the process. She could offer steps that would add clarity when bringing such initiatives forward, she said.

Ms. McGlynn asked Council Members if they felt comfortable putting written procedures and understandings in place and with looking at the issues such as communication, transparency, and shared beliefs that were laid out in a document she had submitted.

Several Council Members said that they had just received Ms. McGlynn's document and had not had time to digest it. Mayor pro tem Parker said he felt confused about what was actually being proposed. Council Member Huynh said he was in favor of setting up processes and having transparency but could not endorse the process that Ms. McGlynn had sent because there had not been enough time to read it.

Council Member Buansi asked if the current conversation was being driven by a June resolution regarding policing that the Council passed following the killing of George Floyd by police in Minneapolis.

Ms. McGlynn replied that the resolution had been the impetus for looking at the process but that she had heard the word "messy" applied to a number of Council-initiated resolutions and petitions. The general impetus for the current conversation was the manner of doing Council work together, she said.

Council Members generally agreed that the discussion should address resolutions as well as petitions. The focus should be more "granular" and should address issues of clarity, transparency, streamlining, and flexibility, some said. They expressed interest in having a subcommittee address the issue, and Mayor Hemminger verified that three or four Council Members would be interested in serving on one.

Council Member Stegman said that she felt proud of the Council for passing the resolution in June when there was a need to take action. Though not an ideal process, it was critically important and much appreciated by the community, she said.

Mayor pro tem Parker and Council Member Buansi proposed having at least one more full Council discussion before forming a subcommittee. That would help the subcommittee have a better understanding of what the full Council thought, Mayor pro tem Parker said.

Council Member Huynh raised the idea of having another facilitated session as well, and Ms. McGlynn said she would be happy to set up a matrix, offer additional ideas, and facilitate another session. She would wait to hear from the Council about next steps, she said.

This item was received as presented.

REQUEST FOR CLOSED SESSION TO DISCUSS ECONOMIC DEVELOPMENT, PROPERTY ACQUISITION, PERSONNEL, AND/OR LITIGATION MATTERS

A motion was made by Mayor pro tem Parker, seconded by Council Member Anderson, that the Council enter into a closed session as authorized by General Statute Section 143-318.11(a)(6), to discuss an employee matter. At the conclusion of the closed session, the Council will adopt a single motion to end the closed session and adjourn the meeting without taking further action. The motion carried by a unanimous vote.

ADJOURNMENT

The Council recessed the meeting at 9:07 p.m. and adjourned the meeting at the conclusion of the closed session.



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 Michael Parker
Council Member Jessica Anderson
Council Member Allen Buansi

Council Member Hongbin Gu
Council Member Tai Huynh
Council Member Amy Ryan
Council Member Karen Stegman

Wednesday, October 28, 2020 **7:00 PM** **Virtual Meeting**

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 Zoom webinar directly online or by phone.

Register for this webinar:

https://us02web.zoom.us/join/wn_y8whWrG_RtiChm4ZFTIE0g After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 828 5855 2338

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

Roll Call

Present: 8 - Mayor Pam Hemminger, Mayor pro tem Michael Parker, Council Member Jessica Anderson, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Karen Stegman, Council Member Tai Huynh, and Council Member Amy Ryan

Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Florentine Miller, Town Attorney Ann Anderson, Interim Planning Director Judy Johnson, LUMO Project Manager Alisa Duffey Rogers, Emergency Management Coordinator Kelly Drayton, Fire Chief Vencelin Harris, Economic Development Officer Dwight Bassett, Planner II Michael Sudol, Transportation Planning Manager Bergen Watterson, Principal Planner Corey Liles, Executive Director for Technology and CIO Scott Clark, Communications and Public Affairs Director/Town Clerk Sabrina Oliver, and Deputy Town Clerk Amy Harvey.

OPENING

Mayor Hemminger opened the virtual meeting at 7:00 p.m. and read the

Town Council

Meeting Minutes - Draft

October 28, 2020

agenda. Mayor Hemminger called the roll, and all Council Members replied that they were present.

ANNOUNCEMENTS BY COUNCIL MEMBERS

0.01 Mayor Hemminger Regarding Justice in Action Meeting on Thursday. [\[20-0748\]](#)

Mayor Hemminger said that the Justice in Action Committee would continue discussing its charge and structure at a 6:00 p.m. virtual meeting on November 5th. The public was encouraged to attend and provide input, she said.

0.02 Mayor Hemminger Regarding Upcoming Council Meetings. [\[20-0749\]](#)

Mayor Hemminger said that the Council's next virtual meeting would be held at 7:00 p.m. on November 4th, and the Council Committee on Economic Sustainability would meet on November 6th at 8:00 a.m. She said that the public was welcome to attend those meetings virtually.

0.03 Mayor Hemminger Regarding Early Voting in Orange County. [\[20-0750\]](#)

Mayor Hemminger pointed out that more than 41,000 Orange County residents had already voted in the national election and that early voting would continue until 3:00 p.m. on October 31, 2020. She urged citizens to vote early in order to avoid long lines on Election Day.

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.

1. Stormwater Management Utility Advisory Board Recommendations Regarding the Development Review Process. [\[20-0725\]](#)

Pamela Schultz, representing the Stormwater Management Utility Advisory Board (SWAB), presented a petition asking that the SWAB be alerted to projects of five acres or more that included Resource Conservation District

land at the same time that the Community Design Commission reviews them.

A motion was made by Mayor pro tem Parker, seconded by Council Member Huynh, that this Petition be received and referred to the Mayor and Town Manager. The motion carried by a unanimous vote. Council Member Gu did not vote.

2. Residents of Dixie Drive Request to Rename Dixie Drive. [\[20-0726\]](#)

Mayor Hemminger said that Barry Nakell, a Chapel Hill resident, had presented a petition from his neighborhood to change the name of Dixie Lane.

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

3. Eva Hagan Request to Endorse H.R. 763 (Energy Innovation and Carbon Dividend Act). [\[20-0727\]](#)

Mayor Hemminger pointed out that the Council had voted on June 24, 2020 to take action on the Energy Innovation and Carbon Dividend Act (HR 763).

This item was received as presented.

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 Parker, seconded by Council Member Buansi, that R-1 be adopted, which approved the Consent Agenda. The motion carried by a unanimous vote.

4. Approve all Consent Agenda Items. [\[20-0728\]](#)

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

5. Approve the Miscellaneous Budget Ordinance Amendments to Adjust Various Fund Budgets for FY 2020-21. [\[20-0729\]](#)

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

6. Authorize the Sale of Property in the Oakwood Public Housing Neighborhood. [\[20-0730\]](#)

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

7. Amend Chapters 12, 17, and 21 of the Code of Ordinances that Regulate Parks and Greenways, Sidewalk Sales, and Bicycling. [\[20-0731\]](#)

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

8. Adopt a Charge for the Reimagining Community Safety Task Force. [\[20-0732\]](#)

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

9. Adopt a Revised Meeting Schedule to Hold Meetings in a Virtual Environment through December 31, 2020 or Until the Orange County Stay At Home Order is Lifted. [\[20-0733\]](#)

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

INFORMATION

10. Receive Upcoming Public Hearing Items and Petition Status List. [\[20-0734\]](#)

This item was received as presented.

DISCUSSION

11. Update on Town Efforts to Respond to the COVID 19 Crisis. (no attachment) [\[20-0735\]](#)

Emergency Management Coordinator Kelly Drayton provided an update on the Town's COVID-19 pandemic response. She said that N.C. Governor Cooper had issued an executive order that had clarified and extended a U.S. Center for Disease Control prohibition against landlords evicting some tenants.

Ms. Drayton said that North Carolina would remain in Phase 3 of its reopening until November 13th because pandemic trends had been moving in the wrong direction. She urged residents to continue practicing the 3Ws: wear a mask, wash hands regularly, wait six feet apart. She described a new SlowCOVIDNC exposure notification app, which could notify residents if they had been in close contact with someone whose positive test result had been listed.

Ms. Drayton reminded all residents to get a flu shot. She advised people to limit the size of gatherings on Halloween and said that ideas for celebrating safely could be found on the Orange County website. She said that a full database of testing locations was listed at orangecountync.gov/testing. She discussed Neighborhood Support Circles,

which serve families from both English-speaking and non-English speaking communities.

Council Members confirmed with Ms. Drayton that more than 100,000 people had downloaded the exposure notification app, and she agreed to provide them with information about its effectiveness. A Council Member proposed having someone from the Chapel Hill-Carrboro School System provide an update on school plans. The Council asked if homeowners' associations were trying to limit trick-or-treating to their own neighborhoods, and Ms. Drayton agreed to report back on that. Council Member Buansi cautioned that imposing such limits could be discriminatory.

Mayor Hemminger said that she hoped the University of North Carolina at Chapel Hill (UNC-CH) would reveal its spring semester plans on November 4th. The University had purchased equipment to ramp up its testing capabilities, but other parts of its plan were still being developed, she said.

Mayor Hemminger praised the community's efforts during the pandemic. She said that Metro Mayors had learned from the N.C. Department of Health and Human Services that viral spikes, which were mostly occurring in rural communities, could get worse during the upcoming winter. The Governor would consider scaling back indoor and outdoor gathering numbers if cases continued to rise, she said.

Mayor Hemminger reported on Metro Mayors' discussions about mandating masks in public places and removing alcohol licenses from non-complying restaurants. The mayors preferred an incentive approach and had agreed that a national election was not the best time to come out with new protocols, she said.

This item was received as presented.

12. Consider an Application for Conditional Zoning at 125 East Rosemary Street Parking Garage from Town Center-2 (TC-2) to Town Center-2-Conditional Zoning District (TC-2-CZD). [\[20-0736\]](#)

Town Manager Maurice Jones gave a PowerPoint update on the East Rosemary Street Parking Garage project. He said that an economic development agreement (EDA) had been signed between the Town and Grubb Properties and that the two entities would exchange properties by the end of May 2021 if no issues arose during the due diligence phase.

Mr. Jones said that the process would include entitling the new deck, finalizing the design, having a preliminary staff review, and holding a concept plan hearing for a new office building. He pointed out that the Town had a repurchase option that would apply if Grubb Properties failed

to secure entitlement of the office building by November 2020.

Mr. Jones said that the current due diligence period would run through November 23, 2020, and he described the team of people who were working on that. He said that items being finalized included: a letter of inquiry to UNC-CH concerning the 100 parking spaces that they plan to pay for in the garage; a Wallace Deck lease with Grubb Properties; a temporary license agreement to allow site lay down for the projects; and an improvements agreement regarding the construction process. Mr. Jones outlined the schedule up to the start of construction in May 2021. He said that complete information was available at: townofchapelhill.org/businesses/eastrosemarystreetredevelopmentproject.

Planner Judy Johnson presented the Conditional Zoning application from Grubb Properties (in partnership with the Town) for 125-135 East Rosemary Street. She noted that a September 30, 2020 public hearing had included an additional 24-hour comment period. She explained that the parking deck would be part of a larger redevelopment project on East Rosemary Street.

Ms. Johnson outlined the proposal to build a seven-story deck with about 1,100 parking spaces on a two-parcel site. The project would include rezoning to Town Center-2-Conditional to accommodate those improvements, she said. She noted a plan for full access in and out of North Street. She showed where a Police Department substation could be located and indicated where a retail "Front Porch" was proposed to be built. She showed a rendering of a crosswalk/refuge island on East Rosemary Street.

Ms. Johnson noted that modifications included an increase in building height an additional buffer on the North Street side. Ordinance A also required that improvements to the North Street/Columbia Street/Martin Luther King Jr. Boulevard intersection be done in conjunction with N.C. Department of Transportation approvals, she said. She recommended that the Council adopt the Resolution of Consistency and enact Ordinance A.

Council Members confirmed with staff that citizens would be able to learn and comment on construction traffic plans at a February 2021 meeting and that there would be open houses regarding traffic-calming measures. They verified that the Town would pay for widening a section of North Street and asked Ms. Johnson to bring back a timeline regarding North Street changes. The Council agreed to amend Ordinance A to say "consideration" of bike lanes because they were still being discussed.

A motion was made by Mayor pro tem Parker, seconded by Council Member Huynh, that R-14 be adopted. The motion carried by a unanimous vote.

A motion was made by Mayor pro tem Parker, seconded by Council Member Stegman, that O-9 be enacted as amended. The motion carried by a unanimous vote.

12.01 Celebrating Successes Video: Greenfield Community Award Ceremony.

The Council viewed a Celebrating Successes video regarding a 2020 Housing North Carolina award to the Town for its Greenfield Community development in the Blue Hill District. The video explained that Greenfield Place and Greenfield Commons included 149 affordable apartments for families and seniors who make 60 percent, or less, of the area median income. The \$24 million project was built on nine acres of donated Town land and was financed with federal low income housing tax credits awarded by the NC Housing Finance Agency, the narrator said. The video provided a tour of the Greenfield Community and pointed out its easy access to schools, employment, transportation and medical facilities.

13. Charting Our Future - Public Hearing for the Adoption of the Future Land Use Map - Update to Chapel Hill 2020.

[\[20-0737\]](#)

Land Use Management Ordinance (LUMO) Project Manager Alisa Duffey Rogers opened the public hearing for adopting Future Land-Use Map (FLUM) updates to the Chapel Hill 2020 Comprehensive Plan (CH 2020).

Consultant Sal Musarra, of Kimley Horn and Associates, described the effort to build flexibility into the Town's 30-year Land-Use Plan in order to allow course corrections in response to changing conditions. He characterized the Future Land-Use Plan as a living document that would provide strong guidance and a good framework for decision-making in the future.

Ms. Duffey Rogers said that there had been much public engagement since a 2018 "Charting Our Future" kickoff to the FLUM rewrite during which community members had provided much input. She reviewed elements of the document and said that it embodied community values, aligned with the Council's strategic goals, and would replace the current Land-Use Plan in CH 2020.

Ms. Duffey Rogers summarized recent requests from UNC-CH and UNC Healthcare to change specific aspects of the FLUM. She recommended that the Council open the public hearing, receive comments, close the hearing and allow public comments for 24 hours, and consider adopting the FLUM on November 18, 2020.

In response Council Members' questions, Ms. Duffey Rogers addressed UNC-CH and UNC Healthcare's requested changes. She did not think it would be appropriate to label University properties as such on focus area maps because there no longer were any specific parcels identified on

those maps, she said. With regard to a request for a University character type, UNC-CH's uses could be accommodated within existing character types but the Council could create one if it so chose, she said. Staff did not have issues with UNC Healthcare's requests as long as the Council concurred with those, she said.

Council Member Ryan expressed concern about the implications of a request from UNC Healthcare to make hospitals a commercial use. She confirmed with staff that there would be an opportunity to look into that more deeply before the Council's final vote. Ms. Duffey Rogers pointed out that the Commercial Office land-use category was only used outside the focus areas and that fewer than 10 parcels were designated that way on the map.

Town Attorney Ann Anderson commented that Council Members might want to reconsider closing the public comment period after 24 hours if it expected to have considerable discussion at a subsequent meeting.

Katie Looovis, representing the Chamber for a Greater Chapel Hill-Carrboro, praised the thoughtful and inclusive process but said that the proposed Future Land-Use Plan missed some opportunities. She said that Town land abutting Chatham County to the south and Durham County to the north should be designated as "future study areas". She recommended increasing the density along transit corridors, especially around bus stops on Martin Luther King Jr. Boulevard, and she made several recommendations regarding density, set-backs and building heights.

Anna Wu, Vice Chancellor for Facilities Services at UNC-CH, noted that the University's chancellor had sent a letter outlining concerns. She recommended that the FLUM reflect property owned by UNC-CH and UNC Endowment Foundation and Real Estate Holdings. Recognizing those properties was helpful to the community and developers because it provided a cross-reference to parcels included in UNC's campus master plan, she said.

Ms. Wu said that UNC requested changes to the university land-use category would better reflect the variety of uses necessary to support its mission and provide flexibility to accommodate future uses. She read a long list of recommended university land-use categories and requested inclusion of "university land use" in the matrix of character types and all focus areas that include UNC-CH parcels. To designate its development as either mixed use or commercial office would significantly impact the University's ability to fully utilize its land beyond the main campus, she said.

Simon George, Assistant Vice President for Real Estate and Development for UNC Healthcare, expressed concern about the FLUM, as presented. He said that UNC Healthcare had requested more specific language with regard the land-use categories and he listed the changes that they had

requested. He said that UNC Healthcare supported the revisions regarding UNC-CH that Ms. Wu had outlined, and he asked that future conversations regarding the FLUM include UNC Healthcare.

Holly Fraccaro, CEO of the Home Builders Association (HBA) of Durham, Orange and Chatham Counties, thanked staff for incorporating feedback from the HBA over recent years. However, the 30-year FLUM missed some opportunities to be clearer about the Town's vision, she said, adding that she agreed with what Ms. Loovis had said. She noted that the rewrite presented an opportunity to consider unique affordable housing opportunities, such as tiny homes and pocket neighborhoods.

Ms. Fraccaro pointed out that having focus areas that make up only 20 percent of the Town's geographic area would leave 80 percent without a vision for 30 years. She hoped that a missing middle scan that staff intended to include in the next phase would justify including much more of the Town, she said. She recommended several changes to be made during the LUMO rewrite and advocated for including best practices regarding green building and stormwater management.

Julie McClintock said that the Chapel Hill Alliance for a Livable Town (CHALT) had submitted a petition in July 2020 that asked the Council to refrain from voting on the FLUM for one to two years because so many changes were occurring due to COVID-19. In addition, the Town should obtain community benefits from developers by setting maximum building heights and offering additional stories as a density bonus, she said. Ms. McClintock said that CHALT had submitted extensive comments regarding proposed areas for development, and she commented on some of those.

Council Members asked staff to return with more information regarding the implications of UNC-CH's and UNC Healthcare's requested changes and more clarity on UNC-CH's definitions. The Council had not had enough time to process information received just that day and not enough detail to know what the proposed land-use category and character type would actually mean, said Mayor pro tem Parker. He asked staff to bring back a recommendation.

After a discussion with the Town Attorney about the implications of keeping the public hearing open beyond 24 hours, the Council voted.

A motion was made by Council Member Anderson, seconded by Council Member Ryan, to continue the Public Hearing to November 18, 2020. The motion carried by a unanimous vote.

14. Consider a Land Use Management Ordinance Text Amendment - Proposed Changes to Articles 3, 5, and Appendix A Definitions pertaining to Conditional Zoning. [\[20-0738\]](#)

Ms. Duffy Rogers presented a LUMO amendment that would allow

development applications to be converted from a quasi-judicial Special-Use Permit (SUP) process to a legislative process using Conditional Zoning (CZ). She pointed out that CZ did not have the same notification requirement as SUPs and said that many applications had been delayed because of that requirement. The proposed amendment would also bring the LUMO into compliance with new state legislation (160D), she said.

Ms. Duffey Rogers noted that the proposed amendment would also change the definition of "S" in the LUMO use matrix to permit special uses, such as drive-in windows, as part of a CZ application. She said that another proposed revision would allow permitted uses within the RCD to be considered as part of a CZ application. The proposed amendment was consistent with a CH 2020 goal of creating a clear and consistent decision-making process for development, she said, and she recommended that the Council adopt the Resolution of Consistency and enact Ordinance A.

A motion was made by Council Member Anderson, seconded by Council Member Stegman, that R-16 be adopted. The motion carried by a unanimous vote.

A motion was made by Council Member Anderson, seconded by Council Member Ryan, that O-10 be enacted. The motion carried by a unanimous vote.

SPECIAL USE PERMIT(S)

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.

15. Consider an Application for Special Use Permit Modification - Charterwood, 1701 Martin Luther King Jr. Blvd. [\[20-0739\]](#)

Planner Michael Sudol presented a SUP modification application to extend Charterwood's completion date to June 15, 2022. He noted that the item was being continued from an October 7, 2020 Council meeting because Council Members' had questions regarding parking spaces and impervious surface.

Mr. Sudol explained that the Town Manager had already approved a one-year administrative extension, which expired on 6/25/2020. He showed an aerial view of the site, indicated the area in question at the

intersection of Martin Luther King Jr. Boulevard and Weaver Dairy Road, and reviewed elements of the original 2012 SUP. Mr. Sudol recommended that the Council adopt Resolution A, which would extend the completion date to June 25, 2022.

George Retschle, representing Ballentine Associates, explained that the applicant had eliminated a drive-through lane and reduced impervious surface at the State Employees Credit Union (SECU) location in response to neighbors' requests. Charterwood itself was very low in impervious surface and had a large buffer between it and its neighbors, he said.

Jamie Applequist, representing SECU, noted the importance of having drive-through lanes during the pandemic. He said that SECU had tried to make every concession regarding its site and had run out of time to build within its original time-frame.

Council Member Gu commented that the pandemic had also led to people going to banks less frequently. She asked about reducing the parking area further, but the applicant expressed a reluctance to do so.

A motion was made by Council Member Anderson, seconded by Mayor pro tem Parker, that R-18 be adopted. The motion carried by a unanimous vote.

CONTINUED DISCUSSION

16. Consider an Application for Conditional Zoning for Bridgepoint at 2214 and 2312 Homestead Road from Residential-5-Conditional (R-5-C) to Residential-5-Conditional Zoning District (R-5-CZD). [\[20-0740\]](#)

At the applicant's request, this item was postponed to the Council's November 18, 2020 meeting.

17. Adopt Updates to the Mobility and Connectivity Plan. [\[20-0741\]](#)

Mayor Hemminger said that the Town had received a presentation from Triangle Bikeway for a proposed bike and greenway connection from Chapel Hill through Durham all the way to Raleigh. She commended the vision and said that the project would begin in 2035.

Transportation Planning Manager Bergen Watterson presented proposed updates to the Town's 2017 Mobility and Connectivity Plan (M&C Plan). She said that the Town was on track to reach its goal of increasing alternative commuting to 35 percent by 2025 with an approximate one percent increase each year. Data regarding how COVID-19 had affected that would be in 2020 Census information, she pointed out.

Ms. Watterson said that the M&C Plan was being updated due to a commitment by NC DOT's 2019 Complete Streets policy which would pay

for facilities along its roads if they are in adopted plans. NC DOT would also pay for transit facilities, such as landing pads and bus pull-outs, so staff had included those as well, she said.

Ms. Watterson noted that staff had identified all facilities being proposed on NC DOT roads and had discussed how to improve them in the case of a major NC DOT construction project. She said that information regarding that was in the Council's packets and on the Mobility and Connectivity Plan website. Recommendations for transit facilities, as well as a 2019 NC-54 Bike and Pedestrian Safety Plan, were included as appendices to the M&C Plan, she said.

Ms. Watterson reported that staff had met with Town advisory boards, had held a virtual public meeting, and had allowed two days of virtual office hours. She recommended that the Council approve Resolution 23, which would adopt the proposed updates to the 2017 Mobility and Connectivity Plan.

Council Member Gu clarified with Ms. Watterson that roads listed in the M&C Plan had not been updated since 2017 and that the Town probably would do a new study within three-to-five years. She asked for more information regarding local roads, and Ms. Watterson said that many were typically implemented in conjunction with development.

Ms. Watterson described projects on Estes Road, Fordham Boulevard, and Estes Drive Extension that were currently funded. The Town continued to submit projects to NC DOT through its prioritization process and had its own Capital Improvement Projects process as well, she said.

Council Member Gu proposed incorporating the M&C Plan every time the Town repaved a road, and Ms. Watterson replied that those were flagged in the Public Works Department's five-year plan.

Mayor Hemminger verified with Ms. Watterson that a NC-DOT re-striping project, which would begin on the "west end" next summer, would include buffered bike lanes. The Mayor and Council praised Ms. Bergen and her staff for their work in general and for developing the Connectivity and Mobility website.

A motion was made by Mayor pro tem Parker, seconded by Council Member Anderson, that R-23 be adopted. The motion carried by a unanimous vote.

18. Consider an Amendment to the Water and Sewer Service Area Boundary (WASMPBA Amendment). [\[20-0742\]](#)

Planner Cory Liles gave a PowerPoint presentation on a possible amendment to the Town's water and sewer service area boundary agreement (WASMPBA) that would allow services to be extended to two

homes on Bayberry Drive in the Hunts Reserve neighborhood at the southern end of Town. He showed the area on a map and said that the two property owners had petitioned the Town for the extension.

Mr. Liles explained that the 2001 WASMPBA, an agreement among the Towns of Chapel Hill, Carrboro and Hillsborough, the Orange Water and Sewer Authority (OWASA) and Orange County, had set boundaries for where service could be provided. The five parties had agreed that the WASMPBA could be amended with the consent of all, he explained.

Mr. Liles said that Bayberry Lane landowners had petitioned the Council in February 2020 to consider amending the boundary. If Council approved, then the item would go to the other four partners for consideration, he said. OWASA had already stated that providing water and sewer to those lots would be feasible, since service had already been extended to nine homes in the same area, he pointed out. He recommended that the Council adopt Resolution 24 to amend the OWASA Primary Service Area boundary in the WASMPBA agreement.

Council members confirmed with Mr. Liles that the amount of added land probably would be less than 32 acres. They ascertained from him that the precedent for allowing the amendment was a 2017 case involving the Town of Carrboro and properties on Smith Level Road. Mr. Liles said that WASMPBA amendments had been accomplished through separate resolutions adopted by all five parties.

Some Council Members wondered if granting the request would set a precedent, and Mr. Liles replied that the current case was distinct because water and sewer lines were already in place in the neighborhood. Service for the other nine residents of Hunts Reserve had been grandfathered in when WASMPBA was created and the request was to hook up two more properties, he explained.

The Council and Mr. Liles discussed having a policy discussion in the future regarding procedures related to the scope of other amendments that might be proposed.

Ms. McClintock, a former OWASA chair, said that the requested amendment would directly contradict Town and OWASA policies. When the same situation had occurred in the past, OWASA had issued a policy, in consultation with the Town Council, against permitting extension of water and sewer connections beyond the Town's urban service area, she said. She read that statement and said that the Town policy mirrored the same content.

Ms. McClintock said that WASMPBA had been created because too many exceptions were being made to former land use agreements. While the

current request was for only two lots, the Council would be setting a precedent and would feel beholden when the next landowner asked for the same thing, she said.

Mayor Hemminger confirmed with Mr. Liles that the boundary would unlikely ever be extended beyond the requested area because there was a nature preserve on the other side. Council Member Gu verified with him that each of the two lots was about 5.5 acres and that they were limited to being single-family homes by the zoning. She expressed concern, though, that each lot might enable more than one house. She expressed concern about how much potential development a Council approval would be authorizing.

Mr. Liles said that the applicants had not shared their plans. However, existing approval was for single family and the applicants would need to come to the Council for a rezoning if they wanted to do otherwise, he said.

Council Member Ryan asked the Town Attorney if Council approval would enable a developer who buys a parcel outside the OWASA line to go to the Board of Adjustment or courts and prevail if the Council denied service.

Ms. Anderson replied that she agreed with Mr. Liles's characterization of the request being specific to its facts. Council approval would not set a hard precedent, she said.

A motion was made by Council Member Stegman, seconded by Mayor pro tem Parker, that R-24 be adopted. The motion carried by the following vote:

Aye: 7 - Mayor Hemminger, Mayor pro tem Parker, Council Member Anderson, Council Member Buansi, Council Member Stegman, Council Member Huynh, and Council Member Ryan

Nay: 1 - Council Member Gu

APPOINTMENTS

19. Appointments to the Board of Adjustment and Adopt a Resolution for Orange County Seat. [\[20-0743\]](#)

The Council reappointed Brian Godfrey and appointed Geoffrey Green and Betty Sapp to the Board of Adjustment.

A motion was made by Mayor pro tem Parker, seconded by Council Member Buansi, that R-25 be adopted to recommend that the Orange County Board of Commissioners reappoint Thomas Wortman to the County position. The motion carried by a unanimous vote.

20. Appointments to the Chapel Hill Public Library Advisory Board. [\[20-0744\]](#)

The Council reappointed Tiffany Allen and June Dunnick and appointed Ruth Morgan to the Chapel Hill Public Library Advisory Board.

21. Appointments to the Environmental Stewardship Advisory Board. [\[20-0745\]](#)

The Council reappointed Adrienne Tucker, and appointed Julie Gras-Najjar for a Chapel Hill resident seat, Marirosa Molina for the Regional Collaboration seat, Lucy Vandercamp for the Greenways Advocate seat, and recommends Grace Elliott for the UNC-Chapel Hill Student seat.

22. Appointments to the Human Services Advisory Board. [\[20-0746\]](#)

The Council reappointed Mary Andrews and Carolyn Fanelli and appointed Katina Welch to the Human Services Advisory Board.

23. Appointments to the Parks, Greenways and Recreation Commission and Adopt a Resolution for Orange County Seat. [\[20-0747\]](#)

The Council appoints Leah Boucher and Tyler Steelman to the Parks Greenways and Recreation Commission.

A motion was made by Council Member Anderson, seconded by Mayor pro tem Parker, that R-26 be adopted to recommend that the Orange County Board of Commissioners reappoint Alice Armstrong to the County position. The motion carried by a unanimous vote.

ADJOURNMENT

This meeting was adjourned at 10:06 p.m.



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 Michael Parker
Council Member Jessica Anderson
Council Member Allen Buansi

Council Member Hongbin Gu
Council Member Tai Huynh
Council Member Amy Ryan
Council Member Karen Stegman

Wednesday, November 4, 2020 7:00 PM Virtual Meeting

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 Zoom webinar directly online or by phone.

Register for this webinar:

https://us02web.zoom.us/webinar/register/WN_SuXp0Y89S2SJLzszDwAITQ After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 851 3265 3999

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

Roll Call

Present: 8 - Mayor Pam Hemminger, Mayor pro tem Michael Parker, Council Member Jessica Anderson, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Karen Stegman, Council Member Tai Huynh, and Council Member Amy Ryan

Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Florentine Miller, Town Attorney Ann Anderson, Planning Operations Manager Judy Johnson, Community Resilience Officer John Richardson, Transit Director Brian Litchfield, Traffic Engineering Manager Kumar Neppalli, Planner II Michael Sudol, Senior Planner Jake Lowman, Executive Director for Technology and CIO Scott Clark, Communications and Public Affairs Director/Town Clerk Sabrina Oliver, and Deputy Town Clerk Amy Harvey.

OPENING

Mayor Hemminger opened the virtual meeting at 7:00 p.m. and pointed out that Item 5 had been removed from the Consent Agenda. She said that interpreters

Town Council

Meeting Minutes - Draft

November 4, 2020

would be translating portions of the meeting.

Mayor Hemminger called the roll and all Council Members replied that they were present.

ANNOUNCEMENTS BY COUNCIL MEMBERS

0.01 Mayor Hemminger Regarding Election. [\[20-0779\]](#)

Mayor Hemminger congratulated recently elected state officials and noted that the U.S. Presidential race and some North Carolina races were still undecided. She expressed appreciation to local and national election boards for ensuring a legal and fair election.

0.02 Mayor Hemminger Regarding Street Path Survey. [\[20-0780\]](#)

Mayor Hemminger said that staff had identified five temporary pathways that would provide extra walking and biking space in Town. She encouraged residents to participate in a Street Path Survey that was on the Town website.

0.03 Mayor Hemminger Regarding Council Committee on Economic Sustainability Meeting. [\[20-0781\]](#)

Mayor Hemminger announced a Council Committee on Economic Sustainability virtual meeting on November 6, 2020 at 8:00 a.m. The Committee would discuss the Town's economic recovery effort and the East Rosemary Street Parking Deck design and traffic impact analysis, she said, adding that the public was welcome to attend via a link on the Town website.

0.04 Council Member Buansi Regarding Poet Laureate. [\[20-0782\]](#)

Council Member Buansi encouraged residents to view "In The Aftermath", by Chapel Hill's Poet Laureate CJ Suitt, on the Town website. He said that the poem was a great piece that was fitting for the current times. Mayor Hemminger agreed with that characterization and said that she would bring the poem forward at a future Council meeting.

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.

1. Barbara Driscoll Request for a Leave the Leaves Campaign. [\[20-0755\]](#)

Barbara Driscoll, New Hope Audubon Society president, petitioned the Council regarding a "Leave the Leaves" campaign to educate the public on the benefits of letting leaves remain on their properties rather than having the Public Works Department come and take them away. She outlined the environmental and economic benefits of doing so and said that no staff positions would be eliminated as a result of the change.

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

1.01 Adrienne Tucker Support of Leave the Leaves Campaign. [\[20-0783\]](#)

Adrienne Tucker, Environmental Stewardship Advisory Board chair, expressed support for the "Leave the Leaves" petition in Item 1. The proposal was a "no-brainer" that would have a large environmental impact, she said.

This item was received as presented.

2. Residents in the area of Mason Farm Rd., Whitehead Circle, and Purefoy Rd Request Improvements to Neighborhood Infrastructure to Promote Safe Walking and Biking and Improved Connectivity to Adjacent Neighborhoods and Campus. [\[20-0756\]](#)

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

2.01 Paris Miller Regarding Support for Affordable Housing. [\[20-0784\]](#)

Paris Miller, an EmPOWERment, Inc. board member, thanked the Council for its commitment to affordable housing. She said that EmPOWERment would bring 10 new affordable rental units to the Pine Knolls neighborhood, as part of the Parish Empowerment Affordable Community Housing (PEACH) project, and that Town funding would help them to

continue improving that neighborhood.

This item was received as presented.

2.02 Delores Bailey Regarding Support for Affordable Housing. [\[20-0785\]](#)

Delores Bailey, executive director of EmPOWERment, Inc., thanked the Council for helping the Northside community during the COVID-19 pandemic. She began to thank the Town for supporting the PEACH project as well, but the call ended abruptly due to a bad phone connection.

This item was received as presented.

2.03 Danita Mason-Hogans Support for Affordable Housing. [\[20-0786\]](#)

Danita Mason-Hogans, an EmPOWERment, Inc. board member, thanked the Council for its support and dedicated service to the community.

This item was received as presented.

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 Parker, seconded by Council Member Buansi, that R-1 be adopted as amended, which approved the Consent Agenda. The motion carried by a unanimous vote.

3. Approve all Consent Agenda Items. [\[20-0757\]](#)

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

4. Approve the Housing Advisory Board's Recommended Funding Plan for the Affordable Housing Development Reserve. [\[20-0758\]](#)

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

5. Revise Sections III. D. and III. E. 1. of the Council Procedures Manual Regarding Naming Policies and the Acceptance of Gifts and Donations. [\[20-0759\]](#)

This item was removed.

6. Continue the Public Hearing on a Land Use Management Ordinance Text Amendment for Townhomes in the Blue Hill District to November 18, 2020. [\[20-0760\]](#)

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

7. Call a Public Hearing for a Conditional Zoning Application for Columbia Street Annex, 1150 S. Columbia Street, from Residential-2 (R-2) to Mixed Use - Village - Conditional Zoning District (MU-V-CZD) and Continue the Public Hearing for the Closure of an Unmaintained Portion of the Monroe Street Right-of-Way to November 18, 2020. [\[20-0761\]](#)

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

8. Adopt a Resolution Closing the Public Hearing for the Land Use Management Ordinance Text Amendment to Article 5 Regarding Parking Limitations in Town Center and Town Code Chapter 11A Regarding Off-Street Parking and a Council Policy on Parking. [\[20-0762\]](#)

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

INFORMATION

9. Receive Upcoming Public Hearing Items and Petition Status List. [\[20-0763\]](#)

This item was received as presented.

10. Government Alliance on Race and Equity Update. [\[20-0764\]](#)
- Mayor Hemminger said that Item 10 would return for Council discussion when all the necessary information had been assembled, and Town Manager Maurice Jones added that staff planned to return in January 2021.

This item was received as presented.

DISCUSSION

11. Update on Town Efforts to Respond to the COVID-19 Crisis. (no attachment) [\[20-0765\]](#)

Town Manager Maurice Jones gave a PowerPoint update on the Town's COVID-19 response. He said that the Chapel Hill-Carrboro School System (CHCCS) was engaging in remote learning but had presented different options for the spring semester. The University of North Carolina at Chapel Hill (UNC-CH) was finalizing its plans for the spring semester and Town staff had been meeting with them to coordinate plans, he said.

Mr. Jones provided information from the U.S. Center for Disease Control regarding the effects of influenza. He encouraged all to get vaccinated as soon as possible and stressed the importance of reducing any additional burden on the healthcare system during the COVID-19 pandemic.

Mr. Jones reported that community testing for COVID-19 was continuing, both weekly and daily, and that information regarding times and locations could be found at orangecountync.gov/testing. He provided details on a new "Slow Covid NC" app as well. He reminded all to continue following the 3Ws (wear a mask, wash hands regularly, wait six feet apart from others).

Council Member Ryan confirmed with Mr. Jones that UNC-CH would inform the Council of its spring semester plans but had not yet set a date for that briefing.

This item was received as presented.

12. Receive Progress Report on County-wide Long Term Recovery Plan. [\[20-0766\]](#)

Community Resilience Officer John Richardson introduced members of Hagerty Consulting to share additional information on the county-wide Long-Term Recovery Plan, about which he had updated the Council in September.

In a PowerPoint presentation, Kayla Slater, senior managing associate at Hagerty Consulting, outlined the goal of determining the pandemic's impact on the Town's economy, community, health, social services, and housing. She said that information about the planning process was available at orangencforward.org

Ms. Slater said that Hagerty had provided training on how to navigate funding streams such as public assistance and federal CARES act funds in October. She described a working group of about 130 diverse stakeholders and a project management team that was a mix of representatives from Orange County's three jurisdictions. There had been two large group meetings and a series of focus groups sessions, she said.

Ms. Slater mentioned working with the Department of Human Rights and Relations to schedule meetings with non-English-speaking groups. She said that an impact assessment had determined a disproportionate level of COVID-19 infection among Black and Latinx communities. Job loss in Orange County was lower than the national average, but many families were struggling to juggle childcare, virtual learning, and work, she said.

Ms. Slater said that the following five goals would provide the backbone of the plan and a related document's organization: addressing fundamental needs of all residents, creating stable affordable housing solutions, promoting dynamic sustainable economic recovery, streamlining access to community resources, and combating the negative effects of social distancing. She reviewed next steps and said that a first draft of the plan

would be circulated for public comment in January 2021.

Council Members asked about plans to target initiatives such as food distribution in various areas of Chapel Hill, Carrboro and Hillsborough. Ms. Slater replied that the current effort was to understand those differences and that a matrix for mapping strategies to specific jurisdictions was being discussed.

The Council confirmed with Ms. Slater that the initiative was being coordinated with the Town's long-term recovery plan and that discussions were underway about streamlining resident access to programs through a "one-stop" entry point. Council Members asked for more demographic information about the 311 respondents that were mentioned in an economic impact assessment report. They verified that additional surveys were being planned to reach populations that had not adequately responded the first time.

In response to a question from the Council about efforts to reach out to small and minority-owned businesses and other groups, Ms. Slater said that Hagerty Consulting probably would not conduct any additional focus groups at the current time, given its timeline and budget restrictions.

Mayor Hemminger noted that several members of Town staff and the community had been serving on Hagerty Consulting and Town committees and she encouraged ongoing collaboration.

This item was received as presented.

13. Open a Public Hearing: Conditional Zoning for 1200 & 1204 Martin Luther King Jr. Blvd. from Residential-4 (R-4) and Neighborhood Commercial (NC) to Office/Institutional-2-Conditional Zoning District (OI-2-CZD) and Neighborhood Commercial Conditional Zoning District (NC-CZD) (Project #19-065).

[\[20-0767\]](#)

Planner Michael Sudol opened a public hearing on a request to rezone property at 1200 Martin Luther King Jr. Boulevard (MLK) to Conditional Zoning to allow the 12.9-acre site to accommodate a self-storage facility, mobile-home park and expanded gas station/store. He reviewed the site plan and noted a substantial amount of Resource Conservation District (RCD) at the northern end of the property.

Mr. Sudol outlined the proposal to demolish an existing gas station and replace it with the new buildings. He explained that about 16 of 73 mobile homes would be relocated on site and that the applicant would propose adding 10 more. The applicant had asked to work with staff regarding a bus stop and pedestrian improvements, he said, and he outlined several additional modification requests.

Mr. Sudol pointed out that the NC Department of Transportation (NC-DOT) and the Town did not support a proposed right in/right out entrance at the site and that staff had recommended a right out only solution. He reported that the Community Design Commission (CDC) and Planning Commission (PC) had both recommended denial and that other Town boards had recommended approval with conditions.

Mr. Sudol recommended that the Council open the public hearing, receive comments, close the public hearing, and move to consider the item for action on December 9, 2020.

Dan Jewell, of Coulter Jewell Thames, explained that the plan, proposed by applicant Stackhouse Properties LLC, would do the following: eliminate the need to demolish homes, accommodate a planned bus rapid transit (BRT) station and a multi-use path, upgrade and modernize a 1970s-style convenience store, improve a dangerous intersection, provide stormwater management where none currently existed, potentially provide more housing on site, and maintain the current mobile homes for at least 10 years.

Mr. Jewell said that Stackhouse Properties had held multiple meetings with the current Tar Heel Mobile Home Park residents and had found a way to keep all of them on the property. Stackhouse had determined how to move 17 units and could add about seven more in the outer edges of the RCD, if the Council approved that, he said. He said that mobile homes were currently located in the RCD because there had been no ordinance prohibiting that in 1980 when the original SUP for the park was approved.

Mr. Jewell discussed storage facility hours (6:00 a.m. to 10 p.m.) and said that low-level security lighting along the back of the building would not affect the residential units. He estimated the storage building's height to be 3-3.5 stories and said that the proposed plan would add a playground for residential use.

Mr. Jewell showed an aerial view of existing conditions in the area and indicated where four driveways onto MLK created an unsafe situation and challenges for residents going in and out of the property. The applicant would continue working with NC-DOT and Chapel Hill Transit to design a secondary driveway configuration that would safely accommodate bus rapid transit (BRT) and a proposed multi-use trail, he said.

In response to Council Members' questions, Mr. Jewell agreed to find out whether the park tenants would be offered annual leases. He clarified that no residents had been required to buy new mobile homes since there had been an adequate number of vacant ones on the property. Some residents had moved on site and others had bought new units that Stackhouse provided, he said.

Council Members determined from Mr. Jewell that the RCD was the only place additional units could go. They verified that neither he nor the applicant had met with homeowners in the last six or seven months but that they did have regular communication with them. The Council also confirmed that repairs, such as paving and pothole remediation, would be done as part of the larger project.

Council Members asked about tree removal plans and about discussions with residents regarding a possible fence between the park and the self-storage facility. They confirmed with Mr. Jewell that the three-story storage building would be a maximum of 35-feet tall.

Council Member Huynh asked what would happen if the older units aged out before 10 years, and Mr. Jewell said that the applicant had not thought that far ahead. Council Member Huynh asked about the possibility of building a gathering space for residents, and Mr. Jewell agreed to return with a response from the applicant.

The Council confirmed that monthly rent for trailer pads was \$455, including property taxes. Mr. Jewell said that he could not commit to a rent freeze but that typical annual rent increases would be \$20 to \$25. Several Council Members proposed putting a cap on rent increases, and Mr. Jewell agreed to raise that idea with the Stackhouse Properties.

Council Member Buansi asked for information on whether some landlords in North Carolina allowed longer than month-to-month leases, and Mayor pro tem Parker proposed that the applicant consider extending the lease term to 15 years.

The Council confirmed with Town Traffic Engineer Kumar Neppalli that a traffic impact analysis had recommended adding a four-way traffic signal at the location. Both Mr. Neppalli and Transit Director Brian Litchfield expressed concern about locating a right in/right out driveway in the BRT lane. Mr. Neppalli said he thought a solution could be worked out soon and that he hoped to propose options before the Council's December 9, 2020 meeting.

The Council confirmed with Mr. Jewell that residents had seen the latest plan and that community meetings had included translators. Council Member Gu proposed that the applicant offer residents a written "community agreement" that would include specific details regarding the playground, the multi-use path, the amount of rent increases, the storage facility's operating hours, the plans for pothole repair, and more.

Council Member Gu asked Mr. Litchfield if he saw a potential conflict between the applicant's proposal and the Town's vision for the BRT, and he replied that staff continued to have concerns about the right in/right out driveway using the BRT lane. He said that a gas station and storage facility would not likely generate a significant amount of ridership but that

the corridor already had sufficient density to support the BRT. The trade-off was to allow Tar Heel Mobile Home Park to remain for another 10 years, Mr. Litchfield pointed out.

In response to Council Members' questions about the RCD, Mr. Sudol explained that a perennial stream ran through it but there had been no issues with flooding. The primary concern involved maintaining state-required, 50-foot stream buffers, he said. When questioned further, Mr. Sudol said that the RCD had been put in place to maintain water quality and stream environment and that any development would have some impact on it.

Mayor Hemminger asked the Town Attorney to bring back information on whether fair housing laws would prohibit the Town from giving preference to those who already have homes in Chapel Hill, if more space became available in the RCD.

Tar Heel Mobile Home Park residents Melissa Ginsberg, Ernest Mondeco, Raphael [unknown last name], Vivian Velazque, Trinidad Cervantes, Ari Compose and Judy Harrell reported positive experiences living at Tar Heel Mobile Home Park and asked the Council to approve the project.

Pat Garavaglia, who resides behind the park, said that adding 2,000 more trips to the already dangerous intersection would be "horrifying". She questioned the need for another gas station, since there already were two across the street. She predicted that lighting from the gas station would be a problem and asked if a foul-smelling dumpster at the back of the trailer park would be removed. Ms. Garavaglia said she could not see any area for a playground on the applicant's plans. She questioned a plan to use an existing buffer since not much buffer currently existed.

Mayor Hemminger recommended that the applicant contact Ms. Garavaglia and discuss her concerns.

Jason Klaitman, an Estes Hills resident, said that the project would provide a needed service, increase tax revenue, provide a great convenience store, and remain committed to affordable housing. He suggested that an eventual partnership with DHIC, or Habitat for Humanity, could increase affordable housing at the location.

Susanna Dancy, representing the Community Design Commission (CDC), said that the proposed plan was inconsistent with the BRT and would undermine the Council's land-use goals for that transit corridor. She pointed out that the CDC had voted to deny the application. However, if the Council did decide to go forward with the gas station, the building should not have its back to the public realm, she said.

Ms. Dancy said that the CDC was concerned about the height of the storage facility and how its position right up against the trailer park would

create shadows and limit light and air movement. She encouraged the Council to find a way to keep the park a bit longer while not allowing the gas station and self-storage facility there.

Natahaly Grijalva, a Tar Heel Mobile Home Park resident, said that not everyone had been given an option to buy a new mobile home and that some had been given 90 days to take their homes and leave the park. She said that leases were month-to-month and that residents had received a packet of tenants' rules but nothing about management's responsibilities. She believed that some residents had not expressed their concerns because they were afraid of being kicked out of the park if they did, she said.

Melissa McCullough, a Planning Commission (PC) member, said that the PC had voted to deny the application and that she wanted to offer her personal perspective. She cautioned against setting a precedent by changing the Town's Land Use Management Ordinance to allow self storage as a primary use. Having self-storage in front would diminish the value of the trailer park land and set the stage for something else that would not meet the Town's goals for the area, she said.

Council Members agreed that having a gas station and self-storage facility on a future BRT corridor did not align with the Town's future land use plans for the area. However, the proposal would protect a vulnerable community from being displaced, they pointed out. It would not make sense to approve a project that did not support the Town's long-term goals unless it had stronger protections for residents, Mayor pro tem Parker said.

The Council expressed concern about the lease agreement, and Council Member Buansi asked the applicant to provide a copy of the packet of rules that Ms. Grijalva said had been given to residents. Council Members stressed the importance of having stable and affordable housing at that location and requested more information about the amount and frequency of rent increases. Council Members asked the applicant to develop an agreement with residents on how those increases would be determined.

Council Members Stegman and Buansi asked the applicant to consider 15-20 year leases, rather than 10 years, and Council Member Huynh asked for information about any arbitrary rules where residents could be kicked off their lots. Council Member Ryan proposed substantially more tree cover, a building design that would blend in and not look like self-storage, and a signage plan. Council Member Stegman said that issues regarding noise and lighting needed to be worked out, and Council Member Anderson asked the applicant to resolve the pot hole issue as soon as possible.

Council Member Ryan expressed concern about putting units in the RCD. Council Member Anderson said she could support a very minimal

encroachment if it would mean fitting more people in or keeping communities together. Council Member Gu commented on how the Council would need to take a holistic view while addressing competing needs. Council Member Huynh stressed the importance of having a more robust Town strategy regarding mobile home parks rather than constantly reacting and choosing between bad options.

Mayor Hemminger pointed out that land prices and pressures for growth had affected the community and that all of the Town's mobile home parks had been pressured to become something else. The Council had been working toward a strategy for those families and had a few more options to offer mobile home park residents, she said.

Mayor Hemminger characterized the application as a short-term solution until two Town-sponsored affordable housing projects were further along in development. She agreed that the Council would not normally want to put such a project along a high density corridor but pointed out that there were other low intensity uses along MLK as well.

A motion was made by Council Member Anderson, seconded by Council Member Huynh, to continue the Public Hearing to December 9, 2020. The motion carried by a unanimous vote.

14. Consider a Proposal for a Land Use Management Ordinance Text Amendment - Proposed Changes to Section 5.14.4 (Campaign Signs). [\[20-0768\]](#)

Planner Corey Liles explained that the proposed LUMO text amendment would create a 30-day period after which political signs would be considered abandoned property and could be removed.

A motion was made by Council Member Stegman, seconded by Mayor pro tem Parker, that R-7 be adopted. The motion carried by a unanimous vote.

A motion was made by Council Member Anderson, seconded by Mayor pro tem Parker, that O-1 be enacted. The motion carried by a unanimous vote.

15. Consider Land Use Management Ordinance Text Amendment - Proposed Changes to Table 3.7-1: Use Matrix - Self-Storage Facility, Conditioned. [\[20-0769\]](#)

Planner Jake Lowman presented a LUMO text amendment (TA) that would add an "S" to the use table and allow conditioned self-storage facilities as a special use in Planned Mixed-Use developments. He pointed out that the Council had held a public hearing on the item on October 7, 2020 and that one comment had been submitted during the following 24 hours. He recommended that the Council adopt the Resolution of Consistency and

enact Ordinance A.

Council Members Ryan and Gu asked about the PC's concern that approving the TA would set a precedent and open up more areas in Town for self-storage.

Mr. Lowman replied that any future Planned Development would need to come before the Council for a Special Use Permit and would be decided on a case-by-case basis.

Mayor pro tem Parker pointed out that self-storage would be in the use matrix as a special, not a permitted use. Any conditioned self-storage would ultimately require Council approval, he said.

A motion was made by Mayor pro tem Parker, seconded by Council Member Anderson, that R-9 be adopted. The motion carried by the following vote:

Aye: 6 - Mayor Hemminger, Mayor pro tem Parker, Council Member Anderson, Council Member Buansi, Council Member Stegman, and Council Member Huynh

Nay: 2 - Council Member Gu, and Council Member Ryan

A motion was made by Mayor pro tem Parker, seconded by Council Member Anderson, that O-2 be enacted. The motion carried by the following vote:

Aye: 6 - Mayor Hemminger, Mayor pro tem Parker, Council Member Anderson, Council Member Buansi, Council Member Stegman, and Council Member Huynh

Nay: 2 - Council Member Gu, and Council Member Ryan

SPECIAL USE PERMIT(S)

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.

- 16.** Consider an Application for Limited Scope Special Use Permit Modification - Carraway Village, 3000 Eubanks Road. [\[20-0770\]](#)

Mr. Lowman opened the continuation of a public hearing on a Special Use Permit (SUP) modification request for Carraway Village. He said that the Council had adopted a resolution on March 4, 2020 that would limit the scope of the current request to the following: permitting self-storage

facilities in Block G; allowing service stations as a stand-alone use in Blocks A, B, and C; minor signage changes; and terminating Public Street A. Mr. Lowman showed those locations on a map and recommended that the Council open and then close the public hearing and adopt Resolution A for approval.

Applicant Adam Golden, of NR Edge Properties, gave a PowerPoint presentation in which he showed the Carraway Village site plan and reviewed the reasons for the requested SUP modifications. He said that power easements precluded having residential uses in Block G, where the proposed conditioned self-storage would go. Block G would allow a 1.5-acre facility in the first phase and a 2-acre site for a possible second phase, he said.

Mr. Golden showed a photo of modern storage facilities and assured the Council that he was not proposing to build five facilities on Block G. In addition, he described the three areas where a service station could go.

Council Member Ryan confirmed that the applicant would "absolutely" consider putting parking under the power lines and that Carraway Village's signage would reflect existing Town code except for the signs facing Interstate 40.

Mayor pro tem Parker clarified that the applicant agreed to having only one gas station operating at any one time. He said that the approval language did not quite state that, and he asked the Town Attorney to ensure that the resolution fully addressed what the Council had agreed to.

Council Members Ryan and Gu proposed approving only one phase of self-storage at the current time and waiting to see if something better than a second facility could be built there in the future.

Council Member Ryan pointed out that some neighbors had complained about the gas station being located too close to their homes. She expressed concern about it being the first thing a person would see coming into Town from Interstate 40. She asked for stipulations that would require substantial visual screening between the gas station and the highway.

Mr. Golden agreed to only one gas station but asked to not have to return to Council for approval regarding the three acres in Block G.

Mayor pro tem Parker moved to close the public hearing and adopt revised Resolution-A, as amended to clarify that only one gas station would be allowed to operate at a time and that the buffers Council Member Ryan requested be included if the gas station is built on Block A.

A motion was made by Mayor pro tem Parker, seconded by Council Member Buansi, to close the public hearing. The motion carried by a unanimous vote.

A motion was made by Mayor pro tem Parker, seconded by Council Member Buansi, that Resolution of Consistency be adopted. The motion carried by a unanimous vote.

A motion was made by Mayor pro tem Parker, seconded by Council Member Buansi, that this Special Use Permit Modification R-12 be adopted as amended. The motion carried by the following vote:

Aye: 7 - Mayor Hemminger, Mayor pro tem Parker, Council Member Anderson, Council Member Buansi, Council Member Gu, Council Member Stegman, and Council Member Huynh

Nay: 1 - Council Member Ryan

CONTINUED DISCUSSION

17. Public Forum: Housing and Community Development Needs Assessment for the Community Development Block Grant Program. [\[20-0771\]](#)

Affordable Housing Manager Nate Broman-Fulks opened the first of two public forums regarding priorities for using FY 2020-21 Community Development Block Grant (CDBG) funds. He said that the second forum was planned for March.

Mr. Broman-Fulks gave an overview of the U.S. Department of Housing and Urban Development (HUD) program and said that Chapel Hill was an entitlement community that received an annual allocation. He explained the qualifications and eligible activities for CDBG funding.

Mr. Broman-Fulks said that funding applications would be due to the Town in January and that an Application Review Committee would review those and make recommendations to the Council. A second public forum would be held in March, the Council would approve a funding plan in April, and the Town would submit the final plan to HUD in May 2021, he said.

Council Member Stegman said that holding a forum at 11:30 p.m. did not reflect that the Town cared about getting public comment. She proposed thinking about how the Council could have more meaningful community input.

Mr. Broman-Fulks replied that the process was just kicking off and that further discussions and engagement would take place over several

months. Staff would do its best to spread the word throughout the community, he said.

Mayor Hemminger agreed with the suggestion to schedule forums earlier in Council meetings.

This item was received as presented.

18. Open the Public Hearing and Consider a Petition to Annex Property at 7000 Millhouse Road. [\[20-0772\]](#)

Planner Corey Liles opened the public hearing on a proposed voluntary annexation of a 9.76-acre site and adjacent right-of-way on Millhouse Road. The annexation would add the property to the Town's corporate limits and make it eligible for Town services, he said.

Mr. Liles explained that the site had been rezoned for Light Industrial Conditional Use in 2017 and that an application from Carolina Donor Services had been approved in June 2020. He said that estimated Town revenues from annexation would be more than \$17,235 annually and that the applicant would be required to make a one-time \$123 payment to the New Hope Fire District. Mr. Liles recommended that the Council receive any public comment for 24 hours and consider action on Dec 9, 2020.

A motion was made by Council Member Anderson, seconded by Council Member Huynh, to close the public hearing and receive comment for an additional 24-hours. The motion carried by a unanimous vote.

APPOINTMENTS

19. Appointments to the Chapel Hill Downtown Partnership. [\[20-0773\]](#)

The Council reappointed Mark Sherburne to the Chapel Hill Downtown Partnership Town Resident Seat.

20. Appointments to the Community Policing Advisory Committee. [\[20-0774\]](#)

The Council appointed Shiala Baldwin, Julius Coulter, Clarke French, Sarah Hoffman, Tracy Miller, Cynthia Watkins to the Community Policing Advisory Committee.

21. Appointments to the Cultural Arts Commission [\[20-0775\]](#)

The Council reappointed Justin Haslett, Jennifer Lawson, Dianne Pledger, Iana Vazquez and Megan Winget to the Cultural Arts Commission.

22. Appointments to the Orange Water and Sewer Authority Board of Directors [\[20-0776\]](#)

The Council reappointed John Morris and appointed Kevin Leibel to the

Orange Water and Sewer Authority Board of Directors. The Council continues to seek applicants to this board.

ADJOURNMENT

This meeting was adjourned at 11:43 p.m.



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 Michael Parker
Council Member Jessica Anderson
Council Member Allen Buansi

Council Member Hongbin Gu
Council Member Tai Huynh
Council Member Amy Ryan
Council Member Karen Stegman

Wednesday, November 18, 2020 7:00 PM Virtual Meeting

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 Zoom webinar directly online or by phone.

Register for this webinar:

https://us02web.zoom.us/webinar/register/WN_6xp3NdFSWC3-xf09ksWfg After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 892 8049 3974

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

Roll Call

Present: 8 - Mayor Pam Hemminger, Mayor pro tem Michael Parker, Council Member Jessica Anderson, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Karen Stegman, Council Member Tai Huynh, and Council Member Amy Ryan

Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Florentine Miller, Town Attorney Ann Anderson, Planning Operations Manager Judy Johnson, Principal Planner Corey Liles, Senior Engineer Ernest Odel-Larbi, Urban Designer Brian Peterson, Senior Planner Anya Grahn, Manager of Engineering & Infrastructure Chris Roberts, Emergency Management Coordinator Kelly Drayton, Traffic Engineering Manager Kumar Neppalli, Public Works Director Lance Norris, Fire Chief Vence Harris, Planning Director Colleen Willger, Executive Director for Technology and CIO Scott Clark, Communications and Public Affairs Director/Town Clerk Sabrina Oliver, and Deputy Town Clerk Amy Harvey.

OPENING

Town Council

Meeting Minutes - Draft

November 18, 2020

Mayor Hemminger opened the virtual meeting at 7:00 p.m. and called the roll. All Council Members replied that they were present.

ANNOUNCEMENTS BY COUNCIL MEMBERS

0.01 Salute: Carolina Athletics & National Youth Sports Public Health Strategy. [\[20-0820\]](#)

Mayor Hemminger recognized Carolina Athletics and National Youth Sports for signaling its support for national, state and local efforts to expand youth participation in sports. She pointed out that North Carolina ranked 18th in the country for childhood obesity.

University of North Carolina at Chapel Hill (UNC-CH) Athletics Director Bubba Cunningham thanked the Town for the proclamation. He said that UNC was delighted to be the first NCAA school to support the National Fitness Foundation initiative.

0.02 Mayor Hemminger Regarding Small Business Saturday. [\[20-0821\]](#)

Mayor pro tem Parker read a proclamation declaring November 28, 2020 to be Small Business Saturday in Chapel Hill. Small businesses accounted for 65 percent of the new jobs created in the U.S. between 2000 and 2019, he read. He pointed out that small businesses had been deeply impacted by COVID-19 and that Small Business Saturday would be more important than ever in 2020.

Epilogue Book Store owner Jaime Sanchez described the difficulties that his Franklin Street business had been confronting during COVID-19 and mentioned many safety features that the store had incorporated. Mr. Sanchez said that the Chapel Hill-Carrboro Chamber of Commerce and the Downtown Partnership wanted to remind everyone that buying locally mattered more than ever. He pointed out that 60 percent of every dollar spent locally stayed in the community.

0.03 Mayor Hemminger Regarding Care to Share. [\[20-0822\]](#)

Council Member Anderson announced that November 19, 2020 would be Care to Share Day in Orange County. She explained that an Orange Water and Sewer Association (OWASA) program provided assistance to those who needed it to pay their bills during the pandemic. Town residents could help others by adding a donation when paying their OWASA bills, she said, adding that more information was available on OWASA's website.

0.04 Mayor Hemminger Regarding New Planning Director. [\[20-0823\]](#)

Town Manager Maurice Jones introduced new Planning Director Colleen Willger and shared some of her professional background. Ms. Willger

thanked the Town Council for the opportunity to serve, and Mayor Hemminger said that she was looking forward to meeting Ms. Willger in person when the pandemic ended.

0.05 Mayor Hemminger Regarding 2200 Homestead Road Project Public Information Meeting. [\[20-0824\]](#)

Mayor Hemminger announced that a virtual public information session on a proposed residential project at 2200 Homestead Road would be held on November 19, 2020 from 5:15 p.m. to 6:00 p.m.

0.06 Mayor Hemminger Regarding Arbor Day. [\[20-0825\]](#)

Mayor Hemminger said that the Town would celebrate Arbor Day at 9:45 a.m. on November 20th by planting trees near Town Hall. Information about the event was on the Town Calendar, she said.

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.

CONSENT

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

Approval of the Consent Agenda

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

1. Approve all Consent Agenda Items. [\[20-0802\]](#)

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

2. Adopt a Calendar of Council Meetings through June 2021. [\[20-0803\]](#)

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

INFORMATION

3. Receive Upcoming Public Hearing Items and Petition Status List. [\[20-0804\]](#)

This item was received as presented.

4. Receive the First Quarter Fiscal Year (FY) 2021 Affordable Housing Report. [\[20-0805\]](#)

This item was received as presented.

DISCUSSION

5. COVID-19 Update - UNC's Spring Semester Planning. (no attachment) [\[20-0806\]](#)

Darrell Jeter, director of emergency management and planning at UNC-CH, gave an overview of spring semester plans. He said that a new Campus and Community Advisory Committee would recommend a course of action for providing students with safe living and dining services. The Committee, which included Town representation, would also look at off-campus student living and Greek life and would address COVID-19 testing, tracing, and patient care, he said.

Mr. Jeter said that spring semester classes would begin on January 19, 2020. There would be no spring break, but there would be shorter breaks throughout the semester, he said. He said that classes were expected to end on May 5, 2021, followed by final exams, and then commencement would be on May 16th. He pointed out, however, that those dates would depend on health risks at the time.

Mr. Jeter described five different modes of instruction and discussed changes in student housing arrangements. UNC-CH anticipated housing about 3,500 students on campus, he said. He said that a "Carolina Together" website and dashboard would be the primary COVID information resource. Students would be required to sign safety and testing protocols as well as community standards that UNC-CH would aggressively promote, he said.

In response to Council Members' questions, Mr. Jeter agreed to bring back more information on the following: penalties for students who violate standards; UNC-CH's testing, tracing and quarantining capacity; the number of students who would be living off campus in the spring semester; UNC's plans to vaccinate students; and when the spring 2020 class would finally have its commencement ceremony.

Council Member Anderson requested that data regarding community standard violations be released more often than quarterly. She asked

about efforts to target super-spreader events and/or repeat offenders, and Mr. Jeter said that the Department of Student Affairs and the Campus Police had been educating students about the consequences of non-compliance both on and off campus.

Council Member Anderson asked about an off-ramp to the plan, and Mr. Jeter said that UNC-CH would monitor information from state and county health experts, which would help inform them whether they needed to modify operations.

Council Member Huynh recommended having a more frequent, perhaps a daily, process for making sure that students comply with community standards.

Council Member Stegman confirmed that UNC-CH had been collaborating with Duke University, and Mr. Jeter mentioned aspects of Duke's testing and tracing strategies that UNC-CH had added to its own protocols. Council Member Stegman confirmed that UNC-CH's strategy would include mandatory testing for certain populations while others would be encouraged to test routinely.

The Council strongly urged UNC-CH to test and track as widely as possible and stressed the importance of mandatory testing for off-campus students as well as those living on campus. The Council asked UNC-CH to emphasize a "whole community" message that would teach students to continue wearing masks when they went off campus.

Emergency Management Coordinator Kelly Drayton said that the Town had been engaging in vaccination planning conversations. The state had been working with third-party contractors to address vaccinating highly vulnerable populations, she said. She said that the vaccination plan would include UNC-CH and UNC Health and that she would provide the Council with more information on November 20th.

This item was received as presented.

6. Charting Our Future - Resumption of the Public Hearing for the Adoption of the Future Land Use Map - Update to Chapel Hill 2020. [\[20-0807\]](#)

Land Use Management Ordinance (LUMO) Project Manager Alisa Duffey Rogers began the continuation of a public hearing on adoption of the Future Land Use Map (FLUM) update to the Chapel Hill 2020 Comprehensive Plan (CH 2020). She described the FLUM's contents and said that its focus area maps would replace the CH 2020 land-use plan but all other aspects of CH 2020 would remain.

Ms. Duffey Rogers said that staff did not concur with a request that UNC Health had made at an October 28 public hearing to include "Hospitals" in

the Commercial Office Planned Use category, but staff did agree with a requested change to the Commercial Office character type definition. She listed several changes that UNC-CH had requested as well, and said that those could be accommodated if the Council so desired.

Ms. Duffey Rogers recommended that the Council resume the public hearing, receive additional comments, close the public hearing and allow written comments for 24 hours, and to consider adopting the FLUM on December 9, 2020.

Council Member Anderson confirmed with Ms. Duffey Rogers that a discussion of the Downtown area would probably occur during the next phase of the project.

Kimberly Brewer, a Purefoy neighborhood resident, recommended that the Council remove South Columbia Street as a focus area and develop a land-use map and ordinance that would encourage preservation of Merritt's Grill, maintain a diversity of affordable housing (AH), and be in harmony with that historic entrance to Town. She said that making the location focus area would encourage redevelopment there.

Claire Horne, a Westood neighborhood resident, asked the Council to remove the South Columbia focus area from the FLUM and said that the proposed scale of development contradicted the Town's stated goals. She asked the Council to provide data on why numerous six-story buildings at the southern gateway would be of greater benefit than smaller buildings would be.

Anna Wu, associate vice chancellor for Facilities Services at UNC-CH, asked the Council to consider extending the public hearing to December 9th and taking a final vote on the FLUM in January 2021. She said that the University needed more time to try to reach a resolution with the Town staff that would clarify the Commercial Office and Institutional Civic character types.

Aris Buinevicius, a Westwood neighborhood resident, pointed out that the Town had stood with neighbors for decades to get bike lanes installed despite huge pressure from UNC-CH and the NC Department of Transportation (NC-DOT). However, the current Council had been ignoring neighborhood objections to the proposed gateway zone, he said, and he urged the Council to not let the proposal move forward at its current scale.

Simon George, assistant vice president for Real Estate Development at UNC Health, expressed gratitude to the Town for accepting and modifying many of the changes that UNC Health had suggested. He said that the Town, UNC-CH, and UNC Health were close to finalizing a document that would include the goals and priorities of all three. He asked the Council to consider including "Support Hospital" or "Supporting Hospital" if

"Hospital" was not acceptable and to continue the public hearing to December 9, 2020.

Nancy Oates, a Chapel Hill resident, said that the plan, as presented, left no place for essential workers to live because affordable and workforce neighborhoods would be replaced with luxury apartments. In addition, there needed to be an assessment of the topography and carrying capacity of land to make sure that high density areas could realistically be built upon, she said.

Julie McClintock, a Chapel Hill resident, endorsed Ms. Brewer's and Ms. Oates's comments. If the proposed building heights were not reduced, the Town would lose a distinctive historic area and college town ambiance, she said. Ms. McClintock provided background on previous attempts to change the area and said that former Councils had persevered and succeeded in protecting it. She proposed that the Council remove the focus area from the FLUM and initiate an entryway plan that values the history of that location.

Ruchir Vora, and OWASA board member, who owns property in the neighborhood, said that he had always been told he could not build on his land because of slope and stream regulations. Requirements should be consistent, and the Town should not make exceptions for developers, he said.

Mayor pro tem Parker read a statement from Chapel Hill resident Kari Moskovisi, which stated that the Council should adhere to existing Resource Conservation District (RCD) regulations and only make exceptions for exceptional situations.

Jennifer Strauss, a Westwood neighborhood resident, said that she and her husband shared the neighbors' concerns about the scale of the proposed project.

Council Members expressed support for staff recommendations and opposition to adding "Hospital" to the definitions unless it was modified to be more specific such as "Support Hospital". Some spoke in favor of removing the South Columbia Focus Area from the FLUM, while others said there had not been enough time or information for the Council to consider doing that. Town Attorney Ann Anderson said she was not comfortable making such a change without receiving broader community input.

The Council confirmed with Ms. Duffey Rogers that moving the date for adoption to January would not be detrimental to the overall schedule. Council Member Anderson spoke in favor of closing the public hearing, adding any minor definition changes and voting on December 9, 2020, and Council Member Gu agreed. The FLUM was a living document that could be revised and made more specific in the future, Council Member Gu said.

Mayor Hemminger confirmed with Attorney Anderson that the process could continue while changes were being made and that making changes would not affect the schedule if they were not too extensive. She confirmed with Ms. Duffey Rogers that creating a new character type would be a major change, while UNC's other requests would be minor. Mayor Hemminger said she agreed with Council Member Gu that the FLUM was a living document that could ebb and flow. However, the South Columbia Street area had been under a lot of duress and she would be happy leaving it off the FLUM, she said.

A motion was made by Council Member Anderson, seconded by Council Member Ryan, to remove the South Columbia Street small area from the FLUM, close the public hearing, and receive comment for an additional 24-hours. The motion failed by the following vote:

Aye: 3 - Mayor Hemminger, Council Member Anderson, and Council Member Ryan

Nay: 5 - Mayor pro tem Parker, Council Member Buansi, Council Member Gu, Council Member Stegman, and Council Member Huynh

A motion was made by Mayor pro tem Parker, seconded by Council Member Huynh, to move forward with the FLUM, as is, but direct staff to look closer at the South Columbia Street small area in Phase 2 and address stakeholder concerns, close the public hearing, and receive comment for an additional 24-hours. The motion carried by the following vote:

Aye: 6 - Mayor Hemminger, Mayor pro tem Parker, Council Member Buansi, Council Member Gu, Council Member Stegman, and Council Member Huynh

Nay: 2 - Council Member Anderson, and Council Member Ryan

7. Blue Hill Semiannual Report #12.

[\[20-0808\]](#)

Planner Corey Liles presented a fall 2020 Blue Hill District (BHD) update. He discussed a Booker Creek Basin Park project that would reduce flooding and deliver recreational amenities. He said that pre-construction meetings were underway for the Elliott Road Extension and that TRU Hotel and the Park Apartments Phase 1 were in the early stages of construction. Trilogy Apartments and Elliott Apartments were at or near completion, he said.

Mr. Liles said that a potential redevelopment of the University Inn site was still under review. He commented on facade renovations at the

Sheraton Hotel and noted where other existing buildings might be renovated or expanded.

Mr. Liles said that the total tax value of properties in the district had increased from \$154 million in 2014 to more than \$302 million in 2020 and that it was projected to reach \$457 million in the next few years. BHD revenue would exceed debt service payments for the first time in 2020 and was estimated to exceed expenditures in future years, he said.

Mr. Liles showed an aerial view of parcels on the south side of Elliott Road that were in the BHD but exempt from form-based code because former Council Members had wanted to incentivize affordable housing there. He said that staff could study how to customize zoning standards for that area if the Council was interested.

Mayor pro tem Parker and Council Member Anderson expressed interest in trying to figure out how to get AH in those parcels, but Mayor Hemminger recommended proceeding with caution. She pointed out that there was already much commercial development in the area and said that replacing it with AH could change a balance in the community. She would not want to see existing AH developed into luxury apartments, she said.

Council Member Stegman raised the option of putting revenues back into the district by funding a master leasing program or creating an AH fund, for example.

Council Member Gu confirmed with Mr. Liles that other BHD needs such as road and transportation improvements would be other ways to use additional property tax revenue.

Council Member Ryan said that investing in parking infrastructure would be crucial with 2.7 million new square feet of residential space.

Ms. McClintock reminded the Council to assess the cost of services. Moreover, the Town wanted more AH, but to consider replacing an area with wonderful little businesses that people loved was alarming, she said. Why would the Town want to eliminate the very limited commercial that it has in the BHD, she asked.

Mayor Hemminger pointed out that there were several years of net negative revenue still to make up for. It was a balancing act and it would take a while to work out all the numbers, she said.

Town Manager Maurice Jones commented that staff was in the process of looking at different models for calculating the cost of operating services. Staff was trying to find something that works for the BHD that might also be applied to other parts of Town in the future, he said.

This item was received as presented.

8. Continue the Public Hearing: Land Use Management Ordinance Text Amendment - Proposed Changes to Section 3.11 for Townhomes in the Blue Hill District. [\[20-0809\]](#)

Mr. Liles gave a PowerPoint presentation on the continuation of a public hearing on a LUMO text amendment (TA) regarding townhome opportunities in the BHD. He reviewed a March 2018 from Council regarding BHD improvements and a massing TA that staff had forward in response in early 2020. He said that a further study on townhomes had then been carried out and that staff was returning to present revised standards.

Mr. Liles said that staff had previously proposed exempting small townhome projects from non-residential requirements, reducing nonresidential requirements for medium townhome projects, and adjusting lot requirements and some thresholds. The Council had raised questions about whether the thresholds might lead to unintended outcomes and had asked staff to study things further, he said.

Mr. Liles presented the following recommended TAs: 1) Exempt "small" townhome projects from nonresidential requirements; 2) Reduce nonresidential requirements for "medium" townhome projects; 3) Adjust lot requirements to better reflect townhomes. He recommended that the Council open the public hearing, receive comments, close the public hearing, receive written comment for 24 hours, and consider taking action on December 9, 2020.

Council Member Ryan agreed with the recommendation to eliminate the commercial requirement, but proposed adding a requirement or an incentive for including accessory units within some townhomes. That would meet a significant community interest in providing more affordable space, she said. She confirmed with Mr. Liles that staff could look into how that would fit into the framework he was proposing.

Mayor pro tem Parker said that much of what was being proposed seemed restrictive. Capping townhomes at two acres, while requiring them to include commercial space posed the question of whether the Council wanted to actively encourage townhomes or merely tolerate them, he said.

Mr. Liles replied that staff believed the Council wanted to encourage that missing middle housing and a broader variety of housing types. However, the Council had also expressed interest in getting more commercial space in the BHD, he pointed out.

Mayor pro tem Parker asked if there were any 2- or 2.5-acre townhome developments in Chapel Hill or Carrboro, but no one knew for sure. He

asked if there had been any conversations with townhome developers regarding the viability of the proposed regulations, and Mr. Liles replied that staff had used a Noell Consulting study as a guidepost.

Council Member Gu pointed out that stacking townhomes on top of each other still created large buildings, and Mr. Liles agreed but pointed out that a typical 4-story townhome would be lower than others in the BHD.

Council Member Gu asked if townhome buildings would wrap around parking garages, and Mr. Liles said that might be part of a larger project where parking would support other uses. She pointed out that the Council was concerned about that with residential apartment buildings and had wanted more diverse housing options and commercial development.

Mr. Liles replied that staff's main focus had been on the massing standards the Council had developed in February 2020. He did not know that townhomes would lead to improved massing scale in the BHD, but it would add more variety, he said.

Ms. Oates pointed out that the Town ordinance allowed accessory units to be used as Airb&b and urged the Council to correct that. Council Member Ryan asked about exploring the accessory unit issue, and Mayor Hemminger suggested that she propose doing so as a friendly amendment at the December 9th Council meeting.

A motion was made by Council Member Anderson, seconded by Mayor pro tem Parker, to close the public hearing and receive comment for an additional 24-hours. The motion carried by a unanimous vote.

9. Reopen the Public Hearing: Application for Conditional Zoning at Bridgepoint, 2214 and 2312 Homestead Road. [\[20-0752\]](#)

Planner Anya Grahm reviewed a Conditional Zoning request for Bridgepoint, a 9.2-acre site on Homestead Road. She said that the applicant had asked to rezone a 2010 special-use permit (SUP) from Residential-5 Conditional Use to Residential 5-C Zoning District. The proposal included relocating two existing dwellings, demolishing outbuildings, and constructing 54 townhouses, she said.

Ms. Grahm explained that the project had been through multiple rounds of staff and advisory board reviews and that the Council had last addressed it on September 30, 2020. The applicant had requested a continuation in order to consider Community Design Commission (CDC) comments and was currently presenting a revised site plan, she said.

Town Urban Planner Brian Peterson discussed changes that he had proposed to the site plan design. These included rearranging the placement of buildings and garages, shortening the length of building

units, adding green spaces, and shortening some streets. He explained how the project would connect with nearby properties to create a neighborhood feel.

Ms Grahm pointed out that the new site plan included an increase in the number of units, a very slight increase in the amount of impervious surface, increased open space and tree canopy, a decrease in land disturbance, and an increase in overflow parking. She recommended that the Council reopen the public hearing, receive comments, allow written comments for 24 hours, and consider enacting the ordinance on December 9, 2020.

Mayor Hemminger said that the proposal had been much improved, but Council Member Ryan confirmed that there would still be a 79 percent incursion into the upland portion of the RCD.

The Council asked what the experience from the street would be like, and Mr. Peterson explained that having the sides of townhomes facing the street allowed windows and other architectural features to break up that facade. Increasing the number of end units would allow more openness and daylight on some homes, he said.

Linda Wells, a Vineyard Square resident, said she had not been notified about the hearing. Staff had answered some of her questions, but she remained concerned. She asked for additional information about a pipe that would discharge into the pond and said she did not understand why all of the area between that and her home needed to be cleared.

Developer Eric Chupp, representing Capkov Ventures, Inc., showed drawings of what some of the elevations would look like. He said that the plan would conform with the Town's ordinance for the first 100 feet of Resource Conservation District (RCD) and that encroachment into the last 50 feet would be for adding a pond that would improve water quality. The plan was to save trees on the Vineyard Square side of the creek, he said.

Mayor Hemminger praised the CDC and Mr. Petersen for the proposed changes and thanked the applicant for being open to them.

Mayor pro tem Parker read a question from a resident about bike lanes in that section of Homestead Road, and Mr. Chupp said that there would be a five-foot bike lane on both sides as part of a Homestead Improvement Project. In addition, there would be a 10-foot multi-use trail and a 400-foot extension of the five-foot bike path southward along Weaver Dairy Road, he said.

Council Members asked about the justification for incursion into the RCD, and

civil engineer Cameron Rice, with Advanced Civil Design, explained that the applicant did not envision being able to get down to 40 percent because only half of the entire 300-foot RCD buffer was on its lot. He said that the LUMO allowed stormwater ponds in the managed and upland zones up to 40 percent. If the manged area and upland were combined, they would be almost right at 40 percent, he pointed out.

Mr. Rice said that the applicant understood the Town's concern and would continue to work with staff and adjacent property owners to reduce RCD encroachment. He pointed out that nearby sites did have buildings in the upland area. For example, Weaver Dairy Road was in the upland zone, he said. He also pointed out that Weaver Dairy Road was impervious surface while the applicant was merely trying to install a pond.

Council Member Anderson asked about feedback from the Stormwater Advisory Board, and Mr. Chupp said they had never been asked to appear before that board. He stressed the work they had done with Town staff over the past two years and how they had agreed to many changes. However, they could not reduce the number of units, which was the only way to get below 40 percent, he said.

The Mayor and Council agreed that the plan was greatly improved. Council Member Ryan said she was still troubled by the requested amount of RCD incursion, which would not be a good precedent for the Town to set. She and Council Member Buansi said they hoped the applicant would landscape the pond and treat it as an amenity, if the project were approved.

Mayor Hemminger said she did not like going into RCD but she acknowledged that exceptions had been made for roads and some buildings. Putting in a pond was an interesting request, she said. She encouraged the applicant and staff to continue working to minimize that and to preserve as many trees as possible.

Mayor pro tem Parker asked about the practical implications of incursion, and Town engineer Ernest Odei-Larbi explained that water quality might be okay but that wildlife habitats might not return. He said that the Town would make sure the pipe was stable and would minimize erosive flow into the stream. He pointed out that the Town required post-development runoff to be the same as pre-development.

Council Member Buansi and Mayor Hemminger expressed enthusiasm about the project's missing middle and affordable housing possibilities.

A motion was made by Mayor pro tem Parker, seconded by Council Member Stegman, to close the public hearing and receive comment for an additional 24-hours. The motion carried by a unanimous vote.

10. Open the Public Hearing: Conditional Zoning Application for Columbia Street Annex, 1150 S. Columbia Street, from Residential-2 (R-2) to Mixed Use - Village - Conditional Zoning District (MU-V-CZD). [\[20-0810\]](#)

Town Planner Jake Lowman said that staff was responding to a Council request for more information on the relationship between Agenda Items 10 and 11 and that Item 10 would be a joint presentation on both. He said that final actions on the two would be distinct, however.

Mr. Lowman provided details on the proposal to rezone the four-acre South Columbia Street Annex site from Residential 2 to Mixed Use Village Conditional Zoning District. He outlined the proposal for a six-story building that would include 57,000 square feet of residential space, 4,000 square feet of commercial space, and underground parking. There would be a maximum of 52 units, eight of which would be affordable, or 18 percent, which would be above the Town's 15 percent requirement, he said.

Mr. Lowman discussed proposed traffic improvements for the area. He showed the Monroe Street ROW on a map and described it as an undeveloped, wooded site with a perennial stream running through the middle of its RCD. He explained that the current Land Use category was Low Residential (1-4 units per acre) and the applicant was proposing High Residential (8-15 units per acre), which would require an amendment to the Town's land use plan.

Mr. Lowman noted that the applicant had requested modifications to steep slope regulations, RCD encroachment, landscaping standards, and the required percentage of commercial space. He recommended that the Council open the public hearing for Item 10 (the South Columbia Street annex), receive comments on that and Item 11 (the Monroe Street ROW closure), close the public hearing, allow written public comment for 24 hours, and approve the project on December 9, 2020. However, the Council could also continue the matter to another meeting and push enactment to January, 2021, he said.

Manager of Engineering and Infrastructure Chris Roberts provided additional information on the request to close an unpaved and un-maintained portion of the Monroe Street ROW. He showed the area on a map, reviewed state requirements regarding such closings, and discussed the process thus far. The Council could decide on December 9th whether or not to approve that closure, he said.

Mr. Roberts said that a full public easement would reconnect an isolated part of the Monroe Street ROW and be dedicated before the ROW was officially closed. He showed a series of pictures of the current status of the area and said that the closure would isolate one property, which was currently accessed by a private driveway to the paved portion of Monroe

Street. The developer had proposed a full public access easement to connect the Monroe Street ROW that would provide reasonable legal access to the parcel, Mr. Roberts said.

Mr. Lowman also discussed the opposition of one property owner, Zalman Joffe. He said that Mr. Joffe would have access to his property via Dawes Street or by connecting to an access easement through the proposed development.

Architect Phil Szostak said that a stream in the area had been considered intermittent but was changed to perennial in 2017. He said that restoring the stream would improve water quality. He also said that a wildlife survey had found that the man-made steep slopes and an invasive species on the east side of the creek were not wildlife compatible.

Mr. Szostak reviewed the proposed building design. He said that a plaza area would solve erosion problems, and he showed renderings of how the massing would be broken up on the exposed area. He said that the project would generate minimal traffic, and he noted that the Town had already performed several traffic analyses of the area. He showed a proposed underground stormwater storage area. He said that electric vehicle (EV) conduit would serve 14 spaces (20 percent) and there would be one indoor bike space per unit.

Mr. Jewell characterized the design as an elegant way to create a street level experience. He said that landscape buffers in the front would bring an urban plaza experience out to the street. He pointed out that the RCD had expanded into the property's footprint in 2017. He hoped that preserving 60 percent of the site, adding stormwater management, and exceeding the tree coverage requirement would be a suitable balance to any RCD disturbance, he said.

Mr. Jewell argued that concentrating the development on the east side of the stream and up against the street would buffer the residential neighborhood to the west and bring people to where public transportation was located. He said that the building would create a beautiful gateway to Chapel Hill.

Council Member Ryan verified with the applicant that retaining walls holding the driveway on the west side were 8-11 feet tall and that "double loaded" underground parking meant two cars would be parked end-to-end in one space with access from only one side.

Council Member Ryan also confirmed with Mr. Jewell that the Town had waived doing a traffic impact analysis (TIA) but that one had been done six years prior and another would be conducted for the Zoning Compliance Permit. She was sorry that the Council would not see a TIA prior to being asked to vote on the project, she said.

Council Members confirmed with staff that there would be no barriers to public use of the plaza. They ascertained that the RCD had been expanded in 2016 when the stream was re-categorized as perennial. The new category meant that 100-foot buffers were required and that the RCD was divided into three zones.

The Council asked for a response to the Transportation and Connectivity Advisory Board's (TCAB) recommendation for denial due to traffic safety concerns, and Mr. Jewell replied that he felt perplexed by that determination. He said that the NC-DOT had supported the plan and that the 2014 TIA had found that the project would not cause any change in level of service. Council Members confirmed that Mr. Jewell had met the Community Home Trust.

Council Member Gu said that the TCAB's primary concern was the traffic pattern, not volume. The new full-service entrance would significantly increase the complexity of conflicts between different modes of traffic, she said. Mr. Jewell offered to meet with the Town's bicycle and pedestrian staff regarding that concern, and Council Member Huynh asked him to return with a response to the TCAB's six or seven recommendations for increasing bike and pedestrian safety.

Council Member Parker ascertained from Mr. Szostak that the 4,000 square feet of commercial was based on a plan for live-work units, which would likely cost in the middle \$300,000 range. He also confirmed that the pedestrian crossing would be signalized but that NC-DOT would not allow a signal at Purefoy Road.

Ms. Brewer said that the proposed development would add affordable units while leading to the loss of existing ones. It proposed to restore a stream channel while paving 20 percent and disturbing 40 percent of the RCD, she said. The plan would lead to the loss of iconic Merritt's Grill, worsen traffic safety problems, discredit the stream buffer protection ordinance, and create a domino effect of high-rise, mixed-use development along South Columbia Street, she said.

Ms. Brewer argued that any new residential development should be a maximum of three stories tall. It should be in harmony with the historic entranceway and have a traffic light at the Purefoy/Columbia Street intersection, she said.

Ms. McClintock endorsed Ms. Brewer's comments and said that the Chapel Hill Alliance for a Livable Town had sent a letter to the Council asking them to deny the rezoning due to environmental protection and public safety concerns. She said the Environmental Safety Advisory Board had approved the project with the understanding that the Stormwater Advisory Board would review it. That did not happen, she said.

Ms. Horne asked the Council to reject the project. She said that neighbors

and previous Council Members had consistently raised concerns over the years about its large scale and potential traffic issues.

Mr. Vora advised the Council to not find ways to get around the Town's RCD requirements. He characterized the area's traffic problem as a conundrum and said he did not see a way around that.

Martin Johnson, a Westwood neighborhood resident, expressed support for the project. The Town needed more housing for moderate-income families and the proposal was in keeping with Chapel Hill 2020 and the FLUM, he said. Mr. Johnson said that the development's car-free and one-car households would advance the Town's climate-change goals and diversify the neighborhood.

Sam Eberts, a Westwood neighborhood resident, said that no intelligent person could say that the proposed "six-story monstrosity" overlooking historic homes would not add traffic to the area. If the goal was for residents to walk and bike everywhere, then the developer should limit parking, he said. Mr. Eberts added that he resented the developer's implication that residents wanted an urban plaza in their historic neighborhood.

Martin Feinstein, a Coolidge/Columbia Street resident, said that the area did not need "an imposing, multi-story box" in it. He argued against setting a precedent of giving variances to RCD and steep slope requirements without a compelling reason.

Deborah Barrett, a Westwood neighborhood resident, said that the current site was not a particularly pretty or useful piece of land. Having a place for essential workers, staff, and others that encouraged walking and biking sounded promising, she said.

Zalman Joffe, the property owner who objected to the Monroe Street ROW closing, said that a 16-foot retaining wall associated with this project would block him completely. He objected to the project unless access to his property could be insured, he said.

Mayor Hemminger asked the Town's Stormwater Department to return with more information about the effects of development on the area. Council Members requested more information regarding traffic, especially with regard to safety for cars coming out of Purefoy Road and turning left down South Columbia Street. They said that merely including conduit for 20 percent of the parking spaces would not meet the need for electric vehicle charging stations down the road. The Council also asked to see options for reducing the number of parking spaces.

A motion was made by Mayor pro tem Parker, seconded by Council Member Huynh, to continue the Public Hearing to December 9, 2020. The motion carried by a unanimous vote.

11. Close the Public Hearing to Consider a Request to Close a Portion of an Unmaintained and Unimproved Monroe Street Public Right-of-Way. [\[20-0811\]](#)

A motion was made by Mayor pro tem Parker, seconded by Council Member Huynh, to continue the Public Hearing to December 9, 2020. The motion carried by a unanimous vote.

12. Update on the Airport Hazard District Land Use Management Ordinance Text and Map Amendment. [\[20-0812\]](#)

This item was moved to another meeting.

13. Open the Public Hearing: Application for Conditional Rezoning - Phi Gamma Delta at 108 W. Cameron Avenue. [\[20-0813\]](#)

This item was continued to December 9, 2020.

A motion was made by Mayor pro tem Parker, seconded by Council Member Anderson, to continue the Public Hearing to December 9, 2020. The motion carried by a unanimous vote.

APPOINTMENTS

14. Appointments to the Grievance Hearing Board. [\[20-0814\]](#)

The Council reappointed Annie Brayboy and appointed Matthew Tulchin to the Grievance Hearing Board.

15. Appointments to the Historic District Commission. [\[20-0815\]](#)

The Council reappointed Sean Murphy, and appointed Polly Van de Velde to the Historic District Commission. The Council held one position vacant for further consideration.

16. Appointments to the Justice in Action Committee. [\[20-0816\]](#)

The Council reappointed Shiala Baldwin and Elisabeth Flake and appointed Aida Al-akhdar, Tracy Miller, Nul L Oh and Sarah Cheek to the Justice in Action Committee.

17. Appointments to the Stormwater Management Utility Advisory Board. [\[20-0817\]](#)

The Council reappointed Stephan Hern and Pamula Schultz and appointed Janet Clarke to the Stormwater Management Utility Advisory Board.

ADJOURNMENT

The meeting was adjourned as 12:09 am on Thursday, November 19, 2020.



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TOWN OF CHAPEL HILL

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

Item Overview

Item #: 7., File #: [21-0765], Version: 1

Meeting Date: 10/13/2021

Receive Upcoming Public Hearing Items and Petition Status List.

Staff:

Sabrina Oliver, Director and Town Clerk
Amy Harvey, Deputy Town Clerk

Department:

Communications and Public Affairs



Recommendation(s):

That the Council accept the reports as presented.

Background:

Two pages on our website have been created to track:

- public hearings scheduled for upcoming Council meetings; and
- petitions received, including their status and who you can call for information.

The goal is to provide, in easily available spaces, information that allows people to know when Council will be seeking their comments on a particular topic of development and to know the status of a petition submitted at Council meetings.

In addition to being on the website, these pages will be included in each agenda for Council information,

Fiscal Impact/Resources: Staff time was allocated to create the semi-automated web pages, and additional staff time will be needed for maintenance.



Attachments:

- Scheduled Public Hearings <<https://www.townofchapelhill.org/government/mayor-and-council/council-minutes-and-videos/scheduled-public-hearings>>
- Status of Petitions to Council <<https://www.townofchapelhill.org/government/mayor-and-council/how-to-submit-a-petition/petition-status>>

The Agenda will reflect the text below and/or the motion text will be used during the meeting.

By accepting the report, the Council acknowledges receipt of the Scheduled Public Hearings and Status of Petitions to Council lists.

SCHEDULED PUBLIC HEARINGS

This webpage lists public hearings that are scheduled for a *specific Council meeting date*, although periodically, some may be continued to a future date. Public hearings may relate to the Land Use Management Ordinance (LUMO), Residential or Commercial Development, Budget, Transportation, or Housing issues. Meeting materials are posted at [Council Meeting Agendas](#), [Minutes](#) and [Videos](#).

Interested in a development project not yet scheduled for Council review? See the [Development Activity Report](#) for the project's current status.

October 13

- Close the Legislative Hearing and Consider the Rosemary/Columbia Street Hotel, 110 West Rosemary Street Conditional Zoning Application (PROJECT 20-076)
- Close a Legislative Hearing and Consider an Application for a Major Modification to the Glen Lennox Development Agreement
- Close the Legislative Hearing and Consider the Conditional Zoning: 101-111 Erwin Road (Project #20-082)
- Close the Legislative Hearing and Consider a Land Use Management Ordinance Text Amendment to Section 8.5 Revising Rules of the Community Design Commission
- CONCEPT PLAN REVIEW: 5500 OLD CHAPEL HILL ROAD (Planning Project #21-055)

October 27

- Close the Legislative Hearing and Consider a Land Use Management Ordinance Text Amendment to Section 3.11, Blue Hill Form District, Regarding Short-Term Rental Standards
- Close the Legislative Hearing and Consider Land Use Management Ordinance Text Amendments Proposed Changes to Sections 4.4 Zoning Amendments, 4.5 Special Use Permits, 4.7 Site Plan Review, and 4.8 Master Land Use Plan Related to Extending the Time Extension Periods Granted by the Town Manager

STATUS OF PETITIONS TO COUNCIL

Petitions submitted during the Town Council meetings are added to the list below, typically within five business days of the meeting date.

To contact the department responsible, click on the department name. Meeting materials are posted on the [Council Meetings calendar](#).

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
09/22/2021	Joan Rehm and Karin Nelson	Request Regarding Downtown Exhaust Noise.	Police Chris Blue , Police Chief Phone: 919-968-2766	Staff is preparing information to respond to this request.
09/22/2021	Barry Nakell	Request to Rename Dixie Lane	Public Works Lance Norris , Public Works Director Phone: 919-969-5100	Staff will work with the Council to respond to this request.
09/22/2021	Council Members	Regarding Long Range Planning for Future Growth	Planning & Development Services	Staff is preparing information to respond to this request.
09/22/2021	Makeda Ma'at	Request Regarding Community Home Trust.	Housing & Community Sarah Vinas , Interim Director Phone: 919-969-5079	Staff is preparing information to respond to this request.
09/22/2021	Kate Sayre	Request To Build A Splash Pad in Chapel Hill	Parks & Recreation Phillip Fleischmann , Parks and Recreation Director Phone: 919-968-2785	The Council will discuss this at an upcoming work session.
09/22/2021	Council Members Stegman, Huynh, Buansi, and Parker	Regarding Affordable and Missing Housing	Town Manager Ross Tompkins , Assistant to the Town Manager Phone: 919-968-2707 Housing & Community Sarah Vinas , Interim Director Phone: 919-969-5079	Staff is preparing information to respond to this request.
09/01/2021	Laurin Easthom	Request Regarding Gun Use Regulation on Land Owned by Multiple Jurisdictions.	Police Chris Blue , Police Chief Phone: 919-968-2766	Staff is preparing information to respond to this request.

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Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
09/01/2021	Tamra Finn	Request to Amend Town Code to Permit Golf Cart Use on Neighborhood Streets.	Town Manager Ross Tompkins , Assistant to the Town Manager Phone: 919-968-2707	Staff is preparing information to respond to this request.
09/01/2021	Joe Patterson	Request for Modifications to the Town of Chapel Hill Noise Control Code.	Police Chris Blue , Police Chief Phone: 919-968-2766	Staff is preparing information to respond to this request.
06/28/2021	Council Member Ryan on Behalf of Mayor Hemminger, Council Member Stegman, and Council Member Gu	Request Regarding Stormwater Storage Basin Projects.	Public Works Lance Norris , Public Works Director Phone: 919-969-5100	The Town has paused proposed stormwater projects pending a broader community discussion. The Town hosted a community information meeting about the flood storage projects identified in the Lower Booker Creek Subwatershed Study on 09/13/2021.
06/23/2021	Molly McConnell	Request Regarding Amending the LUMO to Allow 30 Feet Buffer from Roadway.	Planning & Development Services	Staff is preparing information to respond to this request.
06/23/2021	Robert Beasley	Request Regarding Affordable Housing at Trinity Court.	Housing & Community Sarah Vinas , Interim Director Phone: 919-969-5079	Staff provided information about the project to the petitioner via email. In 2022, the Town will apply for Low Income Housing Tax Credits and the Council will consider a development application for the project.
06/16/2021	Rachel Gray	Request Regarding West Chapel Hill Cemetery.	Town Manager Ross Tompkins , Assistant to the Town Manager Phone: 919-968-2707 Housing & Community Sarah Vinas , Interim Director Phone: 919-969-5079	Staff reviewed the 2011 report with its author and does not recommend conducting an investigation of whether there are unmarked or undocumented burials on the 110 Jay Street parcel.
06/16/2021	Robert Beasley	Request Regarding Proposed Jay Street Apartments and Affordable Housing Development on Public Land Planning Process.	Housing & Community Sarah Vinas , Interim Director Phone: 919-969-5079	The feasibility of developing affordable housing on Town properties, including Jay Street, was evaluated several times against a number of factors, dating back to 2017. Staff will continue to work with legal experts to adhere to all relevant statutes.

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Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
06/16/2021	Pamela Cooper	Request Regarding Stormwater Study for Jay Street Site.	Housing & Community Sarah Vinas , Interim Director Phone: 919-969-5079 Public Works Lance Norris , Public Works Director Phone: 919-969-5100	Once the site plan is finalized, the development team will create a stormwater management plan. Although not required, the development team plans to present the plan to the Stormwater Advisory Board before submitting a Conditional Zoning Application.
06/09/2021	Council Members Parker, Ryan, Huynh, Stegman, and Gu	Request Regarding Comprehensive Review of Stormwater Regulations.	Town Manager Ross Tompkins , Assistant to the Town Manager Phone: 919-968-2707 Public Works Lance Norris , Public Works Director Phone: 919-969-5100	The Council will discuss this at an upcoming work session.
06/09/2021	Elizabeth Youseff on Behalf of the Borgen Project	Request to Send Letter to State Leaders Regarding Global Development Programs.	Town Manager Ross Tompkins , Assistant to the Town Manager Phone: 919-968-2707	The Council received and referred this request to the Mayor and Town Manager for consideration.
06/09/2021	Parks, Greenways and Recreation Commission	Request that the Council Authorize a \$100,000 Match towards a North Carolina Land and Water Conservation Trust Fund Grant Application	Parks & Recreation Phillip Fleischmann , Parks and Recreation Director Phone: 919-968-2785	Staff is preparing information to respond to this request.
06/09/2021	Deborah Fulghieri	Request that Town Staff Bring Forward Historical and Environmental Information for the Town-Owned Property at Mt. Carmel Church Road and Bennett Road.	Housing & Community Sarah Vinas , Interim Director Phone: 919-969-5079	The Town used open space bond funds to pay closing costs for the land donation. There is no legal conflict with considering alternate uses of a site the Town acquired in this way. Council prioritized the parcel for affordable housing in September 2019.
06/09/2021	Robert Beasley	Request Regarding Jay Street Land Tract Development Project Funding.	Housing & Community Sarah Vinas , Interim Director Phone: 919-969-5079	110 Jay Street was one of five parcels purchased in 2005 with open space bond funding. Town Attorneys and outside counsel have advised there is no legal conflict with repurposing the site for affordable housing after this purchase.

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Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
05/26/2021	Mary Cummings	Request to Ban Gas-Powered Leaf Blowers	Town Manager Ross Tompkins , Assistant to the Town Manager Phone: 919-968-2707	Staff is preparing information to respond to this request.
05/26/2021	Edson Freeman	Request to Allow Miniature Pigs as Pets	Town Manager Ross Tompkins , Assistant to the Town Manager Phone: 919-968-2707	Staff is preparing information to respond to this request.
05/19/2021	Chapel Hill Public Library Advisory Board	Request for a Working Group on Equitable Library Funding.	Mayor Pam Hemminger , Mayor Phone: 919-968-2714 Library Susan Brown , Library Director Phone: 919-969-2034 Town Manager Ross Tompkins , Assistant to the Town Manager Phone: 919-968-2707	Staff will reach out to Orange County to follow up on this request.
05/19/2021	Council Members Stegman and Parker	Request Regarding Tax Equity Fund.	Town Manager Ross Tompkins , Assistant to the Town Manager Phone: 919-968-2707	Staff is preparing information to respond to this request.
05/19/2021	Phil Post	Request to Refer the April 21 Petition Related to 160D to the Planning Commission.	Planning & Development Services Planning Commission	Staff is reviewing this request.
05/05/2021	Mayor pro tem Parker, Council Member Buansi, and Council Member Stegman	Request Regarding Chapel Hill Increasing its Minority and Women Business Enterprise/Disadvantaged Business Enterprise (MWBE/DBE) Contracting Targets.	Business Management Amy Oland , Business Management Director Phone: 919-969-5017 Town Manager Ross Tompkins , Assistant to the Town Manager Phone: 919-968-2707	Based on Council direction, staff will build increased targets into the upcoming work on the East Rosemary Parking Deck project. Staff will continue working to respond to the broader request.

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Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
04/21/2021	Brown & Bunch, PLLC	Request for Permission to Proceed with Presentation of Proposal for a Columbarium at the Old Chapel Hill Cemetery.	Parks & Recreation Phillip Fleischmann , Parks and Recreation Director Phone: 919-968-2785	Staff is preparing information to respond to this request.
04/07/2021	Paul Snow and others	Request Regarding Traffic Model in the Area of Estes and MLK.	Town Manager Ross Tompkins , Assistant to the Town Manager Phone: 919-968-2707	On 05/03/21, the Town Council held a public information meeting on this topic. The public hearing for the Aura development project closed 05/26/21. The Council's final vote on the project was 06/28/21.
03/24/2021	Mayor Hemminger	Request Regarding Self Storage	Planning & Development Services	Staff is preparing information to respond to this request.
03/24/2021	Council Member Anderson	Request Regarding Manufactured Home Parks	Town Manager Ross Tompkins , Assistant to the Town Manager Phone: 919-968-2707 Housing & Community Sarah Vinas , Interim Director Phone: 919-969-5079	Staff will coordinate with Orange County and Carrboro to respond to this request.
02/24/2021	Linda Brown	Regarding 101-111 Development on Erwin Road.	Town Manager Ross Tompkins , Assistant to the Town Manager Phone: 919-968-2707	The project applicant voluntarily submitted a request to receive feedback from the Stormwater Mgmt Utility Advisory Board. The project was discussed at the 04/27/2021 and 05/25/2021 SMUAB meetings.
02/24/2021	Parks, Greenways, and Recreation Commission	Request Regarding Facilities Repair.	Business Management Amy Oland , Business Management Director Phone: 919-969-5017	This request will be evaluated during the upcoming two-thirds bond issuance and the FY22 budget development process.
11/04/2020	Residents in the area of Mason Farm Rd., Whitehead Circle, and Purefoy Rd	Request Improvements to Neighborhood Infrastructure to Promote Safe Walking and Biking and Improved Connectivity to Adjacent Neighborhoods and Campus.	Planning & Development Services Public Works Lance Norris , Public Works Director Phone: 919-969-5100	Staff is preparing information to respond to this request.

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Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
10/28/2020	Stormwater Management Utility Advisory Board	Recommendations Regarding the Development Review Process.	Planning & Development Services Public Works Lance Norris , Public Works Director Phone: 919-969-5100	The Council Committee on Boards and Commissions has discussed this request. The Council is scheduled to consider this change in September 2021.
06/10/2020	Community Design Commission	Request to Create a Downtown Design District.	Planning & Development Services	Staff will coordinate with the Council Committee on Boards and Commissions to respond to this request.
05/20/2020	Parks, Greenways, and Recreation Commission	Request to Designate all 36.2 Acres of the American Legion Property for Use as a Community Park.	Town Manager Ross Tompkins , Assistant to the Town Manager Phone: 919-968-2707	This request will be incorporated into the public engagement process for the future use of the site.
05/20/2020	Elaine McVey	Request to Amend the Land Use Management Ordinance Related to Deer Fencing.	Planning & Development Services	Staff will work to bring forward a LUMO Text Amendment for Council consideration at a future date.
02/26/2020	Carlisle Willard	Request Regarding Proposed Anti-Corruption Resolution.	Town Manager Ross Tompkins , Assistant to the Town Manager Phone: 919-968-2707	The Council received and referred this request to the Mayor and Town Manager for consideration.
02/19/2020	Steve Moore	Request Regarding Cemetery Needs.	Parks & Recreation Phillip Fleischmann , Parks and Recreation Director Phone: 919-968-2785 Communications & Public Affairs Sabrina Oliver , Communications & Public Affairs Director Phone: 919-968-2757	Staff is in contact with the petitioner and is working to respond to the items raised in the petition. The driveways in Old Chapel Hill Cemetery were resurfaced in July 2021.
01/08/2020	Renuka Soll	Request for an Improved Petition Process.	Town Manager Ross Tompkins , Assistant to the Town Manager Phone: 919-968-2707	Additional effort is being made to track and update petition status on this website so that the public has access. Petitioners can contact the Mgr.'s office or responding department if they have questions after reviewing updates.

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Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
11/20/2019	John Morris	Request Regarding Local & Regional Transit Planning.	Transit Brian Litchfield , Transit Director Phone: 919-969-4908	The Town continues to work with its transit partners and neighboring agencies to keep community goals at the forefront of local transit planning efforts.
10/02/2019	Daniel Dunn	Request Regarding Government Transparency.	Technology Solutions Scott Clark , CIO Phone: 919-968-2735 Communications & Public Affairs Sabrina Oliver , Communications & Public Affairs Director Phone: 919-968-2757	This information is readily available via a public records request in order to assure accuracy and maintain the security of personally identifiable information.
09/11/2019	East Franklin Neighborhood Steering Committee & Neighbors	Request Regarding Neighborhood Preservation.	Police Chris Blue , Police Chief Phone: 919-968-2766 Planning & Development Services	While this request did not fall within the scope of the Short Term Rental Task Force, staff will continue to work with residents, the University, and other community members on concerns related to student rental housing.
06/26/2019	Community Design Commission	Request for Modifications to the Concept Plan Review Process.	Planning & Development Services	The Council most recently discussed this at their 09/16/2020 work session. Staff is piloting new ways to present Concept Plans to boards, using Town projects as subjects.
06/26/2019	Julie McClintock	Request Regarding the Blue Hill Form Based Code.	Planning & Development Services	The Council and staff continue to evaluate and update the Blue Hill Form Based Code.
04/24/2019	Board of Adjustment	Request Regarding Neighborhood Conservation District Ordinances.	Planning & Development Services	The Town is currently in the process of updating its Land Use Management Ordinance. This idea is under consideration as a part of this process.
04/17/2019	Amy Ryan for Planning Commission	Commission Regarding Site Plan Review Process.	Planning & Development Services	Staff will coordinate with the Council Committee on Boards and Commissions to consider this request.
02/13/2019	Citizens	Request Regarding Coal Use and Coal Ash.	Town Manager Ross Tompkins , Assistant to the Town Manager Phone: 919-968-2707	Remediation work is almost complete along the Bolin Creek Trail near the Police Department. UNC is expected to release their Climate Action Plan in 2021, which is expected to address UNC coal use in the future.

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Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
09/19/2018	Julie McClintock of CHALT	Regarding Land Use Intensification.	Planning & Development Services Public Works Lance Norris , Public Works Director Phone: 919-969-5100	On 6/12/2019, Council received a presentation on the Town's Stormwater program. On 12/9/2020 Council adopted the use of FEMA Flood Resiliency Maps. In 2/2021, Council received more info on Stormwater programs LUMO update will consider other ideas.
06/27/2018	Susanne Kjemtrup / Brian Hageman	Transportation and Connectivity Advisory Board Request for an Electric Vehicle Provision in the Land Use Management Ordinance.	Planning & Development Services	The Town is currently in the process of updating its Land Use Management Ordinance. These ideas are under consideration as a part of this process.
06/13/2018	Ondrea Austin	CHALT's Request to Revise the Tree Ordinance.	Planning & Development Services	The Town is currently in the process of updating its Land Use Management Ordinance. This idea is under consideration as a part of this process.
06/13/2018	Mayor pro tem Jessica Anderson	Request to Amend Bus Advertising Policy.	Transit Brian Litchfield , Transit Director Phone: 919-969-4908	At their 01/22/19 meeting, the Chapel Hill Transit Public Transit Committee considered the draft nonpublic forum transit advertising policy in order to provide feedback to the Chapel Hill Town Council on the option of amending the policy.
06/13/2018	Mayor Pam Hemminger	Regarding Reviewing Policies, Procedures, and Practices for Development.	Planning & Development Services	A Town web page with TIA exemption requests is available. Staff continues to look for ways to apply the LUMO clearly and consistently for all stakeholders in the development process.
03/14/2018	Council Members Anderson, Gu, and Schaevitz	Request Regarding Addressing Blue Hill District Community Interests.	Planning & Development Services	Council enacted ordinance amendments pertaining to stormwater management, affordable housing, and non-residential development, as well as building size, massing, and permeability. Council considered amendments for townhomes and deferred action.

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Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
11/07/2016	Mayor Hemminger	Regarding Parking and Transit Needs in Downtown Area.	Planning & Development Services Police Chris Blue , Police Chief Phone: 919-968-2766 Public Works Lance Norris , Public Works Director Phone: 919-969-5100	Recent actions include replacing parking pay stations, implementing Downtown Ambassadors program, and including additional parking with required Wallace Parking Deck repairs. Next steps include parking payments-in-lieu and public/private partnerships.

Last modified on 10/8/2021 3:15:05 AM



Item Overview

Item #: 8., File #: [21-0766], Version: 1

Meeting Date: 10/13/2021

Close the Legislative Hearing and Consider a Conditional Zoning Application - Residence Inn and Summit Place Townhomes, 101-111 Erwin Road, Mixed Use-Village-Conditional Zoning District (MU-V-CZD).

See Summary Report on next page.

The Agenda will reflect the text below and/or the motion text will be used during the meeting.

PRESENTER: Becky McDonnell, Senior Planner

- a. Without objection, the revised report and any other materials submitted at the hearing for consideration by the Council will be entered into the record
- b. Introduction and revised recommendation
- c. Receive updates from the applicant
- d. Comments from the public
- e. Comments and questions from the Mayor and Town Council
- f. Motion to close the Legislative Hearing
- g. Motion to adopt the Resolution of Consistency with the Comprehensive Plan and Statement of Reasonableness
- h. Motion to enact an Ordinance to rezone the property
- i. Motion to adopt the Resolution revoking the existing Special Use Permit.

RECOMMENDATION: That the Council close the legislative hearing and adopt Resolution A and Resolution B, and enact Revised Ordinance A, approving the Conditional Zoning application.

**CONSIDER AN APPLICATION FOR CONDITIONAL ZONING APPLICATION FOR RESIDENCE INN AND SUMMIT PLACE TOWNHOMES LOCATED AT 101-111 ERWIN ROAD (PROJECT #20-082)****SUMMARY REPORT**

TOWN OF CHAPEL HILL PLANNING DEPARTMENT
Colleen Willger, Director
Judy Johnson, Assistant Director
Becky McDonnell, Senior Planner

PROPERTY ADDRESS

101-111 Erwin Road

MEETING DATE

October 13, 2021

APPLICANT

Scott Radway, Radway Design on behalf of Summit Hospitality Group, LLC (SHG, LLC) and Chapel Hill R I, LLC

TOWN MANAGER RECOMMENDATION

That the Council close the legislative hearing and receive the Town Manager's recommendation and consider adoption Resolution A, the Resolution of Consistency and Reasonableness, and Resolution B, revoking the existing Special Use Permit, and enacting Revised Ordinance A, approving the Conditional Zoning application. Please see the attached revisions and technical report describing updates from the applicant.

UPDATES SINCE THE SEPTEMBER 1, 2021 LEGISLATIVE HEARING

At the September 1 Legislative Hearing, there was discussion regarding construction of a drainage swale within the 100-foot buffer between the hotel property and the adjacent Summerfield Crossing development. The plans before Council this evening are similar to those presented at the September 1 hearing. Staff anticipates that the applicant will present information tonight regarding the proposed swale. The revised plans show reduced number of parking spaces such that a modification to parking regulations is no longer requested; and provide an easement for a future multi-use path ranging from 19.1 feet to 30 feet along Dobbins Drive.

PROCESS

Conditional Zoning is a legislative process that allows the Council to review the rezoning application for consistency with the Comprehensive Plan.

DECISION POINTS

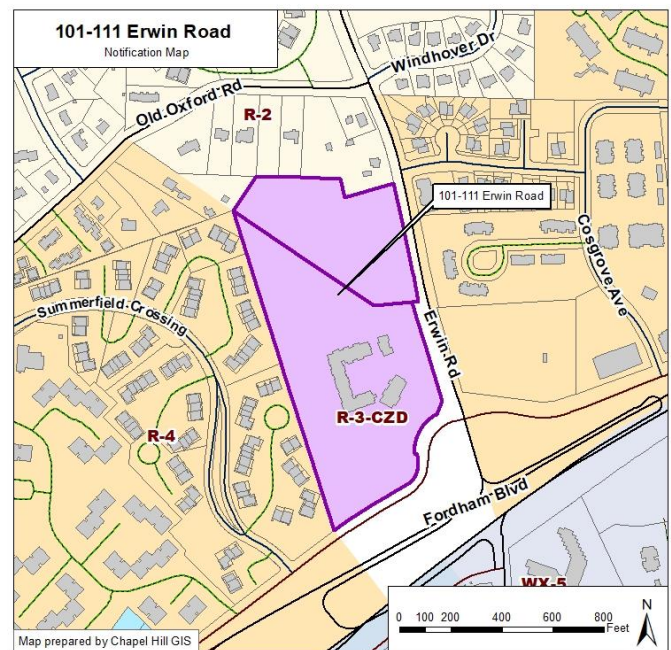
The proposed development requests a Modification to Regulations for the following:

- Steep slope disturbance limitations

ZONING

Existing: Residential-2 (R-2) and Residential-3-Conditional Zoning District (R-3-CZD)

Proposed: Mixed Use-Village-Conditional Zoning District (MU-V-CZD)

PROJECT LOCATION**PROJECT OVERVIEW**

The Residence Inn Hotel has a Special Use Permit, approved in 2003. The applicant proposes abandoning this SUP and applying a Mixed Use-Village Conditional Zoning District (MU-V-CZD) to the entire site.

The applicant proposes to develop a townhouse neighborhood with 52 dwelling units, including seven affordable units. The applicant also proposes expanding the existing Residence Inn Hotel by adding 54 hotel rooms.

The site currently consists of two parcels totaling 770,566 sq. ft. (17.7 acres). The northern 6.1-acre parcel will accommodate the Summit Place Townhomes and contains an existing farm pond. The southern 11.6-acre parcel contains the existing Residence Inn Hotel with 108 hotel rooms and a two-story office/residential building. The office/residential building will be replaced by a four-story building with the 54 new hotel rooms.

ATTACHMENTS

1. Technical Report and Project Details
2. Draft Staff Presentation
3. Resolution A, Resolution of Consistency and Reasonableness
4. Resolution B (Revoking the Special Use Permit)
5. Ordinance A (Approving the Application)
6. Resolution C (Denying the Application)
7. Revised Applicant Materials



TECHNICAL REPORT

PROJECT OVERVIEW

March 23, 2003	Town Council approved a Special Use Permit for a three-story hotel building containing 108 lodging units, known as the Marriott Residence Inn Hotel.
September 12, 2018	Town Council reviewed a concept plan for 150,000 sq. ft. of floor area for two three-story buildings with 140 dwelling units.
December 29, 2020	Applicant submitted a Conditional Zoning District Permit Application for a hotel addition and development of a 52-unit townhouse neighborhood, along with a request to revoke the 2003 Special Use Permit.
June 23, 2021	Town Council opened the Legislative Hearing for consideration of the Conditional Zoning Application.
September 1, 2021	Town Council continued the Legislative Hearing to receive updates on the proposed project.

The application proposes rezoning from Residential-2 (R-2) and Residential-3-Conditional Zoning District (R-3-CZD) to a Mixed Use-Village-Conditional Zoning District (MU-V-CZD) for the site to accommodate a 52-unit townhouse neighborhood development. It also proposes adding 54 hotel rooms to the existing Residence Inn Hotel. The project seeks to develop two (2) contiguous parcels on the west side of Erwin Road, north of Dobbins Drive and Fordham Boulevard. More details about the proposed development can be found in the applicant's narrative and statement of justification.

Information about the site and proposed zoning districts can be found below, as well as a list of proposed Modifications to Regulations, other important considerations that staff have identified, and an analysis of the project's consistency with the Comprehensive Plan and relevant Findings of Fact.

SITE CONTEXT

Staff have identified the following physical and regulatory characteristics of the land which are relevant to consideration of a Zoning Atlas Amendment:

- The site is adjacent to the following uses and zoning districts
 - The Residential-2 (R-2) zoning district to the north contains single-family homes.
 - The Residential-4 (R-4) zoning district to the east and west, including across Erwin Road, contains multifamily developments.

- Dobbins Drive and Fordham Boulevard are located to the south, with Walkable Mixed-Use-5 (WX-5) and Walkable Mixed-Use-7 (WX-7) zoning districts, part of the Blue Hill Form District, located to the south of Fordham Boulevard, containing various commercial uses.
- The southern parcel is zoned Residential-3-Conditional Zoning District (R-3-CZD) and contains the existing Residence Inn Hotel.
- The northern parcel is zoned Residential-2 (R-2) and contains a farm pond that the applicant proposes to drain and remove. A new stormwater basin will be constructed to serve both the hotel and the townhome development, as well as stormwater from the Christ Community Church site to the north.
- Areas of manmade steep slopes have been identified around the pond. The applicant describes the site as "sloped away from Erwin Road in a fairly uniform 8-10 percent slope from the northeast corner to the southwest corner".
- The site fronts on Erwin Road, north of its intersection with Dobbins Drive and Fordham Boulevard, and various improvements are proposed in accordance with the Traffic Impact Assessment.

PROPOSED ZONING

The applicant has submitted a Conditional Zoning application, which allows review of the development proposal in conjunction with the rezoning. It also allows site-specific standards to be formulated and applied as conditions through a legislative process. The Conditional Zoning application provides an opportunity to establish conditions that modify use, intensity, and development standards in order to address impacts reasonably expected to be generated by development. Conditions can also address conformance of the development with town regulations and adopted plans. A -CZD suffix would be added to the zoning district designation to incorporate the approved conditions. The applicant has proposed a Conditional Zoning district for the site, as shown on the site plan: Mixed-Use Village-Conditional Zoning District (MU-V-CZD).

The intent of the Mixed-Use Village – Conditional Zoning District (MU-V-CZD) is "to provide for the coordinated development of office, commercial, and residential uses and their necessary support functions in the vicinity of key highway intersections and transit corridors in Chapel Hill. The district is designed to facilitate stated public policies to encourage design which emphasizes lively, people-oriented environments and compatible, visually interesting development. This district provides areas where moderate scale mixed use centers can locate with an emphasis on development of a balance of residential, office and commercial uses.

It is further intended that the mixed-use districts shall encourage development within which mutually supporting residential, commercial and office uses are scaled, balanced and located to reduce general traffic congestion by providing housing close to principal destinations, and convenient pedestrian and bicycle circulation systems and mass transit to further reduce the need for private automobile usage. Mixed-use districts are intended to encourage development that allows multiple destinations to be achieved with a single trip. These standards encourage a design such that uses within a mixed-use district are

arranged in a manner that encourages internal vehicular trip capture and the development patterns that encourage walking, transit and bicycling as alternatives to automotive travel.

When such districts adjoin residential development or residential zoning districts, it is intended that arrangement of buildings, uses, open space, and vehicular or pedestrian and bicycle access shall be such as to provide appropriate transition and reduce potentially adverse effects.”¹

PROPOSED MODIFICATIONS TO REGULATIONS

- 1) Section 5.3.2(f) – Steep Slopes – Disturbance limitations:** The applicant proposes modifying the maximum disturbance area of steep slopes from 25 percent to 89 percent. The site contains 11,366 square feet of steep slopes that are subject to a disturbance limitation of 25 percent. The maximum disturbance allowed is 2,841 square feet. The applicant proposes to disturb 10,133 square feet, which is approximately 89 percent of this area, and exceeds the limit by 7,291 square feet.

Staff Comment: Staff believes the Council could find a public purpose for the increased disturbance of steep slopes, as some of the existing steep slopes are due to an existing stormwater control facility and a farm pond. The intent is to provide additional residential dwelling units, including affordable dwelling units.

Council Findings and Public Purpose: The Council has the ability to modify the regulations according to Section 4.4.5 of the Land Use Management Ordinance. Staff believes that the Council could modify the regulations if it makes a finding in this particular case that public purposes are satisfied to an equivalent or greater degree. If the Council chooses to deny a request for modifications to regulations, the developer’s alternative is to revise the proposal to comply with the regulations.

For additional information on the proposed modifications, please refer to the applicant’s attached materials.

RESPONSES TO COUNCIL QUESTIONS

Council Question: Can the placement of a drainage swale [channel] on the hotel property within the 100 feet wide existing buffer provide additional flood relief for the owners of 108 – 118 Woodbridge Lane?

Staff Response: Yes, the proposed designed swale would capture and reroute stormwater runoff from about 75 percent of the existing upstream drainage area from impacting these properties. The captured water would be routed to the stream to the east of 108 Woodbridge Lane. Town staff would ensure the designed swale meets the requirements stipulated in the Town’s Engineering Design Manual. Staff anticipates the applicant will provide additional information this evening regarding the swale for Council’s consideration.

¹ [LUMO 3.4.6](#)

(https://library.municode.com/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALAUSMA_ART3ZODIU_SDIST_3.4CODI)

Applicant Response: Short answer is Yes. A swale could reduce the amount of stormwater flowing to the Summerfield Crossing in this area from Summit property by 75-80 percent for all storm events.

The applicant's design team obtained additional topographic and tree survey information within the buffer and on Summerfield Crossing HOA property to study this situation as recommended by the Stormwater Management Utility Advisory Board and Town Council.

Because the Mixed Use-Village-Conditional Zoning District (MU-V-CZD) application does not propose any new development that would affect this area, we have provided a "stand-alone" study of this issue to the town stormwater staff for review. Our analysis provides a swale solution that will reduce the flow from the Residence Inn hotel property to the property line behind 108 – 118 Woodbridge Lane by approximately 75-80 percent. The swale, approximately 325 feet in length and 25 feet in width, is located no closer than 25 feet from the shared property line. Some existing trees in the buffer will need to be removed to construct the proposed low impact swale.

This swale would function independently from the already designed/proposed stormwater management system that improves conditions for the Summerfield properties located north of this location. That system exceeds town requirements for the 1, 2, 10, 25 and 100-year twenty-four hour storm events.

Council Question: Can the townhome parking be reduced to meet town standards and encourage use of alternative methods of transportation and reduce impervious surface?

Staff Response: The applicant has updated parking for the townhomes such that a modification to regulations is no longer requested.

Applicant Response: We no longer request a modification of regulations for parking for the townhome portion of the site. Our revised plan provides 97 parking spaces that meet the standards in the LUMO and Design Manual, 4 less than the maximum allowed of 101 spaces allowed. Please see table below.

- All fifty-two (52) townhomes have one parking space per townhome at the townhome
 - Forty (40) of these are garaged spaces tucked under the main living floor of the townhomes and by their design location have already reduced impervious surface dedicated to parking.
 - Twelve (12) of these are apron parking spaces at the townhomes.
- Nine (9) of the surface parking spaces are used one day per week as Orange County Recycling material pick-up locations.
- Twenty-nine (29) of the forty-five (45) surface parking spaces will be constructed as pervious pavement meeting the NC DEQ Design Standards.

	Total Parking Spaces	Impervious Surface	Pervious Pavement per NC DEQ Design Standards
52 Townhomes Parking at TH Unit	52	52	
Resident Surface Parking Behind Buildings 9 & 10	15	5	10
Loop Road Surface	21	2	19

Parking Interior Curb Location			
Loop Road Surface Parking Outside Curb Location	9	9	
Total	97	68	29

Council Question: What is the distance between the proposed homes that face Erwin Road and the road? They seem close and tall.

Staff Response: The townhomes meet the setback and height standards of the Land Use Management Ordinance (LUMO), as described by the applicant below.

Applicant Response:

- The proposed townhomes are located 30 feet from the street right of way (ROW) line.
- The minimum required setback is 22 feet from the street right of way (ROW) line.
 - On the townhome side of this ROW line there is a 5' wide sidewalk and a 25' landscaped buffer.
 - On the street side of the ROW there is an 8.5' wide tree planting lawn/buffer with canopy trees that meet Town of Chapel Hill and NCDOT requirements for spacing and sight lines.
- This configuration results in the fronts of the townhomes being 38 feet from the curb line.
- The maximum height permitted at the minimum setback line is 35'.
- The top of a townhome parapet is 26' – 30' above the elevation of Erwin Road depending upon which specific unit is being measured. [A typical 2 story house with a peaked roof reaches a height of about 30'].

	Setback from Street Line	Height
LUMO	22'	35'
Proposed Development	38'	26-28'

Council Question: Can you address the Town's request for a construction easement for a future multi-purpose path on the south side of the applicant property adjoining Dobbins Drive?

Staff Response: While Town staff would still prefer a 30-foot easement, staff have agreed to the applicant's proposal for a 19.1-foot construction easement by Erwin Road and a 30-foot construction easement further down Dobbins Drive, as specified by the exhibit below. Staff aim to incorporate the agreement into a condition prior to Wednesday's meeting.

Applicant Response: In response to the Town's request for a construction easement only along Dobbins Drive, the revised plans include one 19.1-foot wide easement area and one 30-foot easement area, as depicted below. The town staff has not yet determined if a multi-use path is possible along Dobbins Drive, but these easements provide the opportunity to do so in the future.



Under separate cover, the applicant has provided proposed easement use, access and restoration stipulations for the protection of both areas, but particularly for Easement Area A which is the front door visual setting for the existing hotel.

Council Question: Why are you proposing only two bedroom dwelling units for your affordable housing component?

Staff Response: The Inclusionary Zoning ordinance states that affordable housing units shall have a mix of bedrooms in the approximate same proportion as market rate units. However, the ordinance has flexibility built into it for negotiation between the Town Council and the developer, and is "intended to provide a structure for cooperative participation." The applicant has proposed a mix of 29 two- and 16 three-bedroom market rate units, which would equate to 4.5 two- and 2.5 three-bedroom affordable units.

Applicant Response: The applicant is proposing seven [7] two-bedroom townhomes which matches the recommendation of the Housing Advisory Board and fills an upcoming hole in the supply of ownership affordable homes.

In the past few years, the Council has approved a significant number of rental multi-family developments, but few new home ownership residential communities. These private sector

[For profit and non-profit] ownership developments are shown in the following table.

Current town approved private sector development plans with ownership affordable housing units yet to be built

Development	Type of Unit	Studio	1-BR	2-BR	3-BR	4-BR
Aura	Townhomes	-	-	-	8	-
Columbia St. Annex	Flats	4	3	-	-	-
Bridgepoint	Townhomes	-	-	-	5	-
Weavers Grove	Duplex & Townhomes*	-	-	-	76	25
Total		4	3	0	91	25

*The mix of duplex and townhome dwelling units is estimated by Habitat for Humanity to be 75% 3-BR and 25% 4-BR

Summit Place proposes to expand the type of families [households] that can access affordable dwelling units by providing 2-BR townhomes.

Council Question: What does “intermediate hazard” mean in the context of the dam removal?

Staff Response: The hazard classifications are determined based on possible damage to property, roads, utilities, and loss of life if the dam were to fail. North Carolina Administrative Code 15A NCAC 02K. 0105 has defined the three classes of dam hazard classifications. Dams are classified into low, intermediate, and high hazard dams.

On December 20, 2017, The NC Division of Energy, Mineral, and Land Resources (NCDEMLR) (now the NC Department of Environmental Quality (NCDEQ)) assigned an intermediate hazard classification to the dam in its existing condition. The state agency issued a notice of exemption from the North Carolina Dam Safety Law of 1967. This issuance allows the property owner to remove the dam and thus the farm pond with appropriate notifications and permits. Town staff have provided certain conditions to the property owner for removing the pond. These conditions include obtaining an erosion and control permit, pumping through a silt bag, establishing maximum discharge rates, disallowance of pumping within 48 hours of a rainfall event, and dissipating the water at the point of discharge.

Applicant Response: N/A

CONSISTENCY WITH THE COMPREHENSIVE PLAN AND OTHER DOCUMENTS







Town staff has reviewed this application for compliance with the themes from the [2020 Comprehensive Plan](#)², the standards of the [Land Use Management Ordinance](#)³, and the [Town of Chapel Hill, NC : Design Manual and Standard Details](#)⁴ and believes the proposal complies with several themes of the 2020 Comprehensive Plan:

² <http://www.townofchapelhill.org/home/showdocument?id=15001>

³ https://www.municode.com/library/#!/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALAUSMA

⁴ <http://www.townofchapelhill.org/town-hall/departments-services/public-works/engineering/design-manual-and-standard-details>

Comprehensive Plan Themes: The applicant has indicated that this project meets the following themes from the 2020 Comprehensive Plan, adopted June 25, 2012:

<input checked="" type="checkbox"/>		Create a Place for Everyone	<input checked="" type="checkbox"/>		Develop Good Places, New Spaces
<input checked="" type="checkbox"/>		Support Community Prosperity	<input checked="" type="checkbox"/>		Nurture Our Community
<input checked="" type="checkbox"/>		Facilitate Getting Around	<input type="checkbox"/>		Grow Town and Gown Collaboration

Future Land Use Map: The Future Land Use Map (FLUM) envisions the 15-501 North Focus Area as a dynamic mix of higher-intensity uses, including places to shop and reside. The FLUM indicates a range of appropriate Primary and Secondary uses for the Sub-Area C where this site is located. Townhouses and Residences is considered a Primary Use, with Commercial/Office being a Secondary Use. The proposed townhouse community falls within the Townhouse and Residences category, and the existing hotel and proposed expansion falls within the Commercial/Office category, and the proposed rezoning aligns with the character envisioned by the FLUM. The FLUM also calls for:

- **ACTIVATED STREET FRONTAGES.** Activated street frontages are encouraged to create vibrancy and ensure pedestrian activity over time. The 15-501 North Focus Area calls for activated street frontages along 15-501. While the site does not front 15-501, the applicant proposes locating the townhouses close to Erwin Road with no off-street parking in between the street frontage and the townhouses.
- **TRANSITIONAL AREA.** Along the northern site boundary, the 15-501 North Focus Area strives for harmonious transitions to adjacent neighborhoods. Transitions can include less-intense uses, reduced height, landscape buffers, and other measures.

Staff Evaluation: North Carolina General Statute Section 160D-605 requires the Council to approve a statement describing whether its action is consistent with an adopted comprehensive plan and any other applicable officially adopted plan when adopting or rejecting any zoning amendment.

Staff provides the following evaluation of this application's consistency with the 2020 Comprehensive Plan and other adopted plans:

- The proposed rezoning aligns with the land use character envisioned by the FLUM. The MU-V-CZD district would allow all of the uses that the FLUM indicates are appropriate. The Conditional Zoning application proposes townhouses and a hotel expansion that would fall within the 'Townhouse and Residences' and 'Commercial/Office' categories.
- Zoning conditions would be useful to ensure that development follows FLUM guidance for the Transitional Area. Current proposal indicates two-story townhouses in the Transitional Area.

FINDINGS OF FACT

In order to establish and maintain sound, stable, and desirable development within the planning jurisdiction of the Town, it is intended that the Land Use Management Ordinance (as stated in Section 4.4) shall not be amended except:

- 1) To correct a manifest error in the chapter; or

- 2) Because of changed or changing conditions in a particular area or in the jurisdiction generally; or
- 3) To achieve the purposes of the Comprehensive Plan.

All information submitted at the public hearing will be included in the record of the hearing.

- 1) Finding #1:** The proposed zoning amendment is necessary to correct a manifest error.

Arguments in Support: To date, no arguments in support have been submitted or identified by staff.

Arguments in Opposition: To date, no arguments in opposition have been submitted or identified by staff.

Staff Response: We believe, based on the information entered into the record to date, that there is no manifest error in the Town's Zoning Atlas Amendment related to the project site.

- 2) Finding #2:** The proposed zoning amendment is necessary because of changed or changing conditions in a particular area or in the jurisdiction generally.

Arguments in Support: The applicant states that the proposed townhouse and hotel expansion "and their relationship to the surrounding existing townhome development match precisely the adopted FLUM."

Arguments in Opposition: To date, no arguments in opposition have been submitted or identified by staff.

Staff Response: We believe, based on the information entered into the record to date, that the Council could make the finding that the proposed zoning amendment is necessary because of changing conditions in the 15-501 North Focus Area.

- 3) Finding #3:** The proposed zoning amendment is necessary to achieve the purposes of the comprehensive plan.

Arguments in Support: The applicant's Statement of Consistency states that the application is in accordance with the following elements of the 2020 Comprehensive Plan:

- A range of housing options for current and future residents (A Place for Everyone.3)
- Promote a safe, vibrant, and connected (physical and in-person) community (Community Prosperity and Engagement.3)
- A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (Getting Around.2)
- Connect to a comprehensive regional transportation system (Getting Around.3)
- A transportation system that accommodates transportation needs and demands while mitigating congestion and promoting air quality, sustainability, and energy conservation (Getting Around.6)
- Low density, green Rural Buffers that exclude urban development and minimize sprawl (Good Places New Spaces.1)
- A range of neighborhood types that addresses residential, commercial, social, and cultural needs and uses while building and evolving Chapel Hill's character for residents, visitors, and students (Good Places New Spaces.5)
- Maintain and improve air quality and water quality, and manage stormwater to

heal local waterways and conserve biological ecosystems within the town boundaries and the Extra Territorial Jurisdiction (Nurturing Our Community.2)

- Support the Parks and Recreation Master Plan and the Greenways Master Plan to provide recreation opportunities and ensure safe pedestrian and bicycle connections (Nurturing Our Community.4)
- Protect neighborhoods from the impact of development such as stormwater runoff, light and noise pollution, and traffic (Nurturing Our Community.8)

Arguments in Opposition: To date, no arguments in opposition have been submitted or identified by staff.

Staff Response: We believe, based on the information entered into the record to date, that the Council could make the finding that the proposed zoning amendment is necessary to achieve the purposes of the Comprehensive Plan.




















PROJECT FACT SHEET



Overview

Site Description	
Project Name	Residence Inn – Summit Place Townhomes
Address	101-111 Erwin Road
Property Size (GLA)	770,566 sq. ft. (17.69 acres)
Existing	Existing Residence Inn hotel on southern parcel, existing farm pond on northern parcel
Orange County Parcel Identifier Numbers	9799-48-1814 and 9799-48-0252
Existing Zoning	Residential-3-Conditional Zoning District (R-3-CZD) and Residential-2 (R-2)
Proposed Zoning	Mixed-Use Village-Conditional Zoning District (MU-V-CZD)


Site Design

Topic	Comment	Status
Use/Density (Sec. 3.7)	52 townhouse units and 54 hotel rooms	✓
Dimensional Standards (Sec. 3.8)	Comply with LUMO Section 3.8	✓
Floor area (Sec. 3.8)	<i>Maximum:</i> 855,187 sq. ft. <i>Proposed:</i> 211,913 sq. ft.	✓
Inclusionary Zoning (Sec. 3.10)	7 affordable dwelling units proposed (13 percent of total units)	✓
Landscape		
Buffer – North (Sec. 5.6.2)	<i>Required:</i> 20' Type "C" and 10' Type "B" <i>Proposed:</i> 35' Type "C" and shared 10' Type "C"	✓
Buffer – East (Sec. 5.6.2)	<i>Required:</i> 30' Type "D" <i>Proposed:</i> 20' Type "C" (reduced intensity along street frontage) and 50' Type "D"	✓
Buffer – South (Sec. 5.6.2)	<i>Required:</i> 30' Type "D" <i>Proposed:</i> 30' Type "D"	✓
Buffer – West (Sec. 5.6.2)	<i>Required:</i> 20' Type "C" <i>Proposed:</i> 60' Type "B"	✓
Tree Canopy (Sec. 5.7)	<i>Required:</i> 30% <i>Proposed:</i> 30%	✓
Landscape Standards (Sec. 5.9.6)	Application must comply	✓

Environment		
Resource Conservation District (Sec. 3.6)	Perennial stream located on southern portion of site; no disturbance proposed	
Erosion Control (Sec. 5.3.1)	Orange County Erosion Control permit required	
Steep Slopes (Sec. 5.3.2)	<i>Required:</i> Disturb < 25% of slopes greater than 25% slope <i>Proposed:</i> 26.7% (7,271 sq. ft. total)	M
Stormwater Management (Sec. 5.4)	1 acre stormwater management facility to treat both parcels, as well as runoff from Christ Community Church site to the north	
Land Disturbance	363,425 sq. ft. (8.34 acres)	
Impervious Surface (Sec. 3.8)	267,125 sq. ft. (34.7% of gross land area)	
Solid Waste & Recycling	Applicant requests curbside solid waste collection	
Jordan Riparian Buffer (Sec. 5.18)	No disturbance proposed	
Access and Circulation		
Road Improvements (Sec. 5.8)	Improvements in accordance with TIA findings including: <ul style="list-style-type: none"> • New primary entrance between existing hotel entrance and McGregor Drive • Existing hotel entrance to become right-in/right-out • Internal vehicular and pedestrian connections 	
Vehicular Access (Sec. 5.8)	Primary access will be a new entrance on Erwin Road between the existing hotel entrance and McGregor Drive	
Bicycle Improvements (Sec. 5.8)	Bicycle lanes proposed along Erwin Road frontage; Multi-use easement along Dobbins Drive	
Pedestrian Improvements (Sec. 5.8)	Internal sidewalk connections throughout the site, as well as along connection to Christ Community Church site to the north	
Traffic Impact Analysis (Sec. 5.9)	TIA Executive Summary attached	
Transit (Sec. 5.8)	Bus shelter pad to be installed for future bus shelter construction	
Bicycle Parking (Sec. 5.9)	<i>Required:</i> 26 spaces <i>Proposed:</i> 71 spaces	
Parking Lot Standards (Sec. 5.9)	97 parking spaces for Summit Place Townhomes and 139 parking spaces for Residence Inn Hotel	
Technical		
Fire	Meet Town Standards	
Site Improvements	54 hotel rooms and 52 townhomes with associated parking	

Recreation Area (Sec. 5.5)	<i>Required:</i> 12,224 sq. ft. <i>Proposed:</i> 13,089 sq. ft. (comprised of a payment-in-lieu, sports courts, and sports support area)	
Lighting Plan (Sec. 5.11)	Maximum of 0.3 foot-candles at property line	
Homeowners Association (Sec. 4.6)	Required at Final Plans	FP
Adequate Public Schools (Sec. 5.16)	Certificate of Adequacy of Public Schools (CAPS) required at Final Plans	FP

Project Summary Legend

Symbol	Meaning
	Meets Requirements
M	Seeking Modification
C	Requires Council Endorsement
FP	Required at Final Plan
NA	NA

TOWN COUNCIL

CONDITIONAL ZONING
2021.10.13

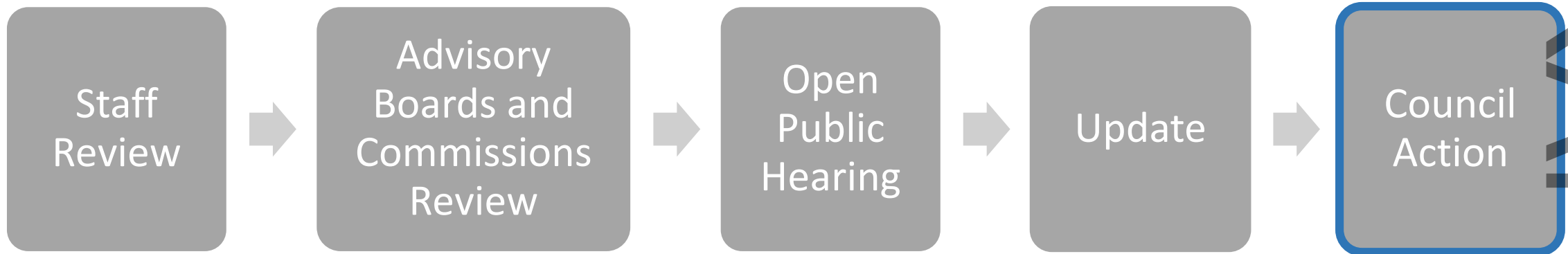
Residence Inn and Summit Place Townhomes 101-111 Erwin Road. Chapel Hill, NC



DRAFT



PROCESS



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RECOMMENDATION

- ☐ Close Legislative Hearing
- ☐ Adopt Resolution A (Resolution of Consistency)
- ☐ Adopt Resolution B (Revoking Special Use Permit)
- ☐ Enact Ordinance A (Approving Conditional Zoning Application)

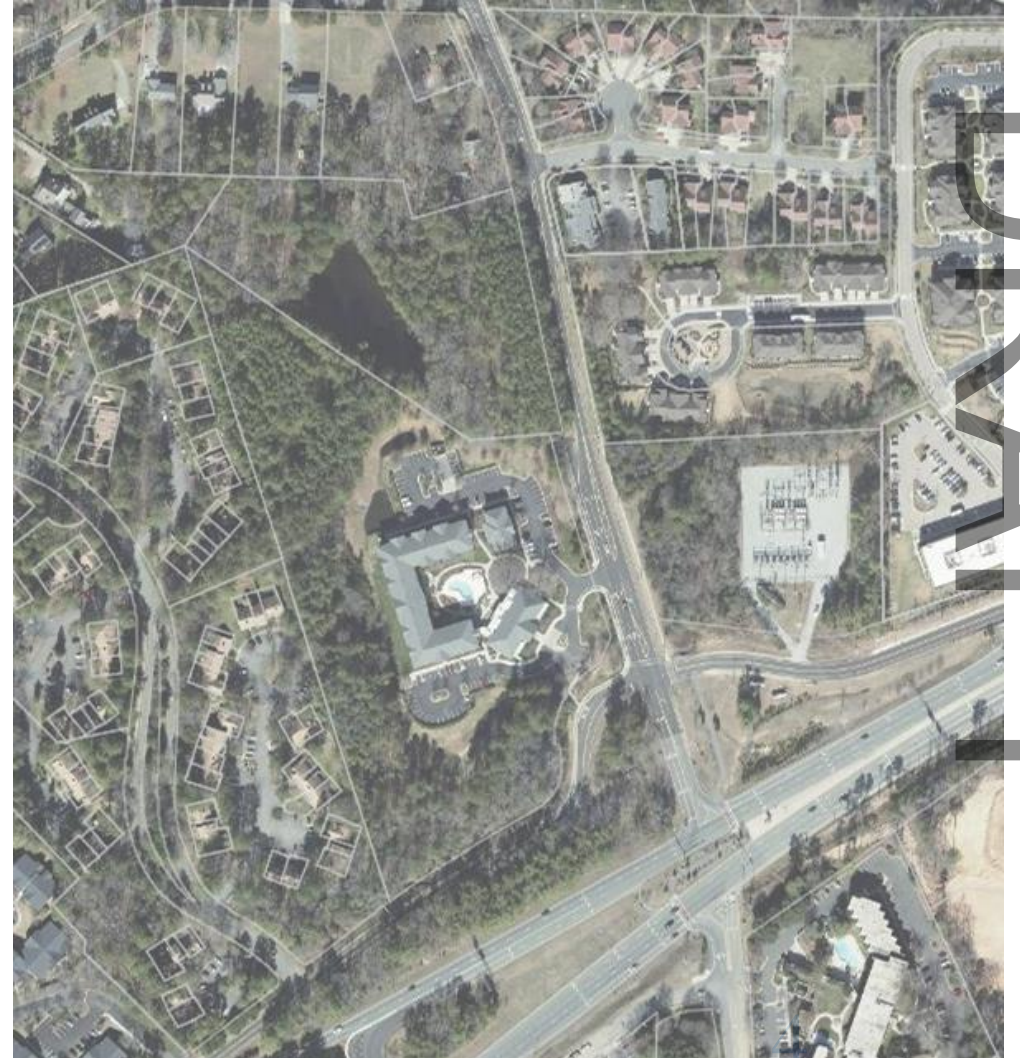


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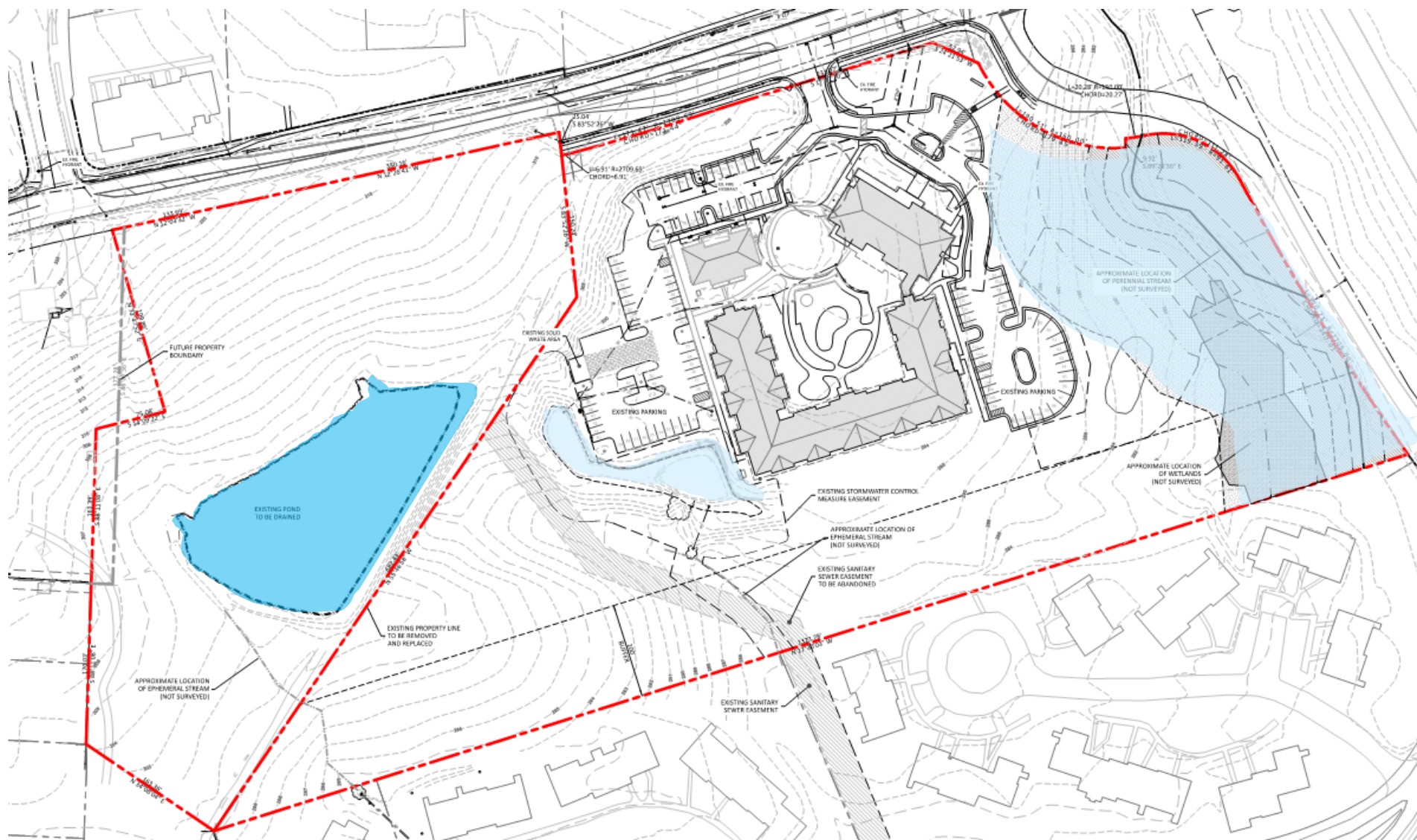
PROJECT SUMMARY¹⁴⁵

- ❑ 17.7-acre site
- ❑ Conditional Zoning
- ❑ Currently R-3-CZD and R-2
- ❑ Proposing MU-V-CZD
- ❑ Existing Residence Inn
- ❑ Construct additional 54 hotel rooms and 52 townhomes





EXISTING CONDITIONS



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PROPOSED MODIFICATIONS¹⁴⁸

The applicant is requesting modifications to regulations:

- ☒ ~~Modify maximum parking spaces from 101 to 117 spaces~~
- ☐ Increased disturbance of steep slopes

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UPDATES SINCE ¹⁴⁹SEPTEMBER 1

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- ☐ Additional tree and topographic information provided
- ☐ Updated Stormwater Impact Analysis
- ☐ Analysis of swale feasibility completed
- ☐ Updated easement for multiuse path



RECOMMENDATION

- ☐ Close Legislative Hearing
- ☐ Adopt Resolution A (Resolution of Consistency)
- ☐ Adopt Resolution B (Revoking Special Use Permit)
- ☐ Enact Ordinance A (Approving Conditional Zoning Application)



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Resolution A

(Resolution of Consistency and Reasonableness)

A RESOLUTION REGARDING THE APPLICATION FOR CONDITIONAL ZONING ATLAS AMENDMENT AT THE PROPERTY LOCATED AT 101-111 ERWIN ROAD TO MIXED USE VILLAGE-CONDITIONAL ZONING DISTRICT (MU-V-CZD) IS REASONABLE AND CONSISTENCY WITH THE COMPREHENSIVE PLAN (2021-10-13/R-10)

WHEREAS, Scott Radway, Radway Design, has filed an application for Conditional Zoning Atlas Amendment on behalf of Summit Hospitality Group, LLC (SHG, LLC) and Chapel Hill R I, LLC, to rezone a 17.69-acre site located at 101-111 Erwin Road and identified as Orange County Parcel Identifier Numbers 9799-48-1814 and 9799-48-0252 to Mixed Use Village - Conditional Zoning District (MU-V-CZD) to allow an expansion to the existing Residence Inn and development of a condominium community; and

WHEREAS, the Town staff have completed a review of the application for compliance with the Land Use Management Ordinance, Town Code, and for Consistency with the Comprehensive Plan; and

WHEREAS, the Planning Commission reviewed the application on June 15, 2021 and recommended that the Council enact the Zoning Atlas Amendment rezoning the property; and

WHEREAS, the Council of the Town of Chapel Hill has considered the application for Conditional Zoning Atlas Amendment on behalf of Summit Hospitality Group, LLC, to rezone and finds that the amendment if enacted, is reasonable and in the public's interest and is warranted to achieve the purposes of the Comprehensive Plan, as explained by, but not limited to, the following goals of the Comprehensive Plan:

- A range of housing options for current and future residents (A Place for Everyone.3)
- Promote a safe, vibrant, and connected (physical and in-person) community (Community Prosperity and Engagement.3)
- A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (Getting Around.2)
- Connect to a comprehensive regional transportation system (Getting Around.3)
- A transportation system that accommodates transportation needs and demands while mitigating congestion and promoting air quality, sustainability, and energy conservation (Getting Around.6)
- Low density, green Rural Buffers that exclude urban development and minimize sprawl (Good Places New Spaces.1)
- A range of neighborhood types that addresses residential, commercial, social, and cultural needs and uses while building and evolving Chapel Hill's character for residents, visitors, and students (Good Places New Spaces.5)
- Maintain and improve air quality and water quality, and manage stormwater to heal local waterways and conserve biological ecosystems within the town boundaries and the Extra Territorial Jurisdiction (Nurturing Our Community.2)
- Support the Parks and Recreation Master Plan and the Greenways Master Plan to provide recreation opportunities and ensure safe pedestrian and bicycle connections (Nurturing Our Community.4)
- Protect neighborhoods from the impact of development such as stormwater runoff, light and noise pollution, and traffic (Nurturing Our Community.8)

WHEREAS, the Council of the Town of Chapel Hill has considered the application for Conditional Zoning Atlas Amendment to rezone and finds that the amendment if enacted, is reasonable and in the public's interest, as explained by, but not limited to

- While the proposed zoning would allow more intense development compared to existing zoning, the zoning conditions provide an opportunity to limit intensity and to establish standards that address any impacts on surrounding properties
- The site is located on an arterial road, near the intersection with a US Highway, and has access to existing bus service
- The site is surrounded by residential and mixed-use zoning districts at varying densities that appear to transition well to the site, particularly given the proposed arrangement of uses on the site
- The proposed zoning is consistent with the Future Land Use Map (FLUM) character for the Focus Area, and with the list of appropriate uses. Even with expansion of the hotel, the overall use mix of North 15-501 Sub-Area C would remain predominately residential as envisioned
- Height limits proposed in the application are consistent with FLUM guidance
- The arrangement of uses appears compatible with FLUM guidance for a Transitional Area at the north of the site

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds the proposed Conditional Zoning Atlas Amendment to be reasonable and consistent with the Town Comprehensive Plan.

This the 13th day of October, 2021.

RESOLUTION B
(Revocation of Special Use Permit)

**A RESOLUTION REVOKING THE 101 ERWIN ROAD SITE FROM THE EXISTING
MARRIOTT RESIDENCE INN SPECIAL USE PERMIT (2021-10-13/R-11)**

WHEREAS, on March 24, 2003, the Chapel Hill Town Council approved a Special Use Permit for a three-story hotel building containing 108 lodging units, known as the Marriott Residence Inn Hotel, encumbering 578,935 square feet and approximately 13.3 acres, which was recorded at the Orange County Register of Deeds in Deed Book 3808, Page 334, identified as Orange County Parcel Identifier Number 9799-48-0252; and

WHEREAS, Section 4.5.5(f)(2) of the Land Use Management Ordinance has been met as the request for revocation has been made in conjunction with an application for approval of a development other than that authorized by the Marriott Residence Inn Hotel Special Use Permit; and

WHEREAS, on October 17, 2018, the Town Council reviewed a concept plan for 101-111 Erwin Road Mixed-Use Development for a multifamily residential development and expansion to the Residence Inn Hotel; and

WHEREAS, on December 23, 2020, the applicant requested to replace the Special Use Permit, with a Conditional Zoning permit application and requested a revocation of the existing 2003 Special Use Permit.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby revokes the 2003 Special Use Permit for 101 Erwin Road, known as the Marriott Residence Inn Hotel, as it pertains to the 13.3-acre parcel, for which the Residence Inn and Summit Place Townhomes Conditional Zoning Permit is currently proposed. The revocation of the Special Use Permit would be such that the subject parcel for the Residence Inn and Summit Place Townhomes Conditional Zoning (PIN 9799-48-0252), would no longer be encumbered by the Special Use Permit.

BE IT FURTHER RESOLVED that the applicant shall record the affidavit for revocation for the parcel identified as Orange County Parcel Identifier Number 9799-48-0252, for the Marriott Residence Inn Hotel Special Use Permit, dated March 24, 2003.

This the 13th day of October, 2021.

ORDINANCE A

(Approving the Conditional Zoning Application)

AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS TO REZONE THE RESIDENCE INN – SUMMIT PLACE PROPERTY LOCATED AT 101-111 ERWIN ROAD FROM RESIDENTIAL-2 (R-2) AND RESIDENTIAL-3-CONDITIONAL ZONING DISTRICT (R-3-CZD) TO MIXED-USE VILLAGE-CONDITIONAL ZONING DISTRICT (MU-V-CZD) (PROJECT #20-082) (2021-10-13/O-2)

WHEREAS, the Council of the Town of Chapel Hill has considered the application for Conditional Zoning submitted by Scott Radway, Radway Design, on behalf of owners Summit Hospitality Group, LLC (SHG, LLC) and Chapel Hill R I, LLC, to rezone a 17.69-acre parcel located at 101-111 Erwin Road and identified as Orange County Parcel Identifier Numbers 9799-48-1814 and 9799-48-0252 to Mixed-Use Village - Conditional Zoning District (MU-V-CZD) to allow an expansion to the existing Residence Inn and development of a townhouse community and finds that the amendment if enacted, is reasonable and in the public's interest and is warranted to achieve the purposes of the Comprehensive Plan, as explained by, but not limited to, the following goals of the Comprehensive Plan:

- A range of housing options for current and future residents (A Place for Everyone.3)
- Promote a safe, vibrant, and connected (physical and in-person) community (Community Prosperity and Engagement.3)
- A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (Getting Around.2)
- Connect to a comprehensive regional transportation system (Getting Around.3)
- A transportation system that accommodates transportation needs and demands while mitigating congestion and promoting air quality, sustainability, and energy conservation (Getting Around.6)
- Low density, green Rural Buffers that exclude urban development and minimize sprawl (Good Places New Spaces.1)
- A range of neighborhood types that addresses residential, commercial, social, and cultural needs and uses while building and evolving Chapel Hill's character for residents, visitors, and students (Good Places New Spaces.5)
- Maintain and improve air quality and water quality, and manage stormwater to heal local waterways and conserve biological ecosystems within the town boundaries and the Extra Territorial Jurisdiction (Nurturing Our Community.2)
- Support the Parks and Recreation Master Plan and the Greenways Master Plan to provide recreation opportunities and ensure safe pedestrian and bicycle connections (Nurturing Our Community.4)
- Protect neighborhoods from the impact of development such as stormwater runoff, light and noise pollution, and traffic (Nurturing Our Community.8)

WHEREAS, the application, if rezoned to Mixed-Use Village - Conditional Zoning District (MU-V-CZD) according to the district-specific plan last revised September 15, 2021, would address the impacts reasonably expected to be generated by the development or use of the site and the conditions listed below would:

- 1) Conform with the applicable provisions of the Land Use Management Ordinance and Town Code
- 2) Conform with the Comprehensive Plan

- 3) Be compatible with adjoining uses
- 4) Mitigate impacts on surrounding properties and the Town as a whole
- 5) Be harmonious with existing and proposed built systems including utility infrastructure, transportation facilities, police and fire coverage, and other public services and facilities
- 6) Be harmonious with natural systems such as hydrology, topography, and other environmental constraints

MODIFICATIONS TO REGULATIONS

WHEREAS, the Council of the Town of Chapel Hill finds, in this particular case, that the proposed development with the following requested modifications to regulations satisfies public purposes to an equivalent or greater degree:

1. Section 5.3.2(f) – Steep Slopes – Disturbance limitations:

Modify the maximum disturbance area of steep slopes from 25 percent to 89 percent. The site contains 11,366 square feet of steep slopes that are subject to a disturbance limitation of 25 percent. The maximum disturbance allowed is 2,841 square feet. The modified maximum disturbance shall be 10,133 square feet, which is approximately 89 percent of this area, and exceeds the limit by 7,291 square feet.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree as some of the existing steep slopes are due to existing stormwater control facilities and a farm pond, and the intent of disturbing these areas is to provide additional residential dwelling units, including affordable dwelling units.

CONDITIONAL ZONING DISTRICT

BE IT ORDAINED by the Council of the Town of Chapel Hill finds, in this particular case, the proposed rezoning with the following uses, subject to the conditions below, satisfies the purposes of Mixed-Use Village-Conditional Zoning District (MU-V-CZD).

BE IT FURTHER ORDAINED by the Council of the Town of Chapel Hill that the Chapel Hill Zoning Atlas be amended as follows:

SECTION I

The following Orange County parcels identified by Parcel Identifier Numbers (PIN) 9799-48-1814 and 9799-48-0252, described below, shall be rezoned to Mixed-Use Village – Conditional Zoning District (MU-V-CZD) including to the midpoint of the adjoining Erwin Road right-of-way:

Beginning at a rebar set on the western right of way of Erwin Road (S.R. 1734) (Variable Width Public Right of Way), said rebar set being South 53°38'02" West 62.27 feet from an existing spike in the concrete sidewalk near the southern right of way intersection of McGregor Drive (Public Right of Way) and the eastern right of way of Erwin Road (S.R. 1734) (Variable Width Public Right of Way), said spike having N.C. Grid Coordinates (NAD83/2011) of N=799,116.07, E=1,994,256.42, thence from said Beginning point and leaving said right of way South 88°07'36" East 30.91 feet to a point on the centerline of Erwin Road (S.R. 1734) (Variable Width Public Right of Way), thence with said centerline South 12°03'32" East 113.01 feet to a point, thence South 12°26'41" East 353.38 feet to a point, thence leaving said centerline South 83°52'26" West 30.19 feet to an existing spike on the western right of way of Erwin Road (S.R. 1734) (Variable Width Public Right of Way),

thence continuing along said right of way South 83°52'26" West 25.04 feet to an existing right of way disk on the western right of way of Erwin Road (S.R. 1734) (Variable Width Public Right of Way), thence with said right of way along a curve to the left, having an arc length of 178.38 feet, a radius of 2,709.69 feet, and a chord bearing and distance of South 16°37'37" East 178.35 feet to a rebar set, thence South 17°12'20" East 231.97 feet to a rebar set at the turnout right of way intersection of Dobbins Drive (S.R. 1740) (Variable Width Public Right of Way) and Erwin Road (S.R. 1734) (Variable Width Public Right of Way), thence continuing along Erwin Road (S.R. 1734) (Variable Width Public Right of Way) South 24°21'53" West 52.94 feet to an existing iron pipe on the northern right of way of Dobbins Drive (S.R. 1740) (Variable Width Public Right of Way), thence with said right of way along a curve to the left, having an arc length of 190.51 feet, a radius of 160.00 feet, and a chord bearing and distance of South 29°50'50" West 179.45 feet to an existing iron pipe, thence South 89°20'36" East 9.92 feet to a rebar set, thence with a curve to the left, having an arc length of 20.28 feet, a radius of 150.00 feet, and a chord bearing and distance of South 08°33'23" East 20.28 feet to a rebar set, thence with a curve to the right, having an arc length of 119.59 feet, a radius of 91.61 feet, and a chord bearing and distance of South 24°58'04" West 111.28 feet to a rebar set, thence with a curve to the left, having an arc length of 340.23 feet, a radius of 2,705.00 feet, and a chord bearing and distance of South 58°33'04" West 340.01 feet to an existing disturbed iron pipe, thence leaving Dobbins Drive (S.R. 1740) (Variable Width Public Right of Way) North 17°30'03" West 1,323.78 feet to an existing concrete monument, thence North 34°08'04" East 163.36 feet to an existing concrete monument, thence South 88°11'08" East 170.03' to an existing concrete monument, thence South 01°52'24" West 22.73' to a rebar set, thence South 88°07'36" East 377.28' to the point and place of Beginning containing 16.742 Acres more or less.

SECTION II

BE IT FURTHER ORDAINED by the Council of the Town of Chapel Hill that the following conditions are hereby incorporated by reference:

1. Expiration of Conditional Zoning Atlas Amendment: An application for Zoning Compliance Permit must be filed by October 13, 2023 (2 years from the date of this approval) or the land shall revert to its previous zoning designation. [LUMO 4.4.5(f)]
2. Consent to Conditions: This approval is not effective until the property owners provide written consent to the approval. Written consent must be provided within ten (10) days of enactment by the Town Council.
3. Land Use Intensity: This Conditional Zoning Atlas Amendment authorizes the following:

Land Use Intensity	
Hotel Development and Residential Dwelling Units	
Gross Land Area	770,566 sf (17.69 acres)
Maximum Floor Area	211,913 sf
Hotel Rooms	54 new rooms (162 total)
Residential Units	52 townhouse units
Affordable Residential Units	7 townhouse units
Total Impervious Surface	267,125 sf
Maximum Land Disturbance	363,425 sf
Bicycle Parking	71 spaces
Parking Spaces	97 spaces for Summit Place Townhomes 139 spaces for Residence Inn Hotel

4. **Affordable Housing Plan/Performance Agreement:** Prior to the issuance of a Zoning Compliance Permit, the developer must submit an Affordable Housing Plan to be incorporated into an Affordable Housing Performance Agreement to be executed by the developer and the Town Manager (or designee). The Affordable Housing Plan will contain the following information:

General information about the nature and scope of the covered development, including:

- a. Four (4) affordable for sale dwelling units for households earning 80 percent of AMI and three (3) affordable for sale dwelling units for households earning 65 percent of AMI.
 - b. The Plan will include information on:
 - i. The total number of market rate units and Affordable Dwelling Units in the development.
 - ii. The number of bedrooms and bathrooms in each Affordable Dwelling Unit.
 - iii. The approximate square footage of each Affordable Dwelling Unit.
 - iv. Documentation and plans regarding the exterior appearance, materials and finishes of the development for each of the Affordable Dwelling Units.
 - c. Half of the affordable dwelling units shall be completed prior to Zoning Final Inspection of half of the market rate dwelling units. The remaining affordable dwelling units shall be completed prior to Zoning Final Inspection of 90 percent of the market rate dwelling units.
 - d. The affordable dwelling units shall be substantially indistinguishable from the market-rate units on the exterior.
 - e. Any and all other information that the Town Manager may require that is needed to demonstrate compliance with the Council's Affordable Housing Policies.
5. **Landscape Bufferyards:** The following landscape bufferyards shall be provided:

Location	Required Buffer
North	35' Type "C" and shared 10' Type "C"
East	20' Type "C" (reduced intensity along street frontage) and 50' Type "D"
South	30' Type "D"
West	60' Type "B" and variable width Type "D"

6. **Dam Breach/Removal:** Prior to any dam breach/removal, the developer shall provide receipt from the following agencies regarding notification of the dam removal: NC Division of Energy, Mineral, and Land Resources, North Carolina Floodplain Mapping Program of the Department of Public Safety, and the North Carolina Department of Transportation. This is the procedure laid out for dams identified as a low or intermediate hazard dam in the North Carolina Dam Safety Law of 1967 per §143-215.27(c).
7. **Stormwater Runoff Agreement:** Prior to the issuance of a Zoning Compliance Permit, the developer will provide a binding agreement with the legal property owner at 141 Erwin Road to accept stormwater from that site via connecting infrastructure. Due to the unsure timelines of these projects, this site will provide a grading plan to capture the runoff from the property at 141 Erwin for sheet flow conditions in case the development at 141 Erwin does not get built as intended.
8. **Landscape Buffer Encroachment:** No encroachment or land disturbance is permitted

within the 100-foot buffer without additional approval from the Town Council.

9. Stormwater Facility Management: Prior to issuance of a Zoning Compliance Permit, the developer will provide a draft agreement regarding the shared costs and management for the stormwater facility between the Residence Inn Hotel and the Townhomes.
10. ADA Accommodations: Prior to issuance of a Zoning Compliance Permit, the developer shall submit plans showing ADA accommodations at all driveways or street intersections. Final design and construction details must be approved by the Town Manager.
11. Signing System: Prior to issuance of a Zoning Compliance Permit, the developer shall submit plans showing a signing system, which may include sharrow markings, on all internal access streets. The developer shall include the specs and dimensions of all signage on the site details sheets.
12. Electric Vehicle Parking Spaces: Prior to issuance of a Zoning Compliance Permit, the developer shall submit plans showing the installation a minimum of four (4) electric vehicle charging stations including additional spaces to be made electric vehicle ready with dedicated electric circuits and underground conduits at the Hotel expansion site. In addition, the developer shall include a minimum of two (2) electric vehicle charging stations behind Building 9 and Building 10 including the installation of necessary circuitry for electric vehicle charging stations for each townhouse. Final design and construction details must be approved by the Town Manager.
13. Electric Vehicle Charging Stations: Prior to issuance of a Zoning Compliance Permit, the developer shall submit plans showing the specs and dimensions of the electric vehicle charging stations. The developer shall include the specs and dimensions of the electric vehicle charging signage on the site details sheets. Final design and construction details must be approved by the Town Manager.
14. Bicycle Fix-It Stations: Prior to issuance of a Zoning Compliance Permit, the developer shall submit plans showing the location of the bicycle fix-it station at the Hotel site. The developer shall include the specs and dimension on the site details sheets.
15. Transportation Management Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall submit a Transportation Management Plan (TMP). The developer shall continue to coordinate with Town staff for all TMP requirements.
16. Energy Efficiency Plan: Prior to issuance of a Zoning Compliance Permit, an energy efficiency plan shall incorporate a "20 percent more energy efficient" feature relative to the 90.1 energy efficiency standard of the American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE), as amended and in effect at the time of Conditional Zoning District approval. Comparable standards generally recognized as applicable to building energy consumption, as amended and in effect at the time of building permit issuance, may be used by the applicant when incorporating the "20 percent more energy efficient" feature into the final plans. An energy model or prescriptive calculation method should be used to demonstrate that the design will meet the aforementioned energy performance target. [Town Policy April 2007]
17. Temporary Construction Easement: Prior to ZCP, the applicant shall grant the Town a temporary construction easement along Dobbins Drive for the construction of a multi-use path. This easement shall range from 19.1 feet to 30 feet wide, as depicted in

Exhibit A in the applicant's materials. The easement will permit the relocation and reconstruction of a stream corridor within the easement. As part of the easement dedication, the Town agrees to:

- a. Provide plans to the property owner for review prior to public engagement;
- b. Not place any portion of a multi-use path within the easement;
- c. Assume all liability for work in the easement and to assume responsibility for post-construction re-landscaping, and;
- d. Not construct any man-made structures [e.g. retaining wall, pedestrian lighting fixtures] in the re-landscaped easement area without prior written approval of the property owner.

TOWN OF CHAPEL HILL – CONDITIONAL ZONING STANDARD CONDITIONS

The following standard conditions are supplemental to site-specific conditions as set by Town Council-approved ordinance. Unless modified by the site-specific conditions noted above, these standards apply to all development permitted by Conditional Zoning.

Access

1. Accessibility Requirements: Prior to issuance of a Certificate of Occupancy, the developer shall provide the minimum required handicapped infrastructure according to the Americans with Disabilities Act and associated codes and standards.

Transportation

2. Transportation Management Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall submit a Transportation Management Plan, subject to Town Manager approval. The Transportation Management Plan shall include monitoring of electric vehicle parking spaces usage. [LUMO 4.5.2]
3. Bicycle Parking: Prior to issuance of a Zoning Compliance Permit, the developer shall provide dimensioned details that comply with the Town parking standards for required and/or proposed bicycle parking spaces. Bicycle parking spaces should be placed near building entrances and located in well-lit and visible areas. The spaces must comply with the Spring 2010 Association of Pedestrian and Bicycle Professionals Guidelines and the Class I and Class II bicycle parking standards required by the Town Design Manual. [LUMO 5.9.7 and Town of Chapel Hill Design Manual]
4. Parking Lot: Any newly proposed parking lots, including additions to existing parking lots, shall be constructed to Town standards for dimensions and pavement design. [LUMO 5.9.5 and Town of Chapel Hill Design Manual]
5. Parking Lot Landscape and Screening: The parking lot landscape design shall adhere to the standards of the Chapel Hill Land Use Management Ordinance. [LUMO 5.9.6]
6. Lighting: Prior to issuance of a Zoning Compliance Permit, the developer shall design and install street lighting along the site frontage. Design and construction details must be approved by the Town Manager and the North Carolina Department of Transportation (NCDOT).
7. Driveway Permit: The developer must obtain an approved driveway permit and/or encroachment agreement(s) prior to beginning any proposed work within the NCDOT right-of-way. As a condition of the permit, the permittee shall be responsible for the

design and construction of stipulated improvements in accordance with NCDOT requirements. An approved permit will be issued upon receipt of approved roadway and signal construction plans, inspection fees, and any necessary performance and indemnity bonds.

8. Pavement Markings: Any pavement markings proposed within the public street rights-of-way shall be long life thermoplastic and conform to the standards of the Manual on Uniform Traffic Control Devices (MUTCD). Pavement markings shall be installed if they previously existed on the roadways. [Town of Chapel Hill Design Manual]
9. Off-Site Construction Easements: Prior to any development that involves land disturbance on abutting properties, the developer shall provide documentation of approval from the affected property owner(s). [LUMO 5.8.1]
10. Sight Distance Triangles: Prior to issuance of a Certificate of Occupancy, the developer shall provide the Town of Chapel Hill with standard sight distance triangles at the proposed driveway locations. [Town of Chapel Hill Design Manual]
11. Low Vision Design Features: Any proposed pedestrian facilities should incorporate low vision design features as feasible.
12. Repairs in Public Right-of-Way: Prior to issuance of a Certificate of Occupancy, the developer shall repair all damage for work in the public right-of-way related to the construction of this project, which may include pavement milling and overlay. The design of such repairs must be reviewed and approved by the Town Manager and NCDOT prior to issuance of a Zoning Compliance Permit. [Town Code 17-40]
13. Street Closure Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a street closure plan, subject to Town Manager and NCDOT approval, for any work requiring street, sidewalk, or lane closure(s). [Town Code 21-7.1]
14. Work Zone Traffic Control Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a Work Zone Traffic Control Plan and a Construction Management Plan for approval by the Town Manager and NCDOT. The Work Zone Traffic Control Plan shall comply with the U.S. Department of Transportation Manual on Uniform Traffic Control Devices and include appropriate accommodations for bicycles and pedestrians. The Construction Management Plan shall provide staging, construction worker parking, construction vehicle routes, and hours of construction. [Town Code 17-47]

Landscaping and Building Elevations

15. Invasive Exotic Vegetation: Prior to issuance of a Zoning Compliance Permit, the developer shall identify on the planting plan any known invasive exotic species of vegetation, as defined by the Southeast Exotic Pest Plant Council (SE-EPPC), and provide notes indicating removal of these species from the landscape buffer areas prior to planting. [Town Design Manual]
16. Alternate Buffer: Prior to issuance of a Zoning Compliance Permit, review shall be required from the Community Design Commission for any proposed alternate buffer. [LUMO 5.6.8]

17. Landscape Protection: Prior to issuance of a Zoning Compliance Permit, a detailed Landscape Protection Plan shall be approved. The plan shall include a complete and currently updated tree survey showing critical root zones of all rare and specimen trees and labeled according to size and species. The plan shall also indicate which trees will be removed and which will remain. The plan shall also include standard notes, tree protection fencing details, and location of tree protection fencing. [LUMO 5.7.3]
18. Tree Protection Fencing: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a detail of a tree protection fence and a note on the Final Plans indicating that tree protection fencing will be installed prior to land-disturbing activity on the site. The plans shall include continuous tree protection fencing around construction limits and indicated construction parking and materials staging/storage areas, and Town standard landscaping protection notes, subject to Town Manager approval. [LUMO 5.7.3]
19. Landscape Planting Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a detailed Landscape Planting Plan with a detailed planting list, subject to Town Manager approval. [LUMO 4.5.3]
20. Tree Canopy: A minimum of tree canopy coverage shall be provided through a combination of retained and replanted trees, unless a modification to regulations is approved. Calculations demonstrating compliance with Chapel Hill Land Use Management Ordinance Section 5.7.2 shall be included. [LUMO 5.7.2]
21. Retaining Wall Construction: If applicable, the final design and location of all retaining walls shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
22. Demolition Plan: Prior to beginning any proposed demolition activity, the developer must obtain demolition permits from both the Planning and Inspections departments. While the demolition component may be submitted to Planning in tandem with the Zoning Compliance Permit for new construction, a separate stand-alone demolition permit shall be issued prior to an Inspection's Demolition permit. Further, prior to the issuance of a demolition permit for all existing structures 500 square feet or larger, Orange County Solid Waste staff shall conduct a deconstruction assessment pursuant to the County's Regulated Recyclable Materials Ordinance (RRMO).
23. Lighting Plan Approval: Prior to issuance of a Zoning Compliance Permit, the Community Design Commission shall review a lighting plan and shall take additional care during review to ensure that the proposed lighting plan will minimize upward light pollution and off-site spillage of light. [LUMO 8.5.5]
24. Community Design Commission/Historic District Commission Review: The Community Design Commission shall review the building elevations, including the location and screening of all HVAC/Air Handling Units for the site, prior to issuance of a Zoning Compliance Permit. [LUMO 8.5.5] Within the Town's historic districts, the Historic District Commission will act in place of the Community Design Commission. [LUMO 8.4.6]

Environment

25. Stormwater Management Plan: Development projects must comply with *Section 5.4 Stormwater Management* of the Chapel Hill Land Use Management Ordinance. [LUMO 5.4]

26. Phasing Plan: If phasing of the project is proposed, then the applicant shall provide a Phasing Plan as part of the Zoning Compliance Permit. The Phasing Plan also shall detail which public improvements and stormwater management structures will be completed in each phase prior to requesting a Certificate of Occupancy. Construction for any phase shall not begin until all public improvements in previous phases have been completed, and a note to this effect shall be provided on the final plans. [LUMO 4.4]
27. Erosion Control Bond: If one acre or more is to be uncovered by land-disturbing activities for the project, then a performance guarantee in accordance with *Section 5-97.1 Bonds* of the Town Code of Ordinances shall be required prior to final authorization to begin land-disturbing activities. [Town Code 5-98]
28. Sediment Control: The developer shall take appropriate measures to prevent and remove the deposit of wet or dry sediments on adjacent roadways. [Town Code 5-86]
29. Erosion Control Inspections: In addition to the requirement during construction for inspection after every rainfall, the developer shall inspect the erosion and sediment control devices daily, make any necessary repairs or adjustments to the devices, and maintain inspection logs documenting the daily inspections and any necessary repairs. [Orange County Erosion Control]
30. Erosion Control: The developer shall provide a copy of the approved erosion and sediment control permit from Orange County Erosion Control Division prior to receiving a Zoning Compliance Permit. During the construction phase, additional erosion and sediment controls may be required if the proposed measures do not contain the sediment. Sediment leaving the property is a violation of the Town's Erosion and Sediment Control Ordinance. [Town Code 5-98]
31. Stormwater Control Measure: The proposed stormwater control measures for the site shall be designed to meet the current North Carolina Division of Environmental Quality Design Manual and Town of Chapel Hill Public Works Engineering Design Manual. [LUMO 5.4.3]
32. Storm Drain Inlets: The developer shall provide pre-cast inlet hoods and covers stating, "Dump No Waste! Drains to Jordan Lake", in accordance with the specifications of the Town Standard Detail SD-4A, SD-5A, SD-5C include all applicable details*, for all new inlets for private, Town and State rights-of-way. [Town of Chapel Hill Design Manual]
33. On-Site/Adjacent Stormwater Features: The final plans shall locate and identify existing site conditions, including all on-site and adjacent stormwater drainage features, prior to issuance of a Zoning Compliance Permit. The final plans must provide proper inlet protection for the stormwater drainage inlets on or adjacent to the site to ensure the stormwater drainage system will not be obstructed with construction debris. [Town of Chapel Hill Design Manual]
34. Repair/Replacement of Damaged Stormwater Infrastructure: Existing stormwater infrastructure that is damaged as a result of the project demolition or construction must be repaired or replaced, as specified by the Stormwater Management Engineer, prior to requesting a Certificate of Occupancy. [Town of Chapel Hill Design Manual]
35. Performance Guarantee: A performance and maintenance guarantee in an amount satisfiable to the Town Manager shall be provided to meet the requirement of Section 4.9.3 of the Land Use Management Ordinance prior to the approval of final plat

recordation. The performance guarantees and maintenance guarantees shall be satisfactory as to their form and manner of execution, and as to the sufficiency of their amount in securing the satisfactory construction, installation, or maintenance of the required stormwater control measure. The performance surety shall be an amount equal to one hundred and twenty-five percent (125%) of the total cost of uncompleted stormwater control measure(s) and conveyances prior to final plat recordation. The total cost of the storm water control measure(s) and conveyance(s) shall include the value of all materials, piping with size at least 12 inches and other structures, seeding and soil stabilization, design and engineering, grading, excavation, fill, and other work. The applicant shall submit unit cost information pertaining to all storm water control measure(s) and/or bids from the grading contractor hired to perform the work and any change orders related thereto as a method to determine the basis for cost of the work. The final cost determination shall be made by the Stormwater Management Division, taking into consideration any additional costs as deemed necessary for completion of the stormwater control measure(s) and conveyance(s).

Upon completion of the storm water control measures(s) and related stormwater improvements and acceptance by the Town after final site inspection, the one hundred and twenty-five percent (125%) of the performance surety shall be released to the developer and a maintenance bond in an amount of twenty-five (25) percent of the construction cost estimate shall submitted by the developer prior to the issuance of certificate of occupancy. No sooner than one year after the recording date of the deed(s), easements and maintenance agreement, the owner may request release of the remainder of the maintenance bond. Upon request by the owner, the Stormwater Management Division shall inspect the stormwater control measures and conveyance to determine that they are performing as required by this Ordinance. The Stormwater Management Division, upon determining that the storm water control measures(s) and conveyances are performing as required by this Ordinance, and after any repairs to the storm water infrastructures are made by the owner, shall release the remaining maintenance bond.

Following the release of the maintenance bond, the developer and/or Homeowners Association shall continue to have a responsibility and obligation to inspect and maintain the stormwater infrastructure as required by the Town's Land Use Management Ordinance.

36. Sediment: Sediment leaving the property is a violation of the Town's Erosion and Sediment Control Ordinance. [Town Code 5-98]
37. Stormwater Control Measure: The proposed stormwater control measures for the site shall be designed to meet the current North Carolina Division of Environmental Quality Design Manual and Town of Chapel Hill Public Works Engineering Design Manual. [LUMO 5.4.3]
38. Storm Drain Inlets: The developer shall provide pre-cast inlet hoods and covers stating, "Dump No Waste! Drains to Jordan Lake", in accordance with the specifications of the Town Standard Detail SD-4A, SD-5A, SD-5C include all applicable details*, for all new inlets for private, Town and State rights-of-way. [Town of Chapel Hill Design Manual]
39. On-Site/Adjacent Stormwater Features: The final plans shall locate and identify existing site conditions, including all on-site and adjacent stormwater drainage features, prior to issuance of a Zoning Compliance Permit. The final plans must provide proper inlet protection for the stormwater drainage inlets on or adjacent to the site to ensure the stormwater drainage system will not be obstructed with construction debris. [Town of Chapel Hill Design Manual]

40. Repair/Replacement of Damaged Stormwater Infrastructure: Existing stormwater infrastructure that is damaged as a result of the project demolition or construction must be repaired or replaced, as specified by the Stormwater Management Engineer, prior to requesting a Certificate of Occupancy. [Town of Chapel Hill Design Manual]
41. Performance Guarantee: A performance and maintenance guarantee in an amount satisfiable to the Town Manager shall be provided to meet the requirement of Section 4.9.3 of the Land Use Management Ordinance prior to the approval of Constructional plans. The performance guarantees and maintenance guarantees shall be satisfactory as to their form and manner of execution, and as to the sufficiency of their amount in securing the satisfactory construction, installation, or maintenance of the required stormwater control measure. The performance surety shall be an amount equal to one hundred and twenty-five percent (125%) of the total cost of uncompleted stormwater control measure(s) and conveyances prior to final plat recordation. The total cost of the storm water control measure(s) and conveyance(s) shall include the value of all materials, piping and other structures, seeding and soil stabilization, design and engineering, grading, excavation, fill, and other work. The applicant shall submit unit cost information pertaining to all storm water control measure(s) and/or bids from the grading contractor hired to perform the work and any change orders related thereto as a method to determine the basis for cost of the work. The final cost determination shall be made by the Stormwater Management Division, taking into consideration any additional costs as deemed necessary for completion of the stormwater control measure(s) and conveyance(s).

Upon completion of the storm water control measures(s) and other improvements and acceptance by the Town after final site inspection, the one hundred and twenty-five percent (125%) of the performance surety shall be released to the developer and a maintenance bond in an amount of twenty-five (25) percent of the construction cost estimate shall submitted by the developer prior to the issuance of certificate of occupancy. No sooner than one year after the recording date of the deed(s), easements and maintenance agreement, the owner may request release of the remainder of the maintenance bond. Upon request by the owner, the Stormwater Management Division shall inspect the storm water control structure(s) to determine that the storm water measure(s) are performing as required by this Ordinance. The Stormwater Management Division, upon determining that the storm water control(s) are performing as required by this Ordinance, and after any repairs to the storm water control structure(s) are made by the owner, shall release the remaining maintenance bond. [LUMO 4.9.3]

42. Energy Efficiency: Prior to issuance of a Zoning Compliance Permit, an energy efficiency plan shall incorporate a "20 percent more energy efficient" feature relative to the 90.1 energy efficiency standard of the American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE), as amended and in effect at the time of Special Use Permit issuance. Comparable standards generally recognized as applicable to building energy consumption, as amended and in effect at the time of building permit issuance, may be used by the applicant when incorporating the "20 percent more energy efficient" feature into the final plans. An energy model should be used to demonstrate that the design will meet the aforementioned energy performance target. [Town Policy April 2007]
43. Energy Management Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall submit an Energy Management Plan (EMP) for Town approval. The plan shall: a) consider utilizing sustainable energy, currently defined as solar, wind,

geothermal, biofuels, hydroelectric power; b) consider purchase of carbon offset credits and green power production through coordination with the NC GreenPower program; c) provide for 20 percent more efficiency that also ensures indoor air quality and adequate access to natural lighting, and allows for the proposed utilization of sustainable energy in the project; and (d) if requested, provide for the property owner to report to the Town of Chapel Hill the actual energy performance of the plan, as implemented, during the period ending one year after occupancy. [Town Policy April 2007]

Recreation

44. Recreation Space (Multi-Family): A minimum of 25 percent of the required Recreation Space for the project shall be provided in the form of a payment in lieu. The payment in lieu shall be paid prior to the issuance of a Zoning Compliance Permit.
45. Recreation Area (Subdivision): A minimum of 25 percent of the required Recreation Area for the project shall be provided in the form of a payment in lieu. The payment in lieu shall be paid prior to the issuance of a Zoning Compliance Permit.

Water, Sewer, and Other Utilities

46. Utility/Lighting Plan Approval: The final utility/lighting plan shall be approved by Orange Water and Sewer Authority (OWASA), Duke Energy Company, other applicable local utility service providers, and the Town Manager before issuance of a Zoning Compliance Permit. The developer shall be responsible for assuring that these utilities can continue to serve the development. In addition, detailed construction drawings shall be submitted to OWASA for review/approval prior to issuance of a Zoning Compliance Permit. [LUMO 5.12]
47. Lighting Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall submit site plans, sealed by a Professional Engineer, for Town Manager approval, as well as other required documents to satisfy the lighting requirements of Section 5.11 of the Land Use Management Ordinance including: submission of a lighting plan; providing for adequate lighting on public sidewalks, including driveway crossings; and demonstrating compliance with Town standards. [LUMO 5.11]
48. Water/Sewer Line Construction: All public water and sewer plans shall be approved by and constructed according to OWASA standards. Where sewer lines are located beneath drive aisles and parking areas, construction methods approved by OWASA shall be employed to ensure that sewer lines will not be damaged by heavy service vehicles. [LUMO 5.12.1]
49. OWASA Approval: Prior to issuance of a Zoning Compliance Permit, any easement plats and documentation as required by OWASA and the Town Manager shall be recorded. [LUMO 5.12]
50. Irrigation: If permanent irrigation is proposed to support landscaping, an irrigation plan shall be submitted which includes the use of smart technologies to conserve water and energy.

Homeowner Association

51. Homeowners' Association: A Homeowners' Association shall be created that has the capacity to place a lien on the property of a member who does not pay the annual

charges for maintenance of all common areas, however designated. The Homeowners' Association documents shall be approved by the Town Manager prior to recordation at the Orange County Register of Deeds Office and shall be cross-referenced on the final plat. The Homeowners' Association documents shall comply with Section 4.6.7 of the Land Use Management Ordinance. That the Homeowners' Association covenants shall not exclude home occupation businesses as regulated by the Town of Chapel Hill.

52. Homeowners' Association Responsibilities: The Homeowners' Association shall be responsible for the maintenance, repair, and operation of required bufferyard(s), open space, recreation areas, paths, community garden, and shared stormwater management facilities.
53. Dedication and Maintenance of Common Area to Homeowners' Association: The applicant shall provide for Town Manager review and approval, a deed conveying to the Homeowners' Association all common areas, however designated, including the community garden, recreation space, open space and common areas, the bufferyards, and stormwater management facilities. The Homeowners' Association shall be responsible for the maintenance of the proposed internal subdivision roads until the NCDOT or the Town assumes ownership of the internal streets. These documents shall be reviewed and approved by the Town Manager prior to recordation at the Orange County Register of Deeds Office and cross-referenced on the final plat.
54. Solar Collection Devices: The Homeowners' Association, or similar entity, shall not include covenants or other conditions of sale that restrict or prohibit the use, installation, or maintenance of solar collection devices, including clotheslines.

Fire Safety

55. Fire Sprinklers: The developer shall install sprinklers under the North Carolina Fire Protection Code (NC FPC) prior to issuance of a Certificate of Occupancy. Prior to issuance of a Zoning Compliance Permit, the plans shall show all proposed fire department connections to such systems. [TOWN CODE 7-56]
56. Gates and Barricades: Where required or authorized by the fire code official and permanent or temporary (construction), any gates across fire apparatus access roads shall be a minimum width of 20 feet, be of swinging or sliding type, have an emergency means of operation, shall be openable by either forcible entry or keyed, capable of being operated by one person, and shall be installed and maintained according to UL 325 and ASTM F 2200. [NC FPC 2018, 503.5, 503.6, D103.5]
57. Grade and Approach: Fire apparatus access roads shall not exceed 10 percent in grade unless approved by the fire chief, and all approach and departure angles shall be within the limits established based on the Fire Department's apparatus. [NC FPC -2018, 503.2.7, 503.2.8 and D103.2]
58. Fire Protection and Utility Plan: A fire flow report for hydrants within 500 feet of each building shall be provided and demonstrate the calculated gallons per minute with a residual pressure of 20 pounds per square inch. The calculations should be sealed by a professional engineer licensed in the State of North Carolina and accompanied by a water supply flow test conducted within one year of the submittal. Refer to the Town Design Manual for required gallons per minute.

59. Fire Department Connections and Standpipes: When the building being constructed requires standpipes, a temporary standpipe connection will be constructed with ready Fire Department Access when the building is not more than 40 feet in height. Such standpipes shall provide usable connections adjacent to the stairs and shall continue with building progression always being not more than one floor below the highest floor of the building. [NC FPC 912 & NC FPC 2018 3313]
60. Fire Command Center: Where required in the North Carolina Fire Protection Code and in all high rise buildings, a fire command center must be constructed in accordance with Section 508, NC FPC 2018.
61. Aerials: Where a building exceeds 30 feet in height OR 3 stories above the lowest level of Fire Department Access, overhead power and utility lines shall not be allowed within the aerial apparatus access roadway and the roadway shall have an unobstructed width of 26 feet exclusive of the shoulders. At least one of the apparatus access roadways shall be located within a minimum of 15 feet and maximum of 30 feet from one complete side of the building. [NC FPC 2018 D105.1, D105.2, D105.3, D105.4]
62. Fire Apparatus Access Road: Any fire apparatus access roads (any public/private street, parking lot access, fire lanes and access roadways) used for fire department access shall be all-weather and designed to carry the imposed load of fire apparatus weighing at least 80,000 lbs. Fire apparatus access roads shall have a minimum width of 20 feet exclusive of shoulders with an overhead clearance of at least 13 feet 6 inches for structures not exceeding 30 feet in height and shall provide access to within 150 feet of all exterior portions of the building. Structures exceeding 30 feet in height shall be provided with an aerial apparatus access road 26 feet in width in the immediate vicinity of the building or portion thereof and shall provide at least one of the required access roads to be located not less than 15 feet and not more than 30 feet from the structure parallel to one entire side of the structure. [NC FPC 2018 502.1, 503.1.1, 503.2.1, D102.1 SECOND ACCESS DEPENDENT UPON NORTH CAROLINA DEPARTMENT OF TRANSPORTATION APPROVAL]
63. Dead End Access Roads: Dead end fire apparatus access roads exceeding 150 feet shall have a designated turn around. The turnaround shall meet one of the design standards of NC FPC 2018, Appendix D table D 103.4.
64. Building Height: Buildings exceeding 30 feet or three stories in height must have at least two means of fire apparatus access separated by at least one half the diagonal distance of the building. [NC FPC 2018, D104.1, D104.3 DEPENDENT UPON NORTH CAROLINA DEPARTMENT OF TRANSPORTATION APPROVAL]
65. Fire Access: Prior to issuance of a Certificate of Occupancy, fire access shall be reviewed and approved by the Town of Chapel Hill.
66. Fire Apparatus Access Road Authority: The fire code official shall have the authority to increase the minimum access widths where they are deemed inadequate for fire and rescue operations. [NC FPC 2018 503.2.2]
67. Hydrants Active: The developer shall provide active fire hydrant coverage, acceptable to the Fire Department, for any areas where combustible construction materials will be stored or installed, prior to having such materials delivered to the site. All required fire hydrants must be installed, active, and accessible for the Fire Department use prior to the arrival of combustible materials on site. Fire protection systems shall be installed

according to Town Ordinance, the NC Fire Protection Code, and National Fire Protection Association Standard #13. [NC Fire Protection Code 2018 Section 501.1 & 3312]

68. Fire Hydrant and FDC Locations: The Final Plans shall indicate the locations of existing and proposed fire hydrants and Fire Department Connections (FDC). Fire Department Connections shall be located on the street side of the building within 100 feet of a hydrant. Hydrant spacing shall comply with the Town Design Manual. Design shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit. [NC FPC 2018 Section 501.5.1.1]
69. Firefighting Access During Construction: Vehicle access for firefighting shall be provided to all construction or demolition sites including vehicle access to within 100 feet of temporary or permanent fire department connections and hydrants. Vehicle access shall be provided by either temporary or permanent roads capable of supporting vehicle loading under all weather conditions. [NC FPC 2018, Section 3310.1]
70. Premise Identification: Approved building address numbers, placed in a position acceptable to the fire code official, shall be required on all new buildings. [NC FPC 2018, 505.1]
71. Key Boxes: Where required by the fire code official, a secure key box, mounted on the address side of the building, near the main entrance, shall be provided to ensure adequate access to the building based on life safety and/or fire protection needs. [NC FPC 2018, 506]
72. Automatic Fire Sprinkler System Required: An automatic fire sprinkler system meeting the requirements of NFPA Standard #13 and Town Code 7-56 is required to be installed in non-residential construction.
73. Fire Department Connections, Locations: Any required FDCs for any buildings shall meet the design and installation requirements for the current, approved edition of NFPA 13, 13D, 13R, or 14 of the NC FPC 2018 and Town Code 7-38 for location. FDCs shall be installed within 100 feet of a hydrant or unless otherwise approved by the fire code official and shall not be obstructed or hindered by parking or landscaping. FDCs shall be equipped with National Standard Thread (NST) and be a 2.5" siamese.
74. Fire Department Connections, Installation: A working space of not less than 36 inches in width and depth and a working space of 78 inches in height shall be provided on all sides with the exception of wall mounted FDCs unless otherwise approved by the fire code official. The FDCs where required must be physically protected from impacts by an approved barrier. [NC FPC 2018, 912.1, 912.2 912.2.1, 312]
75. Fire Apparatus Access for Chapel Hill Fire Department: All fire department access determinations shall be based upon Chapel Hill Fire Department apparatus specifications (data specifications provided by Office of the Fire Marshal/Life Safety Division) and field verification. All proposed fire department access designs shall be reviewed and shall also pass field inspection.
76. Fire Flow Report: The Final Plan application shall include a fire flow report sealed by an Engineer registered in the State of North Carolina. An OWASA flow test must be provided with the report. Fire flow shall meet the 20 psi or exceed the requirements set forth in the Town Design Manual. The Fire Flow Report shall be reviewed and approved

by the Town Manager prior to issuance of a Zoning Compliance Permit. [Town of Chapel Hill Design Manual]

77. Fire Lane: Prior to issuance of a Certificate of Occupancy, any fire lane shall be marked and signed in accordance with Town standards, with the associated plans approved by the Town Manager prior to issuance of a Zoning Compliance Permit. [NC FPC, Sections 2018 503.3, D103.6, D103.6.1, D103.2]
78. Emergency Responder Radio Coverage in New Buildings: All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems. [NC FPC 2018 Section 510.1]

Solid Waste Management and Recycling

79. Solid Waste Management Plan: Prior to issuance of a Zoning Compliance Permit, a detailed Solid Waste Management Plan, including a recycling plan and a plan for managing and minimizing construction debris, shall be approved by the Town Manager and Orange County Solid Waste (OCSW). The plan shall include dimensioned, scaled details of any proposed refuse/recycling collection areas, associated screening, and protective bollards, if applicable. Each bulk waste container shall be labeled as to type of material to be collected. If a refuse compactor is proposed or if the collection enclosure is not accessible by Town vehicles, the developer shall provide documentation of an agreement for solid waste collection by a private provider prior to issuance of a Zoning Compliance Permit. [Orange County Solid Waste]
80. Construction Waste: Clean wood waste, scrap metal and corrugated cardboard (Regulated Recyclable Materials), all present in construction waste, must be recycled. All haulers of construction waste containing Regulated Recyclable Materials must be properly licensed with Orange County Solid Waste. The developer shall provide the name of the permitted waste disposal facility to which any land clearing or demolition waste will be delivered. [Orange County Solid Waste]
81. Deconstruction Assessment: For any existing structure 500 square feet or larger a deconstruction assessment shall be conducted by OCSW staff prior to the issuance of a demolition permit pursuant to the County's Regulated Recyclable Materials Ordinance (RRMO). Prior to any demolition or construction activity on the site, the developer shall hold a pre-demolition/pre-construction conference with Solid Waste staff. This may be held at the same pre-construction meeting held with other development/enforcement officials.

State and Federal Approvals

82. State or Federal Approvals: Any required State or federal permits or encroachment agreements (e.g., 401 water quality certification, 404 permit) shall be approved and copies of the approved permits and agreements be submitted to the Town of Chapel Hill prior to the issuance of a Zoning Compliance Permit.
83. North Carolina Department of Transportation Approvals: Prior to issuance of a Zoning Compliance Permit, plans for any improvements to State-maintained roads or in associated rights-of-way shall be approved by NCDOT.

Miscellaneous

84. Construction Management Plan: A Construction Management Plan shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. The construction management plan shall: 1) indicate how construction vehicle traffic will be managed, 2) identify parking areas for on-site construction workers including plans to prohibit parking in residential neighborhoods, 3) indicate construction staging and material storage areas, 4) identify construction trailers and other associated temporary construction management structures, and 5) indicate how the project construction will comply with the Town's Noise Ordinance. [Town Design Manual Chapter 10]
85. Traffic and Pedestrian Control Plan: The developer shall provide a Work Zone Traffic Control Plan for movement of motorized and non-motorized vehicles on any public street that will be disrupted during construction. The plan must include a pedestrian management plan indicating how pedestrian movements will be safely maintained. The plan must be reviewed and approved by the Town Manager prior to the issuance of a Zoning Compliance Permit. At least 5 working days prior to any proposed lane or street closure the developer must apply to the Town Manager for a lane or street closure permit. [Town of Chapel Hill Design Manual]
86. Construction Sign Required: The developer shall post a construction sign at the development site that lists the property owner's representative and telephone number, the contractor's representative and telephone number, and a telephone number for regulatory information at the time of issuance of a Building Permit, prior to the commencement of any land disturbing activities. The construction sign may have a maximum of 32 square feet of display area and maximum height of 8 feet. The sign shall be non-illuminated. Prior to the issuance of a Zoning Compliance Permit, a detail of the sign shall be reviewed and approved by the Town Manager. [LUMO 5.14.4]
87. Schools Adequate Public Facilities Ordinance: If applicable, the developer shall provide the necessary Certificates of Adequacy of Public School Facilities or an exemption prior to issuance of a Zoning Compliance Permit. [LUMO 5.16]
88. Open Burning: The open burning of trees, limbs, stumps, and construction debris associated with site development is prohibited without a permit from the Town's Fire Marshal. [Town Code 7-7]
89. Detailed Plans: Prior to the issuance of a Zoning Compliance Permit, final detailed site plans, grading plans, utility/lighting plans, stormwater management plans (with hydrologic calculations), landscape plans, and landscape maintenance plans shall be approved by the Town Manager. Such plans shall conform to plans approved by this application and demonstrate compliance with all applicable regulations and the design standards of the Chapel Hill Land Use Management Ordinance and the Design Manual. [LUMO 4.5.3]
90. Certificates of Occupancy: No Certificates of Occupancy shall be issued until all required public improvements are complete. A note to this effect shall be placed on the final plats.

If the Town Manager approves a phasing plan, no Certificates of Occupancy shall be issued for a phase until all required public improvements for that phase are complete, and no Building Permits for any phase shall be issued until all public improvements required in previous phases are completed to a point adjacent to the new phase. A note

to this effect shall be placed on the final plats.

91. Traffic Signs: The developer shall be responsible for placement and maintenance of temporary regulatory signs before issuance of any Certificates of Occupancy.
92. New Street Names and Numbers: The name of the development and its streets and house/building numbers shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
93. As-Built Plans: Prior to the issuance of a Certificate of Occupancy, the developer shall provide certified as-built plans for building footprints, parking lots, street improvements, storm drainage systems and stormwater management structures, and all other impervious surfaces, and a tally of the constructed impervious area. The as-built plans should be in DXF binary format using State plane coordinates and NAVD 88. [Town of Chapel Hill Design Manual]
94. Vested Right: This Conditional Zoning constitutes a site specific development plan (and is defined as such in the Chapel Hill Land Use Management Ordinance) establishing a vested right as provided by N.C.G.S. Section 160A-385.1 and the Chapel Hill Land Use Management Ordinance. During the period of vesting this permit may be subject to subsequent changes to Town regulations to the extent such regulations have been enacted under authority other than the Town's zoning authority.
95. Continued Validity: Continued validity and effectiveness of this approval shall be expressly conditioned on the continued compliance with the plans and conditions listed above.
96. Non-Severability: If any of the above conditions is held to be invalid, approval in its entirety shall be void.
97. Non-Comprehensive: The listing of these standard stipulations and the specific stipulations applicable to this Permit, are not intended to be comprehensive and do not exclude other state and local laws and regulations which may be applicable to this Permit and development project.

BE IT FURTHER ORDAINED that the Council hereby approves the application for a Conditional Zoning at the Residence Inn – Summit Place property located at 101-111 Erwin Road.

This the 13th day of October, 2021.

RESOLUTION C

(Denying the Conditional Zoning Application)

A RESOLUTION DENYING AN AMENDMENT OF THE CHAPEL HILL ZONING ATLAS TO REZONE THE RESIDENCE INN – SUMMIT PLACE PROPERTY LOCATED AT 101-111 ERWIN ROAD FROM RESIDENTIAL-3-CONDITIONAL ZONING DISTRICT (R-3-CZD) TO MIXED USE-VILLAGE-CONDITIONAL ZONING DISTRICT (MU-V-CZD) (PROJECT #20-082) (2021-10-13/R-12)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that a Conditional Zoning application, submitted by Scott Radway, Radway Design, on behalf of owners Summit Hospitality Group, LLC and Chapel Hill R I, LLC, to rezone a 17.71 acre parcel located at 101-111 Erwin Road and identified as Orange County Parcel Identifier Numbers 9799-48-1814 and 9799-48-0252 to Mixed Use-Village-Conditional Zoning District (MU-V-CZD) according to the rezoning plan dated October 29, 2020 and last revised September 16, 2021, and the conditions listed below would not:

- a) Conform with the applicable provisions of the Land Use Management Ordinance and Town Code
- b) Conform with the Comprehensive Plan
- c) Be compatible with adjoining uses
- d) Mitigate impacts on surrounding properties and the Town as a whole
- e) Be harmonious with existing and proposed built systems including utility infrastructure, transportation facilities, police and fire coverage, and other public services and facilities
- f) Be harmonious with natural systems such as hydrology, topography, and other environmental constraints

BE IT FURTHER RESOLVED that the Council hereby denies the application for an amendment of the Chapel Hill Zoning Atlas to rezone the property located at 101-111 Erwin Road to Mixed Use-Village-Conditional Zoning District (MU-V-CZD).

This the 13th day of October, 2021.

CONDITIONAL ZONING APPLICATION



TOWN OF CHAPEL HILL
Planning Department
405 Martin Luther King Jr. Blvd.
(919) 968-2728 fax (919) 969-2014
www.townofchapelhill.org

Parcel Identifier Number (PIN): 9799-48-1814 & 9799-48-0252

Date: 12/23/2020

Section A: Project Information

Project Name: Residence Inn - Summit Place

Property Address: 101-111 Erwin Road Zip Code: 27514

Use Groups (A, B, and/or C): A & B Existing Zoning District: R-2 & R-3C

Project Description: Addition to Hotel and development of 52 townhomes

Section B: Applicant, Owner, and/or Contract Purchaser Information

Applicant Information (to whom correspondence will be mailed):

Name: Scott Radway, Radway Design

Address: 2627 Meacham Avenue

City: Chapel Hill State: NC Zip Code: 27516

Phone: 919-880-5579 Email: scott@radwaydesign.com

The undersigned applicant hereby certifies that, to the best of their knowledge and belief, all information supplied with this application and accurate.

Signature: Scott Radway

Date: 12/23/2020

Owner/Contract Purchaser Information:

☒ Owner

☐ Contract Purchaser

Name: SHG LLC.

Address: 3141 John Humphries Wynd, #200

City: Raleigh State: NC Zip Code: 27612

Phone: 919-576-2822 Email: ceick@shgltd.com

The undersigned applicant hereby certifies that, to the best of their knowledge and belief, all information supplied with this application and accurate.

Signature: R. J. [Signature]

Date: 12/23/2020

Click [here](#) for application submittal instructions.



**CONDITIONAL ZONING APPLICATION
SUBMITTAL REQUIREMENTS**
TOWN OF CHAPEL HILL
Planning Department

The following must accompany your application. Failure to do so will result in your application being considered incomplete. For assistance with this application, please contact the Chapel Hill Planning Department (Planning) at (919) 968-2728 or at planning@townofchapelhill.org.

X	Application fee (including Engineering Review fee) (refer to fee schedule)	Amount Paid \$	\$ 52,644.87
X	Pre-application meeting –with appropriate staff		
X	Digital Files – provide digital files of all plans and documents		
X	Recorded Plat or Deed of Property		
X	Project Fact Sheet		
X	Traffic Impact Statement – completed by Town’s consultant (or exemption)		
N/A	Description of Public Art Proposal , if applicable		
X	Statement of Justification		
X	Response to Community Design Commission and Town Council Concept Plan comments , if applicable		
X	Affordable Housing Proposal , if applicable		
X	Statement of Consistency with Comprehensive Plan or request to amend Comprehensive Plan		
X	Mailing list of owners of property within 1,000 feet perimeter of subject property (see GIS notification tool)		
X	Mailing fee for above mailing list (mailing fee is double due to 2 mailings)	Amount Paid \$	In Above Fee
X	Written Narrative describing the proposal, including proposed land uses and proposed conditions		
✓	Resource Conservation District, Floodplain, & Jordan Buffers Determination – necessary for all submittals		
X	Jurisdictional Wetland Determination – if applicable		
N/A	Resource Conservation District Encroachment Exemption or Variance (determined by Planning)		
N/A	Jordan Buffer Authorization Certificate or Mitigation Plan Approval (determined by Planning)		
N/A	Reduced Site Plan Set (reduced to 8.5" x 11")		

Stormwater Impact Statement (1 copy to be submitted)

- a) Written narrative describing existing & proposed conditions, anticipated stormwater impacts and management structures and strategies to mitigate impacts
- b) Description of land uses and area (in square footage)
- c) Existing and proposed impervious surface area in square feet for all subareas and project area
- d) Ground cover and uses information
- e) Soil information (classification, infiltration rates, depth to groundwater and bedrock)
- f) Time of concentration calculations and assumptions
- g) Topography (2-foot contours)
- h) Pertinent on-site and off-site drainage conditions
- i) Upstream and/or downstream volumes
- j) Discharges and velocities
- k) Backwater elevations and effects on existing drainage conveyance facilities
- l) Location of jurisdictional wetlands and regulatory FEMA Special Flood Hazard Areas
- m) Water quality volume calculations
- n) Drainage areas and sub-areas delineated
- o) Peak discharge calculations and rates (1, 2, and 25-year storms)
- p) Hydrographs for pre- & post-development without mitigation, post-development with mitigation
- q) Volume calculations and documentation of retention for 2-year storm

8/9/2021

PROJECT FACT SHEETTOWN OF CHAPEL HILL, NC
Planning Department**Residence Inn Hotel & Summit Place Townhomes - Combined Fact Sheet Data (Revised 8/9/2021)****Section A: Project Information**

Use Type:	Office/Institutional		
	Residential	X	
	Mixed-Use		
	Hotel	X	

Overlay District:	Historic District		
	Neighborhood Conservation		
	Airport Hazard Zone		

FLUM Corridor Designation	North 15-501 Sub Area C	X	Permitted Primary & Secondary Use Types - Townhomes and Hospitality/Commercial

Section B: Land Area

		SQ. FT.	ACRES
Net Land Area (NLA): Area within zoning lot boundary	NLA =	713,930	16.39
Chose one or both of the following (a or b), not to exceed 10% of NLA	a) Credited Street Area (total adjacent street frontage) x 1/2 width of public right of way	CSA =	56,636
	b) Credited Permanent Open Space (total adjacent frontage x 1/2 public or dedicated open space	COS =	0
	TOTAL: NLA + CSA and/or COS = Gross Land Area (Not to exceed NLA + 10%)	GLA =	770,566

Section C: Special Protection Areas, Land Disturbance, and Impervious Area

Special Protection Areas (Check All That Apply)	Jordan Buffer	X	Southern portion of site per LUMO & Perennial Stream Designation
	Resource Conservation District	X	
	100 Year Floodplain		
	Watershed Protection District		

Land Disturbance	Total (SF)
Area of Land Disturbance: (Includes: Footprint of proposed activity plus work area envelope, staging area for materials, access/equipment paths, and all off-site clearing)	363,425
Area of Land Disturbance within RCD	0
Area of Land Disturbance within Jordan Buffer.	0

Impervious Areas	Existing SF	Demolition SF	Proposed SF	Total SF
Impervious Surface Area (ISA)	111,700	0	155,425	267,125
Impervious Surface Ratio: Percent of Impervious Surface Area of Gross Land Area (ISA/GLA)%				34.7 %
If located in Watershed Protection District, % of impervious surface on 7/1/1993	N/A	N/A	N/A	N/A

8/9/2021

PROJECT FACT SHEETTOWN OF CHAPEL HILL, NC
Planning Department**Residence Inn Hotel (Updated 8/9/2021)****Section A: Project Information**

Use Type:	Office/Institutional		
	Residential		
	Mixed-Use		
	Hotel	X	

Overlay District:	Historic District		
	Neighborhood Conservation		
	Airport Hazard Zone		

FLUM Corridor Designation	North 15-501 Sub Area C	X	Permitted Secondary Use Type - Commercial/Office

Section B: Land Area

		SQ. FT.	ACRES
Net Land Area (NLA): Area within zoning lot boundary		NLA =	448,708
Chose one or both of the following (a or b), not to exceed 10% of NLA	a) Credited Street Area (total adjacent street frontage) x 1/2 width of public right of way	CSA =	44,871
	b) Credited Permanent Open Space (total adjacent frontage x 1/2 public or dedicated open space	COS =	0
	TOTAL: NLA + CSA and/or COS = Gross Land Area (Not to exceed NLA + 10%)	GLA =	493,579

Section C: Special Protection Areas, Land Disturbance, and Impervious Area

Special Protection Areas (Check All That Apply)	Jordan Buffer	X	
	Resource Conservation District	X	
	100 Year Floodplain		
	Watershed Protection District		

Land Disturbance		Total (SF)
Area of Land Disturbance: (Includes: Footprint of proposed activity plus work area envelope, staging area for materials, access/equipment paths, and all off-site clearing)	Does not include work in Erwin Rd. Right of Way	119,500
Area of Land Disturbance within RCD		0
Area of Land Disturbance within Jordan Buffer.		0

Impervious Areas	Existing SF	Demolition SF	Proposed SF	Total SF
Impervious Surface Area (ISA)	111,700	0	14,850	126,550
Impervious Surface Ratio: Percent of Impervious Surface Area of Gross Land Area (ISA/GLA)%				25.6%
If located in Watershed Protection District, % of impervious surface on 7/1/1993	N/A	N/A	N/A	N/A

8/9/2021

PROJECT FACT SHEETTOWN OF CHAPEL HILL, NC
Planning Department**Residence Inn Hotel. (Updated 8/9/2021)****Section D: DIMENSIONS**

Dimensional Units (SF)		Existing SF	Demolition SF	Proposed SF	Total SF
Existing Building / Proposed Buildings	3/3	79,120	6,000	40,493	113,613
Number of Floors	2, 3, & 4				
Recreational Space		7,000			7,000

Section D: Dimensions - RESIDENTIAL DEVELOPMENT

Dimensional Units (SF)		Studio	1BR	2BR	3BR+
Proposed Building(s)					
Total Number Dwelling Units					
Number Market Rate Units					
Number Affordable Units					

Dimensional Units (SF)		Studio	1BR	2BR	3BR+
Floor Area Heated (All Units)					
Floor Area Unheated (All Units)					
Total SF All Units					
Total SF Affordable Units					

Section D: Dimensions - NON-RESIDENTIAL DEVELOPMENT

Use Type	Existing SF	Demolition SF	Proposed SF	Total SF	
Commercial					
Restaurant					
Government					
Institutional					
Medical					
Office	3,000	(3,000)			
Hotel	73,120	0	40,493	113,613	
Industrial					
Place of Worship					
Other/(Residential in Mixed Use)	3,000	(3,000)			
TOTAL	79,120	(6,000)	40,493	113,613	

**BUILDING HEIGHT & SETBACKS - Assumes Non-Residential Transitional Standards
LUMO § 3.8.4(b)****Section D: Dimensions -**

Requirement _ LUMO		Required	Existing SUP	Existing	Proposed
Setbacks - Minimum	Street	22'	100'	108'	108'
	Shared with Summerfield Crossing	8'	175'	182'	182'
	Shared with Summit Townhomes	9'	N/A	N/A	65'
Height - Maximum	Primary - Perimeter	35'	N/A	N/A	N/A
	Secondary	114'	45'	42'	49'
Street	Frontage	80'	40'	410'	520"
	Width	62'	50'	500'	580'

8/9/2021

PROJECT FACT SHEETTOWN OF CHAPEL HILL, NC
Planning Department**Residence Inn Hotel (Updated 8/9/2021)****Section F: ADJOINING OR CONNECTING STREETS AND SIDEWALKS**

Street Name	Right-of-Way Width	Pavement Width	Number of Lanes	Existing Sidewalk*	Existing Curb/Gutter
Erwin Road	65'	52± Variable	2	Partial	Partial
Dobbins Drive	200' Plus	26'	2	YES	YES

Proposed Points of Access

New Entrance Road on Erwin Road that will serve both Summit Place Townhomes and Residence Inn Hotel

* If existing sidewalks do not exist and/or applicant is adding sidewalks, please provide the following information

Sidewalk Information					
Street Name	Dimensions	Surface		Handicapped Ramps	
Erwin Road - New Sidewalk	5' x 80'	Concrete		YES	

Section G: PARKING INFORMATION

Parking Spaces	Minimum	Maximum	Proposed	Comment
Regular Spaces	146	203	128	14 of these will be EV Ready
EV Spaces			4	Ready at CO
ADA Spaces	5	7	7	
Total Vehicular Spaces	141	196	139	
Bicycle Spaces	12		13	
Pavement Surface(s)	Asphalt			
Loading Spaces	Provided from Parking Space Allocation During Non-Peak Parking Hours			

Section H: LANDSCAPE BUFFERS

Location	Minimum Width LUMO	Existing SUP Required	Existing	Proposed	Alternate or Modified Buffer
North - Summit Place Townhomes	0	N/A	N/A	15'	NO
West - Summerfield Crossing	20'	100'	100'	100'	NO
South - Dobbins Drive	20'	30'	30 - 120'	30 - 120'	N/A
East - Erwin Road	30'	50'	52'	50'	NO

8/9//2021

PROJECT FACT SHEETTOWN OF CHAPEL HILL, NC
Planning Department**Residence Inn Hotel. (Updated 8/9/2021)****Section I: LAND USE INTENSITY**

Zoning - Area - Ratio			Impervious Surface Thresholds			Minimum & Maximum Limitations	
Zoning District	Floor Area Ratio (FAR)	Recreation Space Ratio (RSR)	Low Density Residential (0.24)	High Density Residential (0.50)	Non-Residential (0.70)	Maximum Floor Area (MFA) = FAR x GLA	Minimum Recreation Space (MRS) = RSR x GLA
MU-V Arterial	1.2				345,505	485,034	
RCD Streamside	0.01					384	
RCD Managed	0.19					4,664	
RCD Upland	1.2					31,801	
TOTAL					345,505	521,883	

Section J: UTILITY SERVICE

Identify Provider

Water	Owasa		
Sewer	Owasa		
Electrical	Duke Energy		
Telephone	Underground		
Other	Underground		
Communication	Satellite		
Solid Waste	TOCH		
Recycling	Orange CO		
Gas	Dominion Energy		

8/9/2021

PROJECT FACT SHEETTOWN OF CHAPEL HILL, NC
Planning Department**Summit Place Townhomes (Updated 8/9/2021)****Section A: Project Information**

Use Type:	Office/Institutional		
	Residential	X	
	Mixed-Use		
	Other		
Overlay District:	Historic District		
	Neighborhood Conservation		
	Airport Hazard Zone		
FLUM Designation	FLUM Corridor	X	15-501 C Predominate Use Type - Residential Townhomes

Section B: Land Area

		SQ. FT.	ACRES
Net Land Area (NLA): Area within zoning lot boundary		NLA =	265,222
Chose one or both of the following (a or b), not to exceed 10% of NLA	a) Credited Street Area (total adjacent street frontage) x 1/2 width of public right of way	CSA =	11,765
	b) Credited Permanent Open Space (total adjacent frontage x 1/2 public or dedicated open space	COS =	0
	TOTAL: NLA + CSA and/or COS = Gross Land Area (Not to exceed NLA + 10%)	GLA =	276,987

Section C: Special Protection Areas, Land Disturbance, and Impervious Area

Special Protection Areas (Check All That Apply)	Jordan Buffer		
	Resource Conservation District		
	100 Year Floodplain		
	Watershed Protection District		

Land Disturbance	Total (SF)
Area of Land Disturbance: (Includes: Footprint of proposed activity plus work area envelope, staging area for materials, access/equipment paths, and all off-site clearing)	243,925
Area of Land Disturbance within RCD	0
Area of Land Disturbance within Jordan Buffer.	0

Impervious Areas	Existing SF	Demolition SF	Proposed SF	Total SF
Impervious Surface Area (ISA)	0	0	140,575	140,575
Impervious Surface Ratio: Percent of Impervious Surface Area of Gross Land Area (ISA/GLA)%				50.8%
If located in Watershed Protection District, % of impervious surface on 7/1/1993	N/A	N/A	N/A	N/A

8/9/2021

PROJECT FACT SHEETTOWN OF CHAPEL HILL, NC
Planning Department**Summit Place Townhomes. (Updated 8/9/2021)****Section D: Dimensions - RESIDENTIAL DEVELOPMENT****Residential Density Proposed**

Dimensional Units (SF)		Existing SF	Demolition SF	Proposed SF	Total SF
Existing Building(s)	0	0	0		
Proposed Building(s)	10			98,300	98,300
Number of Floors	2 & 3				
Recreational Space					

Dimensional Units (SF)		Studio	1BR	2BR	3BR+
Proposed Building(s)					
Total Number Dwelling Units	52			36	16
Number Market Rate Units	45			29	16
Number Affordable Units	7			7	

Dimensional Units (SF)		Studio	1BR	2BR	3BR+
Floor Area Heated (All Units)				56,804	32,560
Floor Area Unheated (All Units)				-	-
Total SF All Units				56,804	32,560
Total SF Affordable Units				9,820	-

Section D: Dimensions - NON-RESIDENTIAL DEVELOPMENT

Use Type	Existing SF	Demolition SF	Proposed SF	Total SF	
Commercial					
Restaurant					
Government					
Institutional					
Medical					
Office					
Hotel					
Industrial					
Place of Worship					
Other/Residential					
TOTAL					

Section D: Dimensions - BUILDING HEIGHT & SETBACKS

Requirement - LUMO	R-4 District Standards	Required	Existing	Proposed
Setbacks - Minimum	Street	22'	n/a	30'
	Interior P/L	8'	n/a	50'
	Interior P/L	8'	n/a	112'
	Solar (North)	9'	n/a	30'
Height - Maximum	Primary	35'	n/a	n/a
	Secondary	114'	n/a	36'
Street	Frontage	80'	n/a	362'
	Width	62'	n/a	362'

Section E: DOES NOT EXIST IN APPLICATION

8/9/2021

PROJECT FACT SHEETTOWN OF CHAPEL HILL, NC
Planning Department**Summit Place Townhomes (Updated 8/9/2021)****Section F: ADJOINING OR CONNECTING STREETS AND SIDEWALKS**

Street Name	Right-of-Way Width	Pavement Width	Number of Lanes	Existing Sidewalk*	Existing Curb/Gutter
Erwin Road	65'	22' - 33'	2	NO	NO

Proposed Points of Access

New Entrance Road on Erwin Road that will serve both Summit Place Townhomes and Residence Inn Hotel

* If existing sidewalks do not exist and applicant is adding sidewalks, please provide the following information

Sidewalk Information					
Street Name	Dimensions	Surface		Handicapped Ramps	
Erwin Road	5' x 360±'	Concrete		YES	

Section G: PARKING INFORMATION

Parking Spaces	Minimum	Maximum	Proposed	Comment
Regular Spaces	79	99	91	
EV Spaces	-	-	2	
Handicap Spaces	2	2	4	
Total Residential Parking Spaces	81	101	97	
Bicycle Spaces	14		58	
Short Term	2		6	
Long Term	12		52	
Loading Spaces	N/A		NA	Not Necessary

Section H: LANDSCAPE BUFFERS

Location		Minimum Width	Proposed Width	Alternate Buffer	Modified Buffer
North - Christ Community Church	"B"	10'	10'	NO	NO
North - Single Family Home	"B"	10'	35'	NO	NO
West - Summerfield Crossing	"B"	10'	60'	NO	NO
South - Hotel	NA	-	N/A	N/A	N/A
East - Erwin Road	"C"	20'	20'	NO	NO

8/9/2021

PROJECT FACT SHEETTOWN OF CHAPEL HILL, NC
Planning Department**Summit Place Townhomes (Updated 8/9/2021)****Section I: LAND USE INTENSITY**

Zoning - Area - Ratio			Impervious Surface Thresholds			Minimum & Maximum Limitations	
Zoning District	Floor Area Ratio (FAR)	Recreation Space Ratio (RSR)	Low Density Residential (0.24)	High Density Residential (0.50)	Non-Residential (0.70)	Maximum Floor Area (MFA) = FAR x GLA	Minimum Recreation Space (MRS) = RSR x GLA
MU-V Collector	1.2				193,890	332,384	12,741

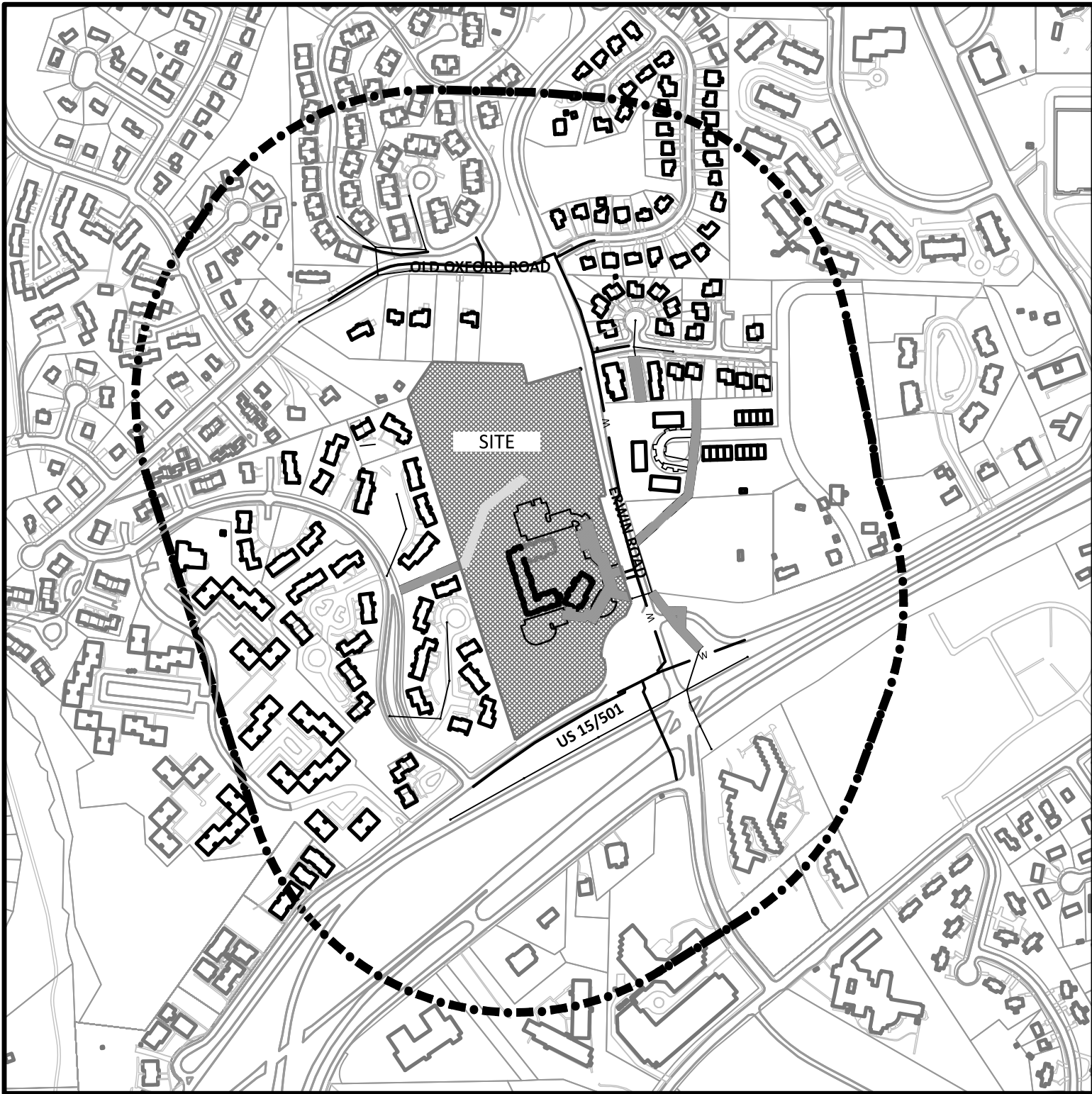
Section J: UTILITY SERVICE

Check all that apply:

Water	Owasa		
Sewer	Owasa		
Electrical	Duke Energy		
Telephone	Underground		
Other	Underground		
Communication	Satellite		
Solid Waste	TOCH		
Recycling	Orange CO		
Gas	Dominion Energy		

RESIDENCE INN HOTEL - SUMMIT PLACE TOWNHOMES

VICINITY MAP (1"=500')



101-111 ERWIN ROAD
CHAPEL HILL, NC
PARCEL PINs:
9799-48-1814
9799-48-0252

OCTOBER 29, 2020
REVISED FEBRUARY 4, 2021
REVISED MARCH 26, 2021
REVISED MAY 10, 2021
REVISED AUGUST 9, 2021
REVISED SEPTEMBER 16, 2021

APPLICANT/PROPERTY OWNER
SUMMIT HOSPITALITY GROUP, LLC
3141 JOHN HUMPHRIES WYND #200
RALEIGH, NC 27612

SHEET INDEX		
SHEET NO.	SHEET NAME	MOST CURRENT REVISION DATE
C1.0	AREA PLAN	3/26/2021
C1.1	EXISTING CONDITIONS PLAN	9/16/2021
C1.2	SLOPE ANALYSIS PLAN	5/10/2021
C2.0	OVERALL LAYOUT PLAN	9/16/2021
C2.1	HOTEL LAYOUT PLAN	9/16/2021
C2.2	RESIDENTIAL LAYOUT PLAN	9/16/2021
C2.3	HOTEL EASEMENT PLAN	9/16/2021
C2.4	RESIDENTIAL EASEMENT PLAN	9/16/2021
C2.5	RECREATION EXHIBIT	8/9/2021
C3.0	OVERALL UTILITY PLAN	9/16/2021
C3.1	HOTEL UTILITY PLAN	9/16/2021
C3.2	RESIDENTIAL UTILITY PLAN	9/16/2021
C4.0	OVERALL GRADING-DRAINAGE PLAN	9/16/2021
C4.1	HOTEL GRADING PLAN	9/16/2021
C4.2	RESIDENTIAL GRADING PLAN	9/16/2021
C5.1	EROSION CONTROL PLAN	9/16/2021
C6.0	ROAD WIDENING PLAN	8/9/2021
C7.1	CONSTRUCTION SEQUENCING PLAN	8/9/2021
C8.0	POND GRADING AND DETAILS	8/9/2021
DA1.0	PRE-DEVELOPMENT DRAINAGE AREA PLAN	9/16/2021
DA2.1	POST-DEVELOPMENT CONDITION 1 DRAINAGE AREA PLAN	9/16/2021
DA2.2	POST-DEVELOPMENT CONDITION 2 DRAINAGE AREA PLAN	9/16/2021
D1.1	SITE DETAILS	10/29/2020
D2.1	STORM DRAINAGE DETAILS	10/29/2020
D3.1	EROSION CONTROL DETAILS	10/29/2020
D4.1	OWASA WATER DETAILS	10/29/2020
D5.1	OWASA SEWER DETAILS	10/29/2020

PLANS BY SITE COLLABORATIVE		
SHEET NO.	SHEET NAME	MOST CURRENT REVISION DATE
L400	LANDSCAPE PROTECTION PLAN	---
L401	LANDSCAPE PROTECTION PLAN	---
L402	EASEMENT EXHIBIT	---
L403	LANDSCAPE PROTECTION PLAN (RESIDENTIAL)	---
L404	LANDSCAPE PROTECTION PLAN (HOTEL)	---
L500	LANDSCAPE PLAN (RESIDENTIAL)	---
L501	LANDSCAPE PLAN (HOTEL)	---
L502	LANDSCAPE DETAILS AND NOTES	---
PLANS BY J DAVIS ARCHITECTS		
SHEET NO.	SHEET NAME	MOST CURRENT REVISION DATE
A1.01	TOWNHOME HEIGHT/BULK SECTIONS	2/4/2021
A1.02	TOWNHOME AND HOTEL HEIGHT/BULK SECTIONS	2/4/2021



9/16/2021

JDAVIS >

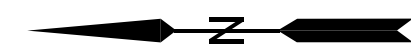
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COLLABORATIVE
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www.sitecollaborative.com

RADWAY
DESIGN
ASSOCIATES, P.A.

2627 Meacham Road
Chapel Hill NC 27516

City Planning and Land
Development Consultants

The Nau Company
Consulting Civil Engineers
PO Box 810 | Rolesville, NC 27571
919-435-6395
NCBELS License P-0751
PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION



SUMMINT HOSPITALITY GROUP, LLC
3141 JOHN HUMPHRIES WYND #200
RALEIGH, NC 27612

1. THE PROPERTY BOUNDARY WAS TAKEN FROM AN ELECTRONIC CAD FILE PROVIDED BY: ROBINSON AND PLANTE LAND SURVEYING
2. EXISTING TOPOGRAPHY WAS TAKEN FROM AN ELECTRONIC CAD FILE PROVIDED BY: ROBINSON AND PLANTE LAND SURVEYING. TOPOGRAPHY OUTSIDE THE LIMITS OF THE FIELD SURVEY HAVE BEEN SUPPLEMENTED WITH GIS TOPOGRAPHY WITH A 2 FOOT CONTOUR INTERVAL.
3. EXISTING STORM DRAINAGE AND SANITARY SEWER LOCATIONS AND INVERTS WERE TAKEN FROM A CAD FILE PROVIDED BY: ROBINSON AND PLANTE LAND SURVEYING
4. EXISTING BUILDINGS, PARKING AREAS, SIDEWALKS AND OTHER SIMILAR SITE FEATURES WERE TAKEN FROM CAD FILES PROVIDED BY ROBINSON AND PLANTE LAND SURVEYING AS WELL AS DESIGN FILES AND AS-BUILT FILES FOR THE EXISTING RESIDENCE INN SITE PROVIDED BY OTHERS

1. PARCEL 9799-48-1814 EPHEMERAL STREAM DETERMINATION BY TOWN OF CHAPEL HILL, NC, 9/19/2016 - LETTER SUBMITTED WITH APPLICATION
2. PARCEL 9799-48-1814 THERE ARE NO WATERS OF THE US INCLUDING WETLANDS PRESENT ON THIS PARCEL BASED ON THE US ARMY CORPS OF ENGINEERS NOTICE OF JURISDICTIONAL DETERMINATION ACTION ID SAW-2016-01347 DATED NOVEMBER 8, 2016
3. FOR PARCEL 9799-48-0252, THE EPHEMERAL STREAM & PERENNIAL STREAMS ARE SUBJECT TO JORDAN LAKE BUFFER RULES AS DETERMINED BY THE TOWN OF CHAPEL HILL, NC IN LETTER DATED 2/9/2021. THIS LETTER WAS SUBMITTED WITH THE APPLICATION
4. STREAM LOCATIONS ARE APPROXIMATE AND BASED UPON TOWN OF CHAPEL HILL MAPPING
5. THIS PROPERTY IS NOT LOCATED IN A FLOODPLAIN PER FEMA MAP # 3170979900L DATED JANUARY 19, 2019
6. WETLANDS AS DETERMINED BY U.S. ARMY CORPS OF ENGINEERS (USACE), VERIFIED BY DELINEATION IN A MAY 5, 2021 EMAIL TO BOB ZARZECKI, SOIL & ENVIRONMENTAL CONSULTANTS, PA. A DETERMINATION MADE PURSUANT TO A REQUEST BY THE PROPERTY OWNER FOR A WETLANDS DETERMINATION AND JURISDICTIONAL DETERMINATION FOLLOWING THE RECEIPT OF A TOWN OF CHAPEL HILL STREAM DETERMINATION AS DETAILED IN NOTE #3 ABOVE. THE WETLAND BOUNDARY IS STAKED AND FLAGGED. A SURVEY IS SCHEDULED FOR THE END OF MAY TO COINCIDE WITH THE COMPLETION OF AND INSPECTION OF THE IMPROVEMENTS TO EXISTING STORMWATER BASIN #2.

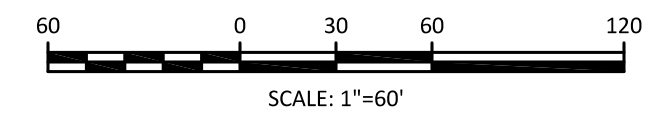
REVISIONS	
1	2021-02-04
2	2021-03-26
3	2021-05-10
4	2021-08-09
5	2021-09-15

RESIDENCE INN HOTEL - SUMMIT PLACE TOWNHOMES
ZONING PLANS

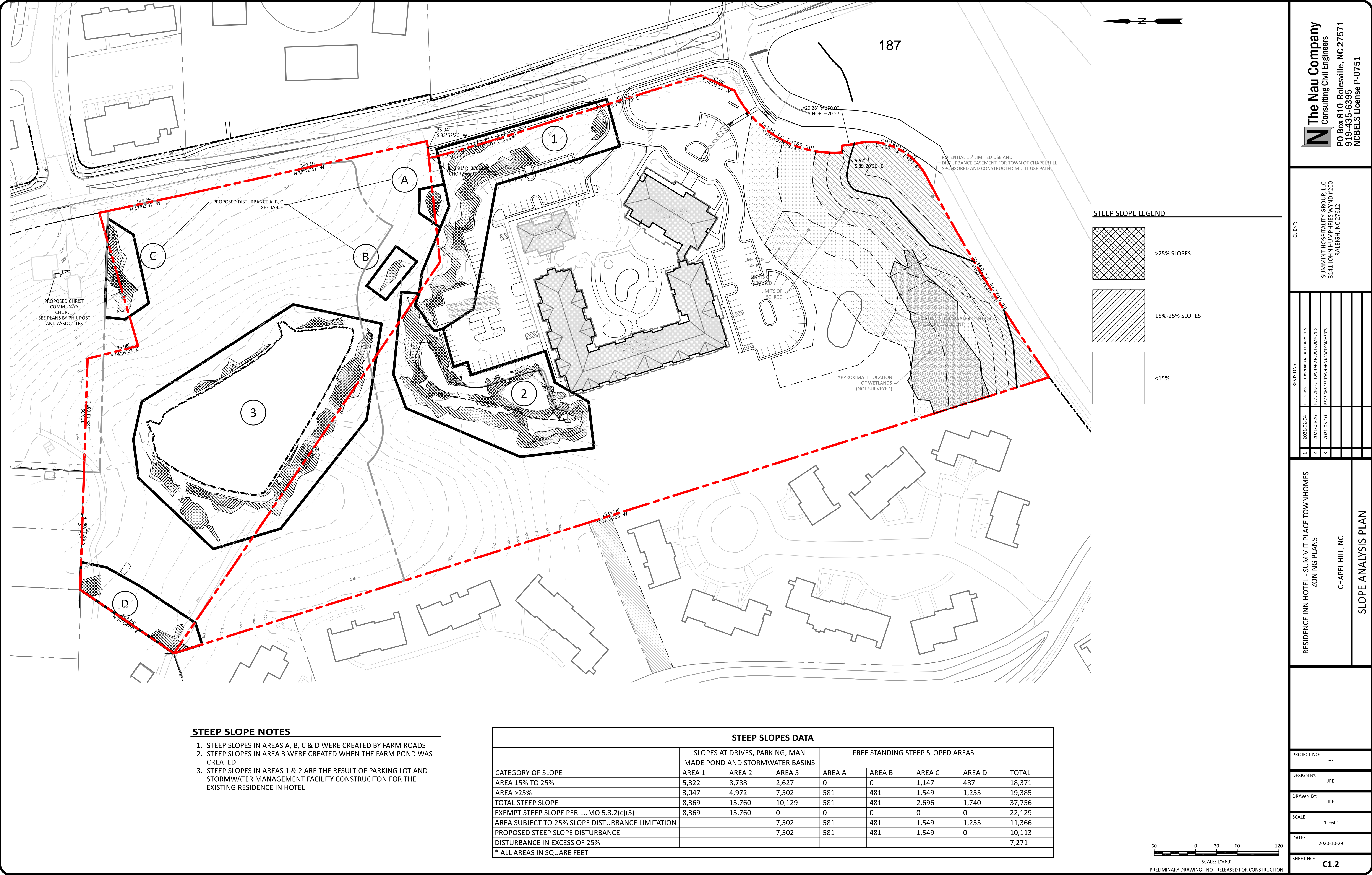
CHAPEL HILL, NC

EXISTING CONDITIONS PLAN

PROJECT NO:	---
DESIGN BY:	JPE
DRAWN BY:	JPE
SCALE:	1"=60'
DATE:	2020-10-29
SHEET NO:	C1.1



PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION



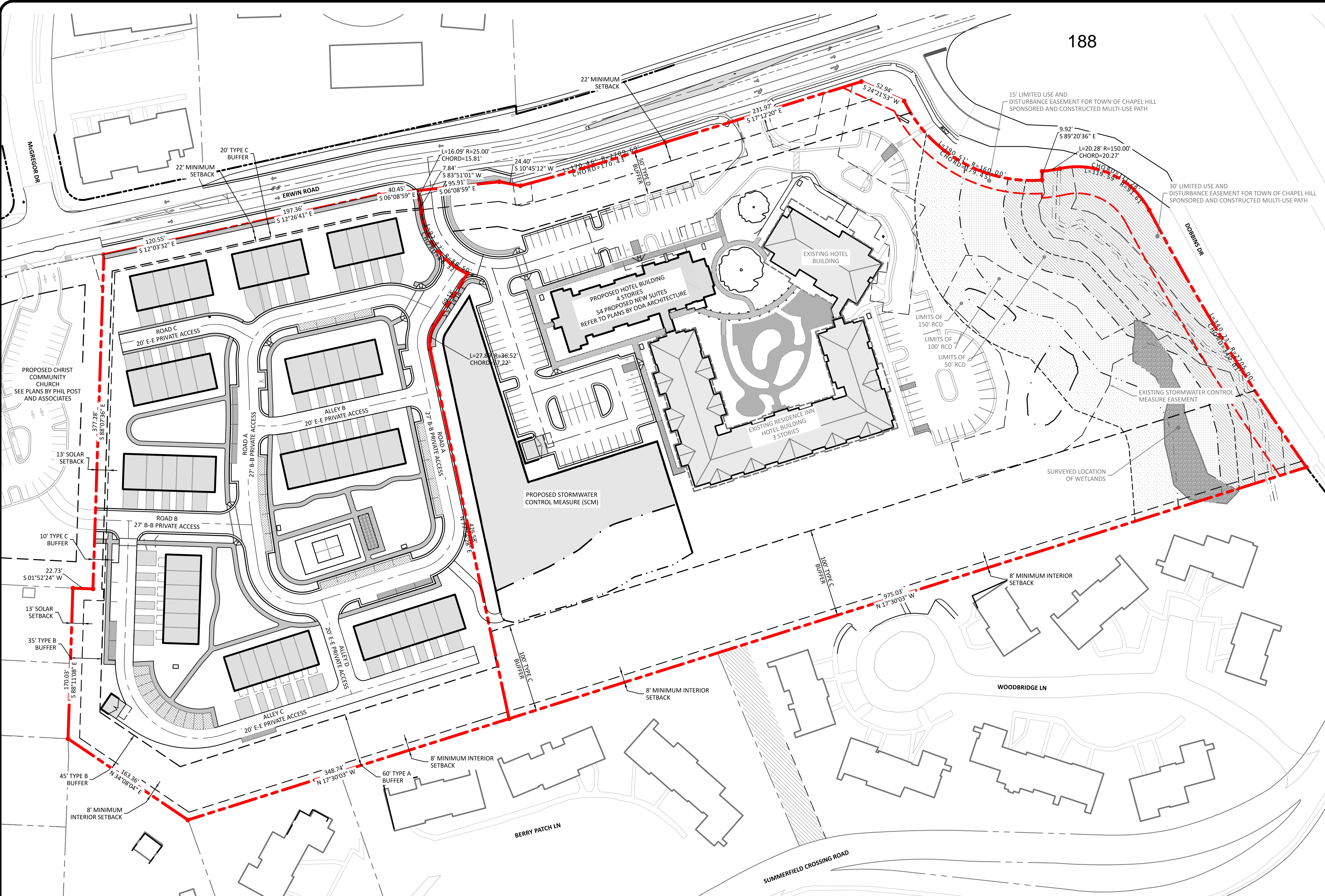
STEEP SLOPE NOTES

1. STEEP SLOPES IN AREAS A, B, C & D WERE CREATED BY FARM ROADS
2. STEEP SLOPES IN AREA 3 WERE CREATED WHEN THE FARM POND WAS CREATED
3. STEEP SLOPES IN AREAS 1 & 2 ARE THE RESULT OF PARKING LOT AND STORMWATER MANAGEMENT FACILITY CONSTRUCTION FOR THE EXISTING RESIDENCE IN HOTEL

STEEP SLOPES DATA

CATEGORY OF SLOPE	SLOPES AT DRIVES, PARKING, MAN MADE POND AND STORMWATER BASINS			FREE STANDING STEEP SLOPED AREAS				TOTAL
	AREA 1	AREA 2	AREA 3	AREA A	AREA B	AREA C	AREA D	
AREA 15% TO 25%	5,322	8,788	2,627	0	0	1,147	487	18,371
AREA >25%	3,047	4,972	7,502	581	481	1,549	1,253	19,385
TOTAL STEEP SLOPE	8,369	13,760	10,129	581	481	2,696	1,740	37,756
EXEMPT STEEP SLOPE PER LUMO 5.3.2(c)(3)	8,369	13,760	0	0	0	0	0	22,129
AREA SUBJECT TO 25% SLOPE DISTURBANCE LIMITATION			7,502	581	481	1,549	1,253	11,366
PROPOSED STEEP SLOPE DISTURBANCE			7,502	581	481	1,549	0	10,113
DISTURBANCE IN EXCESS OF 25%								7,271
* ALL AREAS IN SQUARE FEET								

REVISIONS		REVISIONS PER TOWN AND NC DOT COMMENTS	
1	2021-03-04	REVISIONS PER TOWN AND NC DOT COMMENTS	
2	2021-03-26	REVISIONS PER TOWN AND NC DOT COMMENTS	
3	2021-05-10	REVISIONS PER TOWN AND NC DOT COMMENTS	

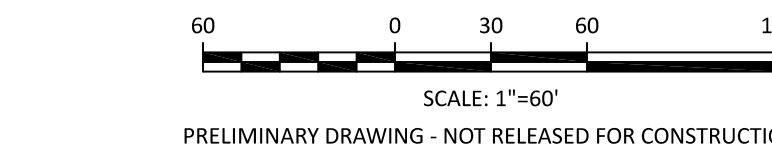


- GENERAL NOTES**
1. THE BUILDING FOOTPRINT FOR THE HOTEL BUILDING WAS TAKEN FROM A CAD FILE PROVIDED BY ODA ARCHITECTURE
 2. THE BUILDING FOOTPRINTS FOR THE RESIDENTIAL BUILDINGS WERE TAKEN FROM INFORMATION PROVIDED BY JDAVIS ARCHITECTS
 3. THE LAYOUT FOR THE CHRIST COMMUNITY CHURCH PARCEL WAS TAKEN FROM A CAD FILE PROVIDED BY PHIL POST AND ASSOCIATES

- TOWN INSPECTION NOTES**
1. A FIRE HYDRANT WILL BE REQUIRED WITHIN 100 FEET OF THE FIRE DEPARTMENT CONNECTION (FDC) ON THE NEW BUILDING. THE LOCATION OF THE FDC WILL BE DETERMINED AS ARCHITECTURE IS DEVELOPED FOR THE NEW HOTEL BUILDING.
 2. WRITTEN APPROVAL FROM OWASA WILL BE REQUIRED FOR THE INSTALLATION OF BACKFLOW PREVENTERS, GREASE TRAPS, OIL/WATER SEPARATORS, WATER METERS, OR ELEVATOR SUMP PUMPS.
 3. ANY RETAINING WALLS OVER 5 FEET HIGH SHALL BE PERMITTED SEPARATELY FROM THE BUILDINGS AND MUST BE SIGNED BY A QUALIFIED DESIGN PROFESSIONAL
 4. ONSITE PARKING FOR INSPECTORS WILL BE REQUIRED FOR THE DURATION OF THE CONSTRUCTION PROJECT.
 5. A TIRE WASH FOR TRUCKS WILL BE PROVIDED DURING CONSTRUCTION.
 6. CURBS AND GUTTER AND THE FIRST LIFT OF ASPHALT WILL BE INSTALLED BEFORE BUILDING CONSTRUCTION.
 7. PRIOR TO AN ISSUANCE OF A CERTIFICATE OF OCCUPANCY, HANDICAP PARKING SPACES, RAMPS, CROSSWALKS AND ASSOCIATED INFRASTRUCTURE DESIGNED IN ACCORDANCE WITH ADA STANDARDS WILL BE PROVIDED.
 8. A SEPARATE SUBMITTAL AND PERMIT ARE REQUIRED FOR A CONSTRUCTION TRAILER
 9. THE NEW HOTEL BUILDING MUST HAVE SPRINKLER PROTECTION
 10. AN EXTERIOR DOOR WILL BE REQUIRED FOR ACCESS TO THE FIRE SPRINKLER RISER ROOM.
 11. A FIRE SPRINKLER SYSTEM WILL BE INSTALLED IN EACH NEW BUILDING
 12. A FIRE DEPARTMENT KEY BOX WILL BE REQUIRED IN EACH RISER ROOM
 13. THE BUILDING TO BE DEMOLISHED SHALL HAVE ASBESTOS TESTING/ABATEMENT PER NORTH CAROLINA STATE LAW
 14. THE NEW HOTELS AND COMMON AREAS FOR TOWNHOMES MUST BE ACCESSIBLE

- TOWN ENGINEERING DEPARTMENT NOTES**
1. ROADS WITH CURB AND GUTTER AND THE FIRST LIFT OF ASPHALT SHALL BE IN PLACE BEFORE CONSTRUCTIBLES ARE ON SITE. IN ORDER TO MEET REQUIREMENTS FROM FIRE CODE, STORMWATER AND OWASA TESTING/ABATEMENT PER NORTH CAROLINA STATE LAW
 2. AREAS WITH ACTIVE CONSTRUCTION SHALL HAVE WORKING FIRE HYDRANTS
- STORMWATER ACCESS NOTE**
- ACCESS TO THE BERM FOR THE STORMWATER CONTROL MEASURE WILL BE THROUGH THE RESIDENTIAL AREA AT THE SOUTH END OF ALLEY C

DEVELOPMENT DATA			
	TOTAL	HOTEL	TH
EXISTING ZONING	--	R-3 C	R-2
PROPOSED ZONING	MU-V CZ	MU-V CZ	MU-V CZ
	ARTERIAL	ARTERIAL	ARTERIAL
NET LAND AREA	713,930 SF	448,708 SF	265,222 SF
GROSS LAND AREA	770,566 SF	493,579 SF	276,987 SF
CURRENT LAND USE	--	HOTEL	--
CURRENT LAND USE GROUP	B	B	--
PROPOSED LAND USE GROUP	A&B	B	A
EXISTING FLOOR AREA	79,120 SF	79,120 SF	0
FLOOR AREA TO BE DEMOLISHED	6,000 SF	6,000 SF	0
PROPOSED TOTAL FLOOR AREA	211,913 SF	113,613 SF	98,300 SF
PROPOSED HOTEL SUITES	162	162	--
PROPOSED TOWNHOMES	52	--	52
PROPOSED PARKING SPACES	236	139	97
REGULAR	219	128	91
ADA	11	7	4
EV STATIONS AT CO	6	4	2
HOTEL: 12 "REGULAR" AND 2 ADA SPACES WILL BE PREPARED WITH CONDUIT FOR EV			
ALL 52 TOWNHOMES WILL BE EV STATION READY AT CO			
REQUIRED BICYCLE PARKING	25	12	13
PROPOSED BICYCLE PARKING	71	13	58
CLASS 1 - PROVIDED (REQ)	16 (11)	10 (9)	6 (2)
CLASS 2 - PROVIDED (REQ)	55 (15)	3 (3)	52 (12)
EXISTING IMPERVIOUS	111,700 SF	111,700 SF	--
PROPOSED IMPERVIOUS	267,125 SF	126,550 SF	140,575 SF
PERCENT OF SITE IMPERVIOUS	34.7%	25.6%	50.8%
TOTAL DISTURBED AREA ONSITE	363,425 SF	119,500 SF	243,925 SF
TOTAL DISTURBED AREA IN R/W	51,600 SF	--	--
FOR ROAD IMPROVEMENTS			



BUILDING SETBACK STANDARDS AND PROPOSED SETBACKS			
FROM	TO	MINIMUM	PROPOSED
RESIDENCE INN HOTEL	DOBBINS DR	0'	135'
RESIDENCE INN HOTEL	SUMMERFIELD CROSSING	8'	182'
RESIDENCE INN HOTEL	ERWIN ROAD	22'	108'
SUMMIT TOWNHOMES	SUMMERFIELD CROSSING	8'	112'
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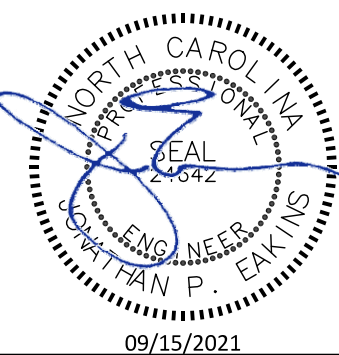
BUFFER STANDARDS - TYPE AND WIDTHS				
FROM	TO	TYPE	MINIMUM	PROPOSED
RESIDENCE INN HOTEL	DOBBINS DR/FORDHAM	D	30'	35'-250'
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SUMMIT TOWNHOMES	CHRIST COMMUNITY CHURCH	C	10' **	10'
SUMMIT TOWNHOMES	ERWIN ROAD	C	20'	20'
** PER LUMO 5.6.5 - RESPONSIBILITY FOR BUFFER				

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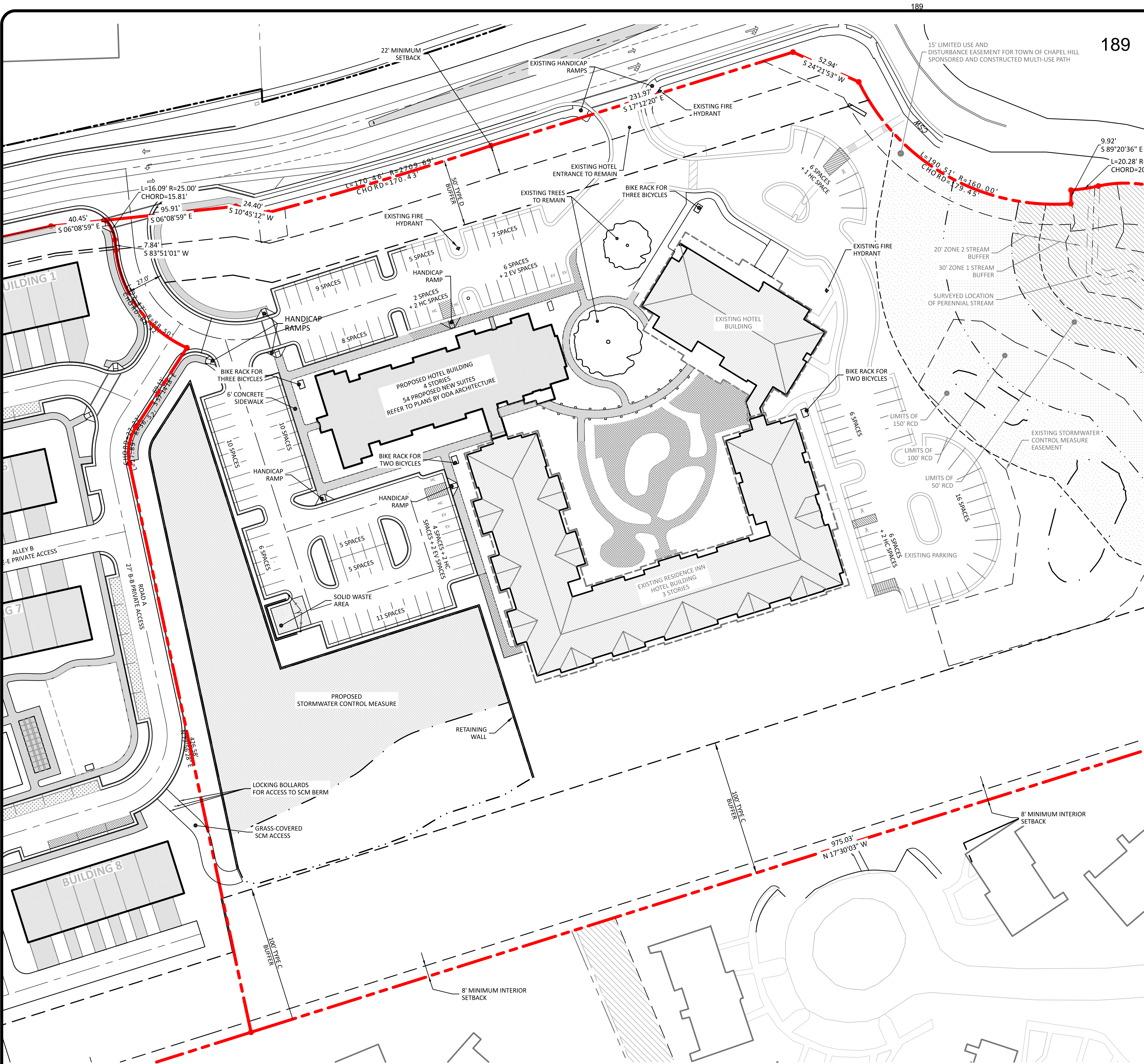
CLIENT:
SUMMIT HOSPITALITY GROUP, LLC
3141 JOHN HUMPHRIES WYND #200
3141 JOHN RALEIGH, NC 27612

REVISIONS		REVISIONS PER TOWN AND VDOT COMMENTS	REVISIONS PER TOWN AND VDOT COMMENTS	REVISIONS PER TOWN AND VDOT COMMENTS	REVISIONS PER TOWN AND VDOT COMMENTS	REVISIONS PER TOWN AND VDOT COMMENTS
1	2021-03-04					
2	2021-03-26					
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4	2021-06-09					
5	2021-09-15					

RESIDENCE INN HOTEL - SUMMIT PLACE TOWNHOMES
ZONING PLANS
CHAPEL HILL, NC
OVERALL LAYOUT PLAN



PROJECT NO: ---
DESIGN BY: JPE
DRAWN BY: JPE
SCALE: 1"=60'
DATE: 2020-10-29
SHEET NO: C2.0



SITE PLAN LEGEND	
PROPERTY BOUNDARY	---
PERIMETER BUFFER	---
PARKING LOT CENTERLINE	---

- GENERAL NOTES**
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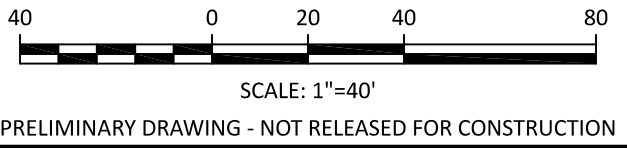
ELECTRIC VEHICLE NOTES

DUE TO THE RAPIDLY CHANGING TECHNOLOGY FOR ELECTRIC VEHICLE CHARGING, MODELS AND SPECIFICATIONS FOR CHARGING STATIONS WILL BE PROVIDED AT A DATE CLOSER TO THE INSTALLATION OF THE CHARGING STATIONS.

DEVELOPMENT DATA			
	TOTAL	HOTEL	TH
EXISTING ZONING	--	R-3 C	R-2
PROPOSED ZONING	MU-V CZ	MU-V CZ	MU-V CZ
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CURRENT LAND USE GROUP	B	B	--
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FOR ROAD IMPROVEMENTS			

BUILDING SETBACK STANDARDS AND PROPOSED SETBACKS			
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** PER LUMO 5.6.5 - RESPONSIBILITY FOR BUFFER				



The Nau Company
Consulting Civil Engineers
PO Box 810, Rolesville, NC 27571
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NCBELS License P-0751

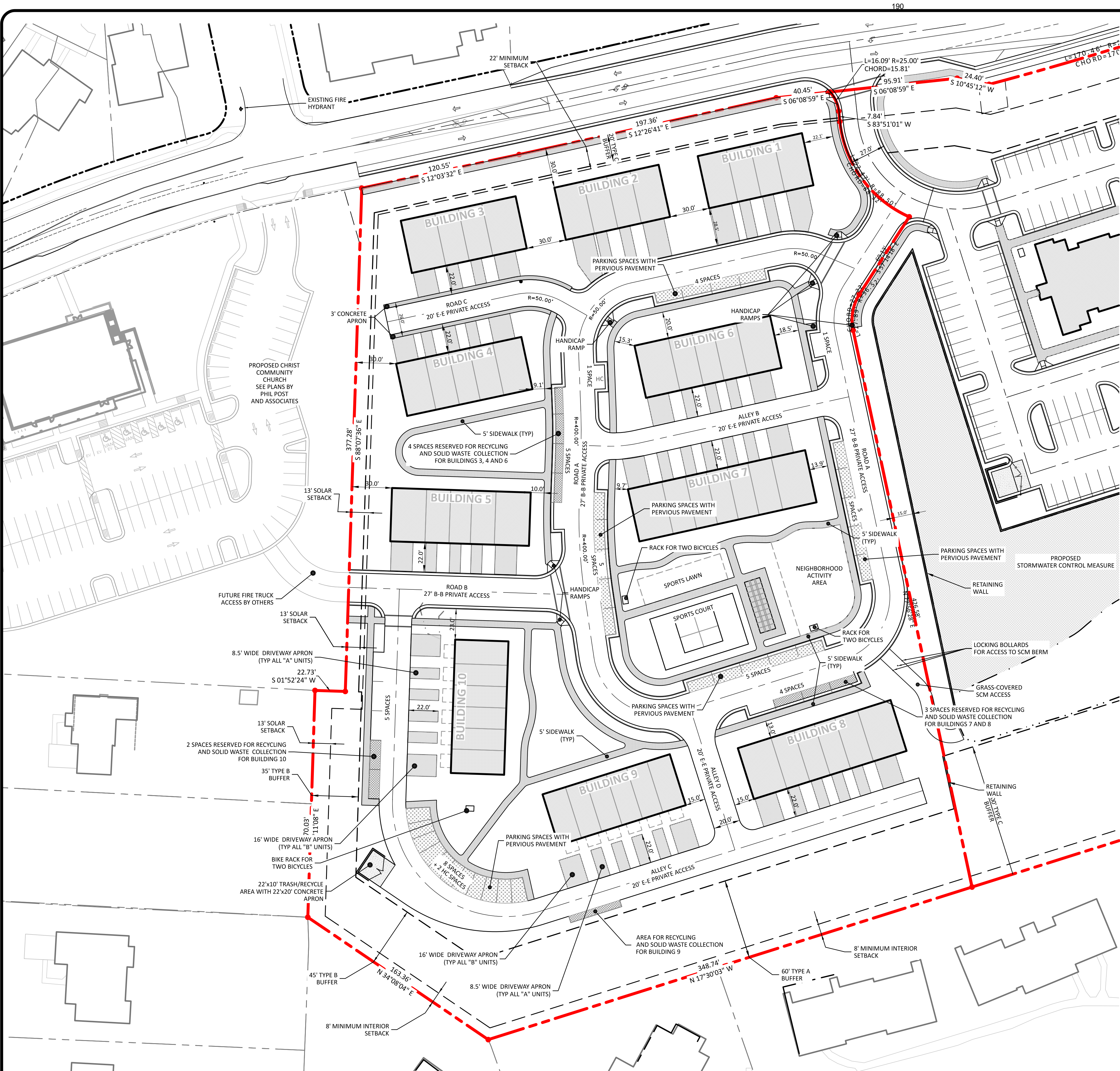
SUMMIT HOSPITALITY GROUP, LLC
3141 JOHN RALEIGH, NC 27612

REVISIONS		REVISIONS PER TOWN AND YCOT COMMENTS	
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RESIDENCE INN HOTEL - SUMMIT PLACE TOWNHOMES
ZONING PLANS
CHAPEL HILL, NC
HOTEL LAYOUT PLAN



PROJECT NO:	---
DESIGN BY:	JPE
DRAWN BY:	JPE
SCALE:	1"=40'
DATE:	2020-10-29
SHEET NO:	C2.1



190

SITE PLAN LEGEND

PROPERTY BOUNDARY
PERIMETER BUFFER
ROAD CENTERLINE

DEVELOPMENT DATA

	TOTAL	HOTEL	TH
EXISTING ZONING	--	R-3 C	R-2
PROPOSED ZONING	MU-V CZ	MU-V CZ	MU-V CZ
	ARTERIAL	ARTERIAL	ARTERIAL
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FOR ROAD IMPROVEMENTS			

BUILDING SETBACK STANDARDS AND PROPOSED SETBACKS

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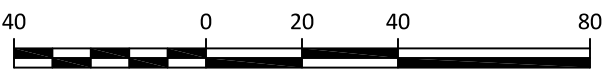
** PER LUMO 5.6.5 - RESPONSIBILITY FOR BUFFER

GENERAL NOTES

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SCALE: 1"=40'

PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION

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NCBELS License P-0751

SUMMIT HOSPITALITY GROUP, LLC
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3141 JOHN RALEIGH, NC 27612

RESIDENCE INN HOTEL - SUMMIT PLACE TOWNHOMES
ZONING PLANS

CHAPEL HILL, NC
RESIDENTIAL LAYOUT PLAN



PROJECT NO:

DESIGN BY:

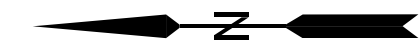
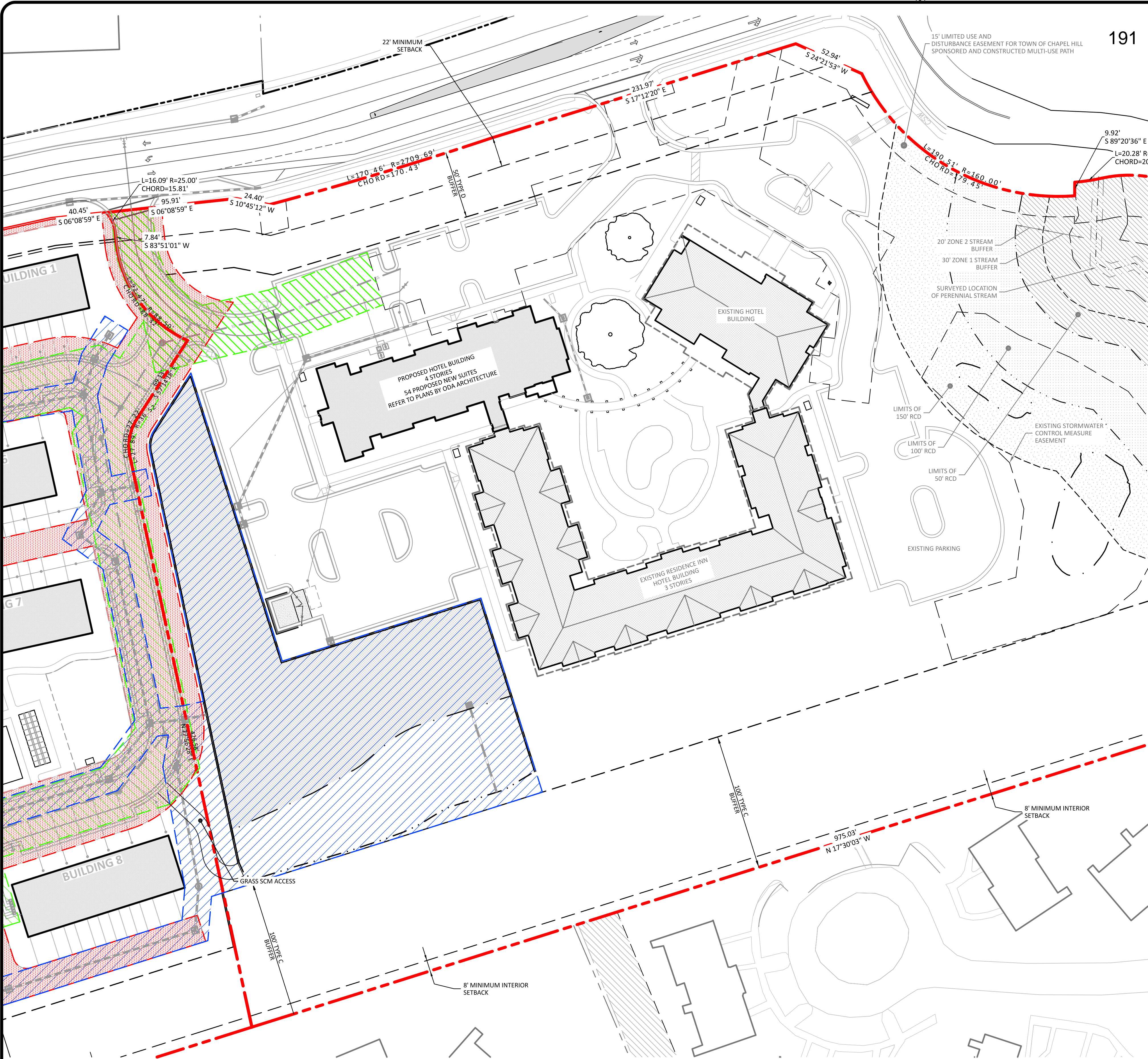
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SCALE:

DATE:

SHEET NO:

C2.2



SITE PLAN LEGEND

PROPERTY BOUNDARY
PERIMETER BUFFER

EASEMENT LEGEND

- ACCESS EASEMENT
- OWASA EASEMENT
- STORM DRAINAGE/SCM EASEMENT



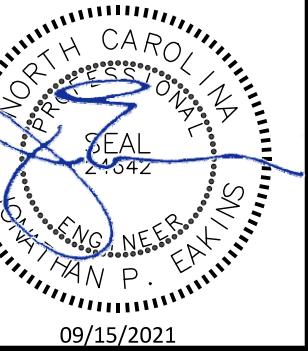
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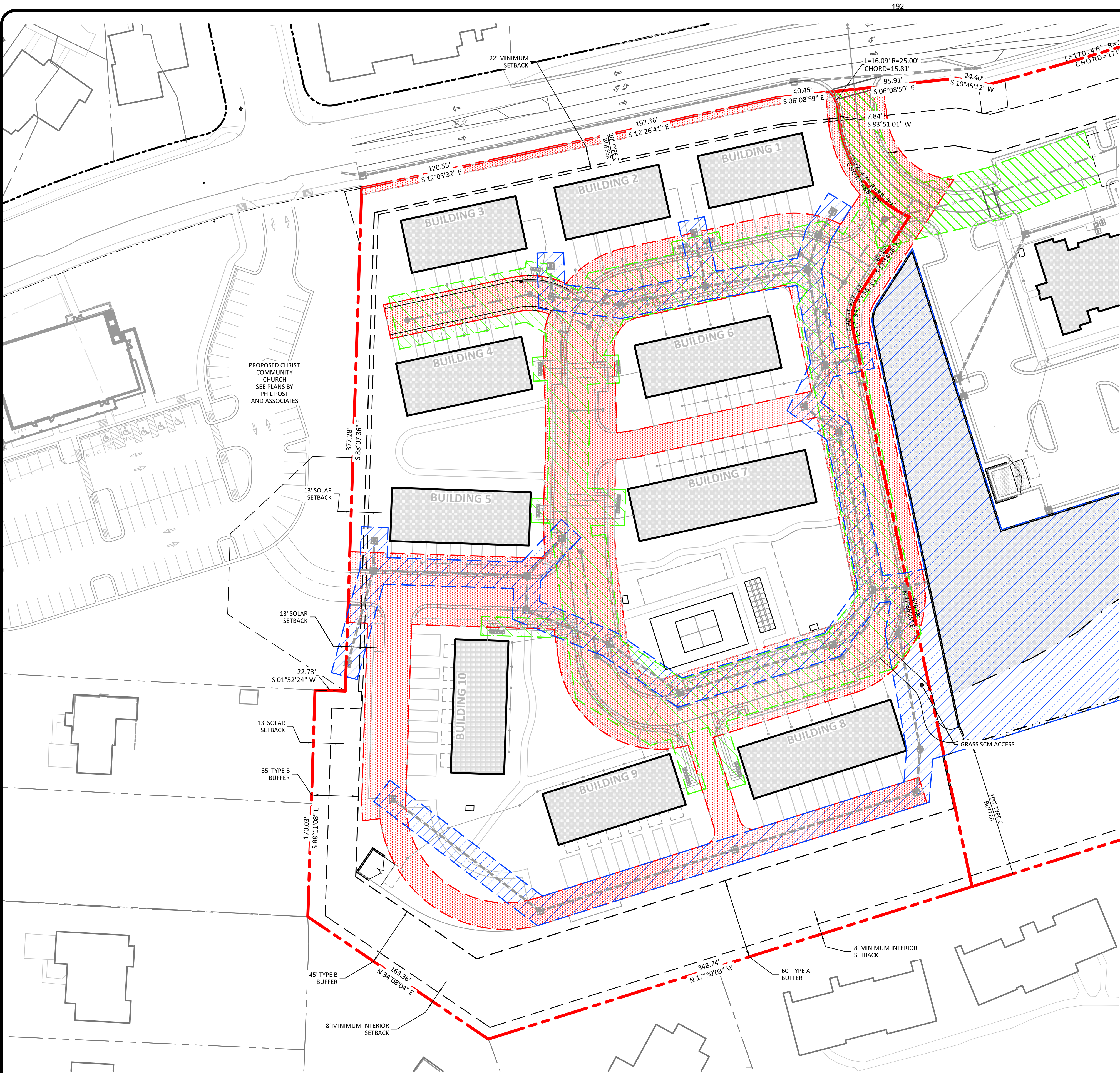
CLIENT:
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REVISIONS	
NO.	DESCRIPTION
1	2021-03-04 REVISIONS PER TOWN AND NC DOT COMMENTS
2	2021-03-26 REVISIONS PER TOWN AND NC DOT COMMENTS
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RESIDENCE INN HOTEL - SUMMIT PLACE TOWNHOMES
ZONING PLANS
CHAPEL HILL, NC
HOTEL EASEMENT PLAN



PROJECT NO:	---
DESIGN BY:	JPE
DRAWN BY:	JPE
SCALE:	1"=40'
DATE:	2020-10-29
SHEET NO:	C2.3

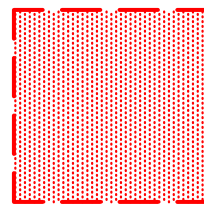


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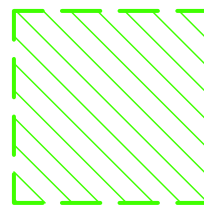
SITE PLAN LEGEND

PROPERTY BOUNDARY
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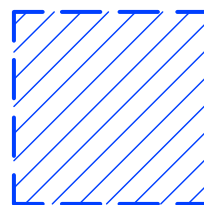
EASEMENT LEGEND



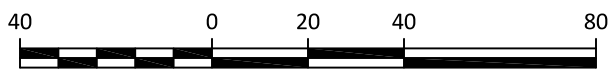
ACCESS EASEMENT



OWASA EASEMENT



STORM DRAINAGE/SCM EASEMENT



SCALE: 1"=40'

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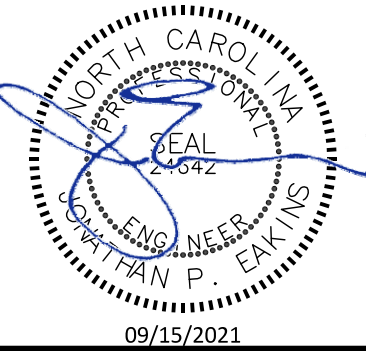
CLIENT:
SUMMIT HOSPITALITY GROUP, LLC
3141 JOHN HUMPHRIES WYND #200
3141 JOHN HUMPHRIES WYND #200

REVISIONS	
1	2021-03-04 REVISIONS PER TOWN AND NCOT COMMENTS
2	2021-03-26 REVISIONS PER TOWN AND NCOT COMMENTS
3	2021-05-10 REVISIONS PER TOWN AND NCOT COMMENTS
4	2021-06-09 LAND USE REVISIONS AND REVISIONS PER TOWN COMMENTS
5	2021-09-15 REVISIONS PER TOWN COMMENTS AND UPDATED FIELD SURVEY

RESIDENCE INN HOTEL - SUMMIT PLACE TOWNHOMES

ZONING PLANS

CHAPEL HILL, NC
RESIDENTIAL EASEMENT PLAN



PROJECT NO: ---


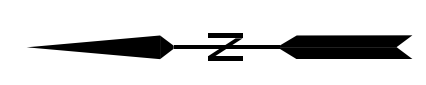
DESIGN BY: JPE

DRAWN BY: JPE

SCALE: 1"=40'

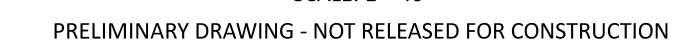
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SHEET NO: C2.4

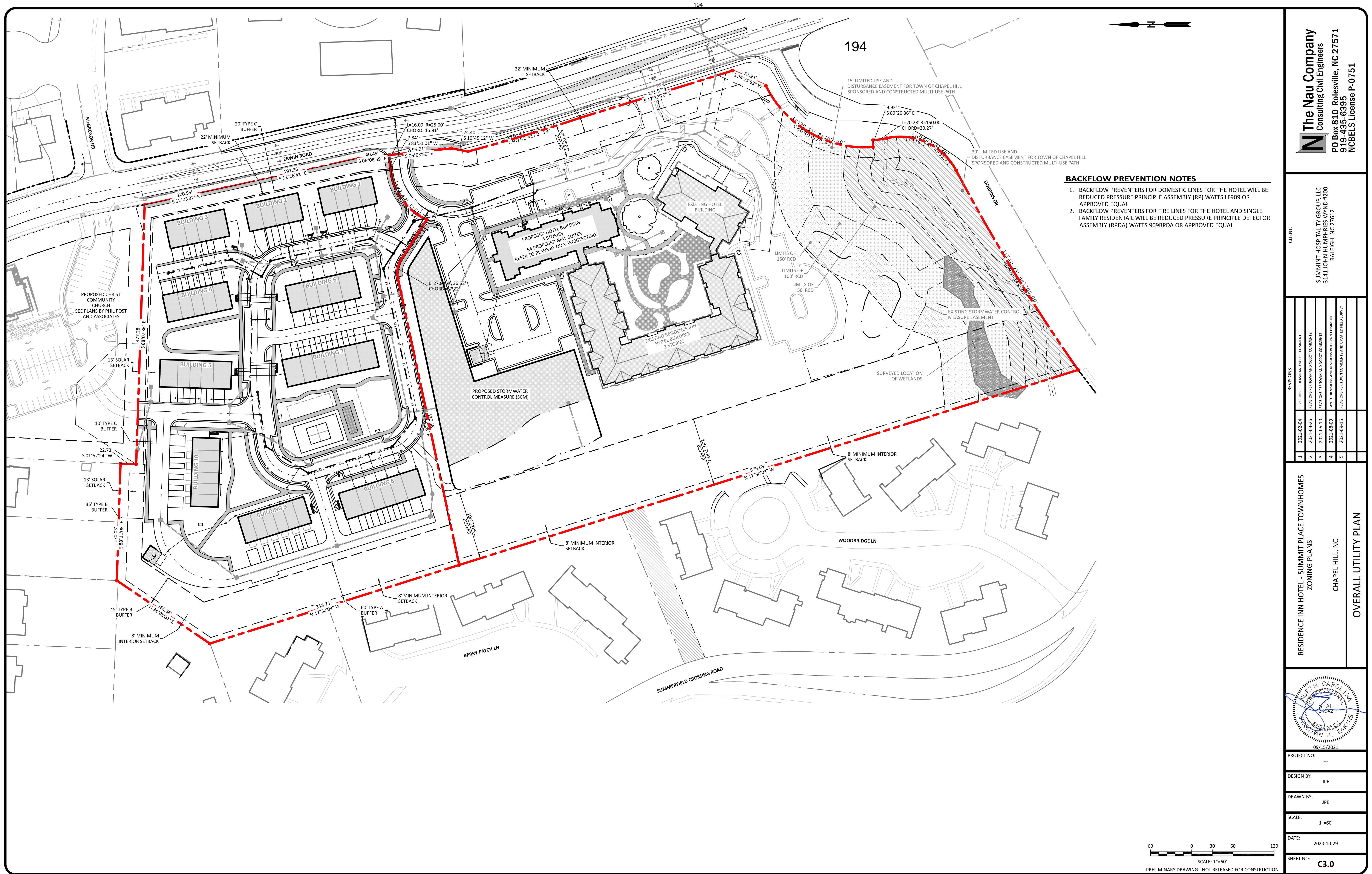


100
(100)
A

NEIGHBORHOOD ACTIVITY AREA
(NOT INCLUDED IN RECREATION
AREA CALCULATIONS)



PROJECT NO:	----
DESIGN BY:	JPE
DRAWN BY:	JPE
SCALE:	1"=40'
DATE:	2020-10-29
SHEET NO:	C2.5

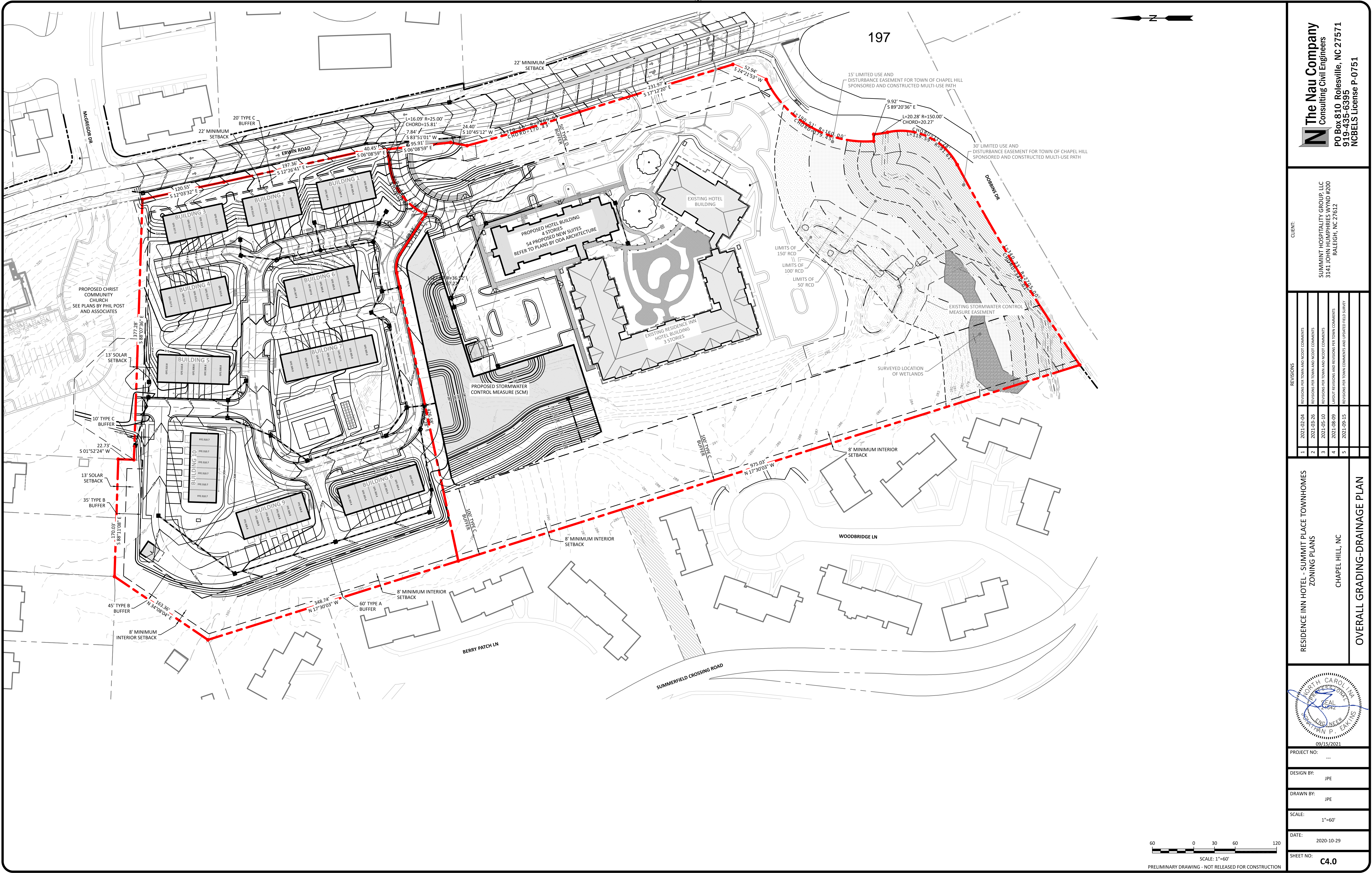




SHEET NO: 331

C3.1

PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION



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CLIENT:
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CHAPEL HILL, NC 27612

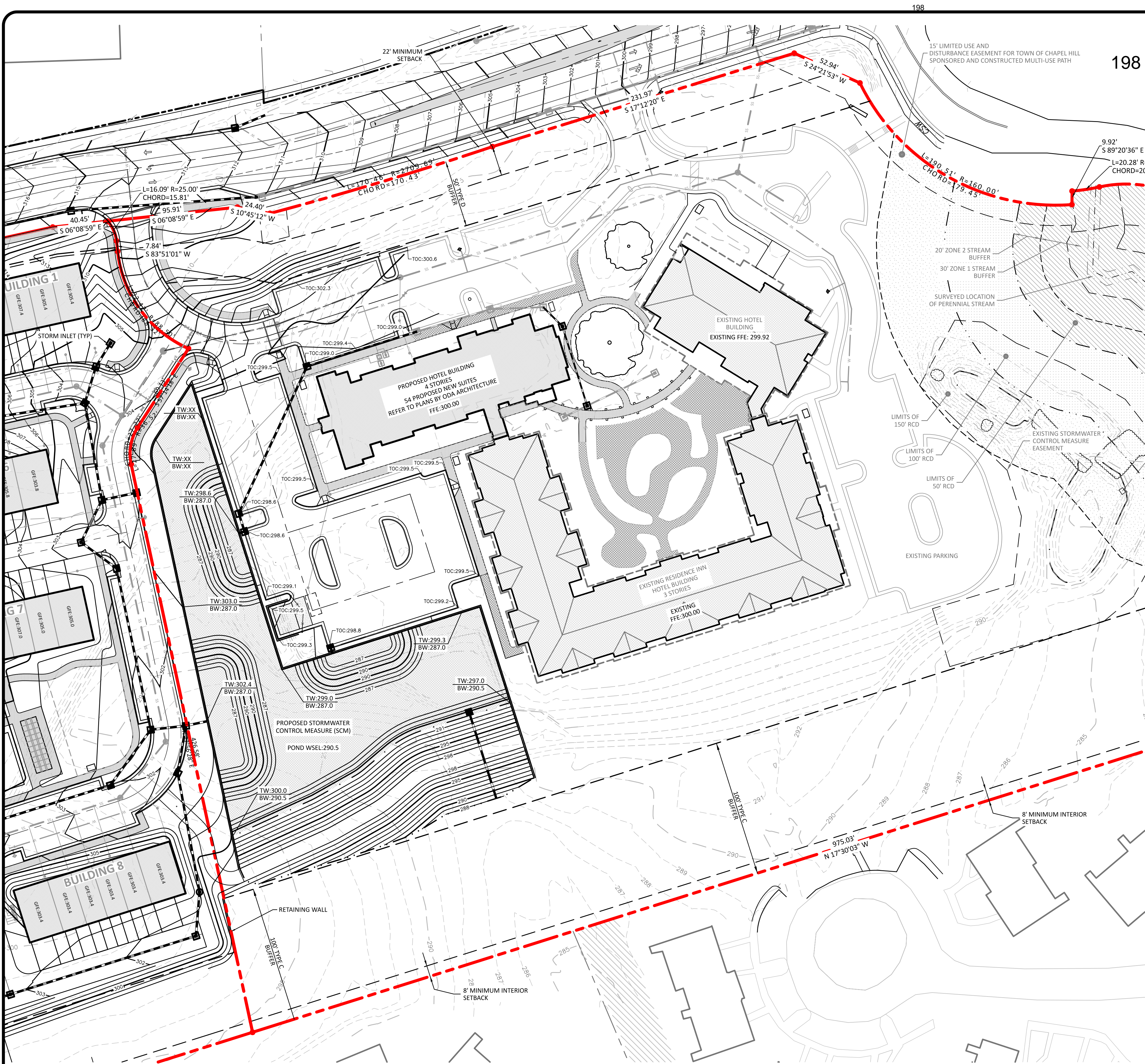
REVISIONS	
1	2021-03-04
2	2021-05-26
3	2021-05-10
4	2021-06-09
5	2021-09-15

RESIDENCE INN HOTEL - SUMMIT PLACE TOWNHOMES
ZONING PLANS
CHAPL HILL, NC
OVERALL GRADING-DRAINAGE PLAN

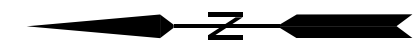


PROJECT NO:	---
DESIGN BY:	JPE
DRAWN BY:	JPE
SCALE:	1"=60'
DATE:	2020-10-29
SHEET NO:	C4.0

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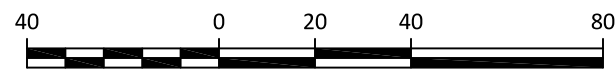
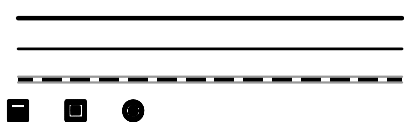


198



GRADING-DRAINAGE PLAN LEGEND

MAJOR CONTOUR (5')
MINOR CONTOUR (1')
STORM DRAINAGE PIPE
STORM STRUCTURE



SCALE: 1"=40'

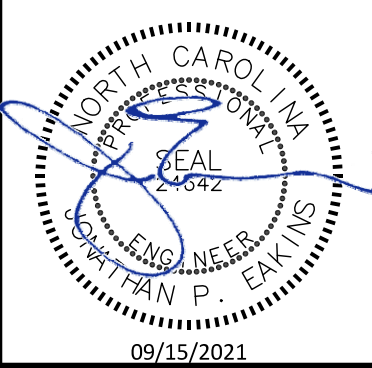
PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION

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Consulting Civil Engineers
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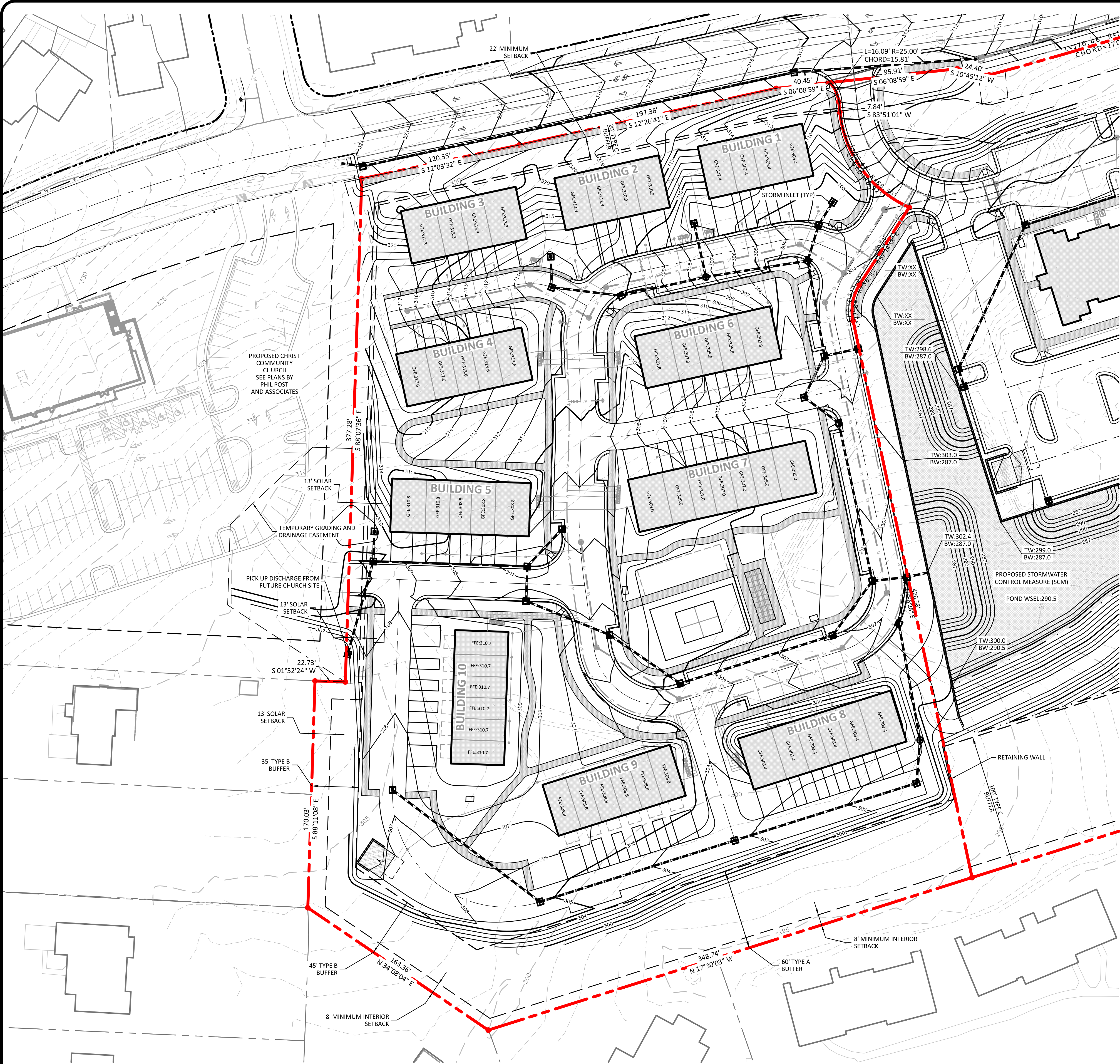
CLIENT:
SUMMIT HOSPITALITY GROUP, LLC
3141 JOHN HUMPHRIES WYND #200
CHAPEL HILL, NC 27612

REVISIONS	
NO.	DESCRIPTION
1	2021-03-04
2	2021-03-26
3	2021-05-10
4	2021-06-09
5	2021-09-15

RESIDENCE INN HOTEL - SUMMIT PLACE TOWNHOMES
ZONING PLANS
CHAPEL HILL, NC
HOTEL GRADING PLAN



PROJECT NO: ---
DESIGN BY: JPE
DRAWN BY: JPE
SCALE: 1"=40'
DATE: 2020-10-29
SHEET NO: C4.1



199

GRADING-DRAINAGE PLAN LEGEND

MAJOR CONTOUR (5')	
MINOR CONTOUR (1')	
STORM DRAINAGE PIPE	
STORM STRUCTURE	

TOWNHOME NOTES

1. THE GFE REPORTED FOR EACH TOWNHOME BUILDING IS THE GARAGE FLOOR ELEVATION AT THE LOCATION WHERE THE GARAGE ADJOINS THE DRIVEWAY



SCALE: 1"=40'

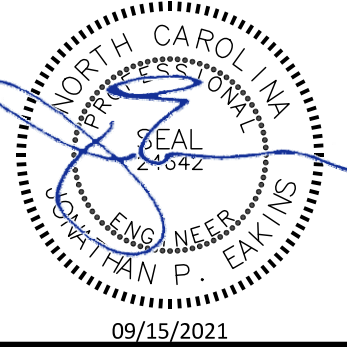
PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION

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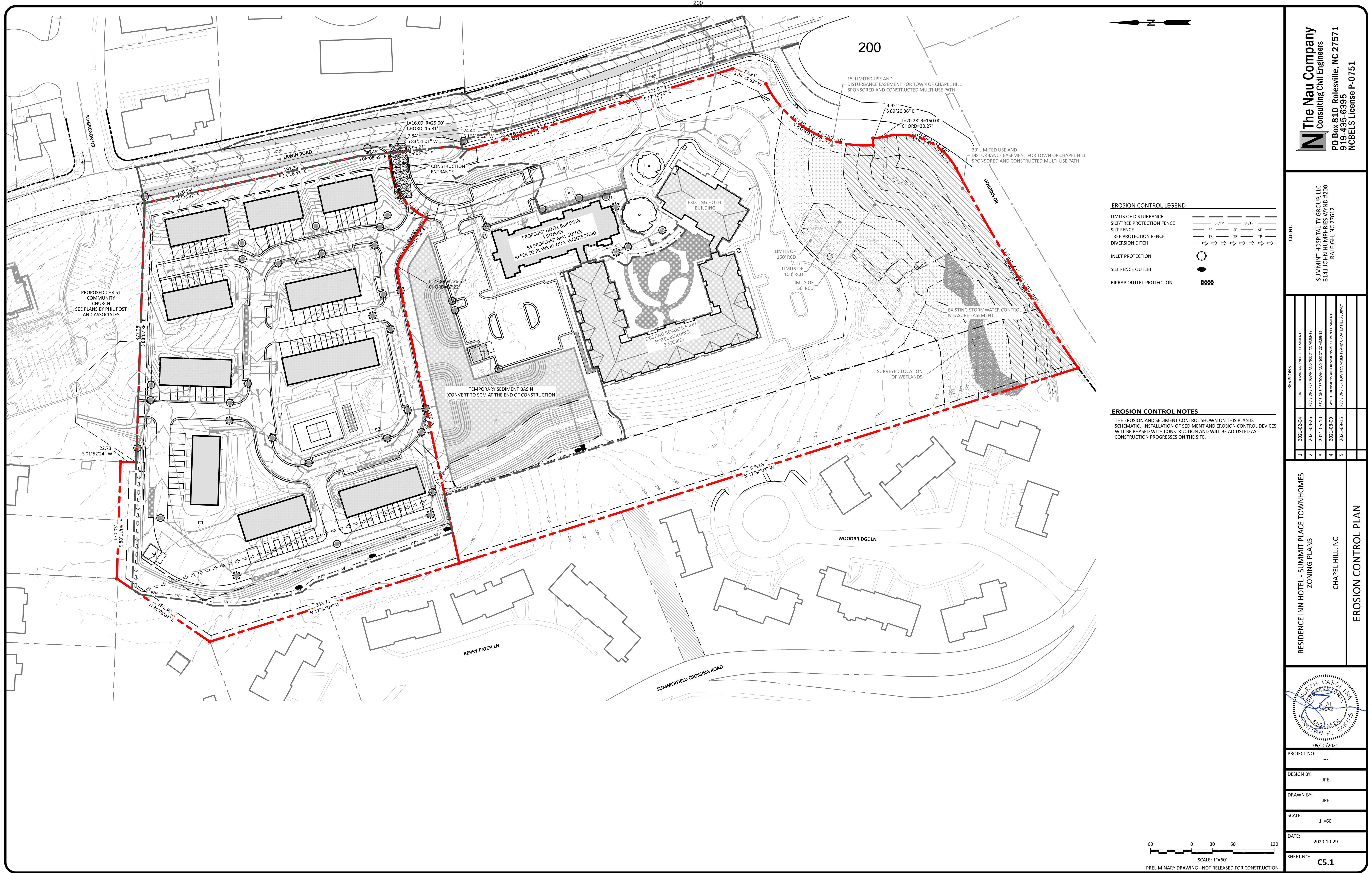
SUMMIT HOSPITALITY GROUP, LLC
3141 JOHN HUMPHRIES WYND #200
CHAPEL HILL, NC 27612

REVISIONS	
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2	2021-05-26
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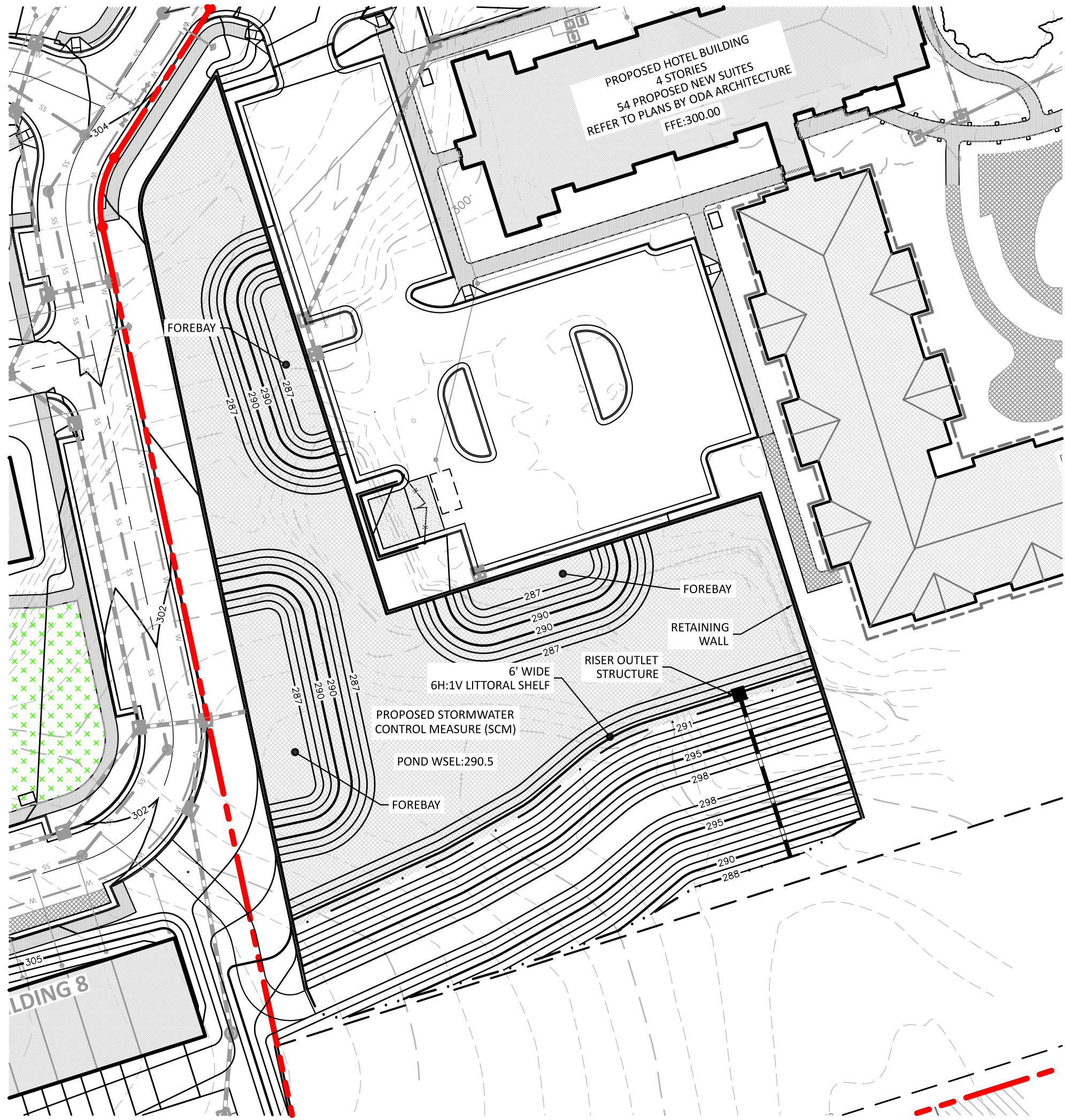
RESIDENCE INN HOTEL - SUMMIT PLACE TOWNHOMES
ZONING PLANS
CHAPEL HILL, NC
RESIDENTIAL GRADING PLAN



PROJECT NO:	---
DESIGN BY:	JPE
DRAWN BY:	JPE
SCALE:	1"=40'
DATE:	2020-10-29
SHEET NO:	C4.2



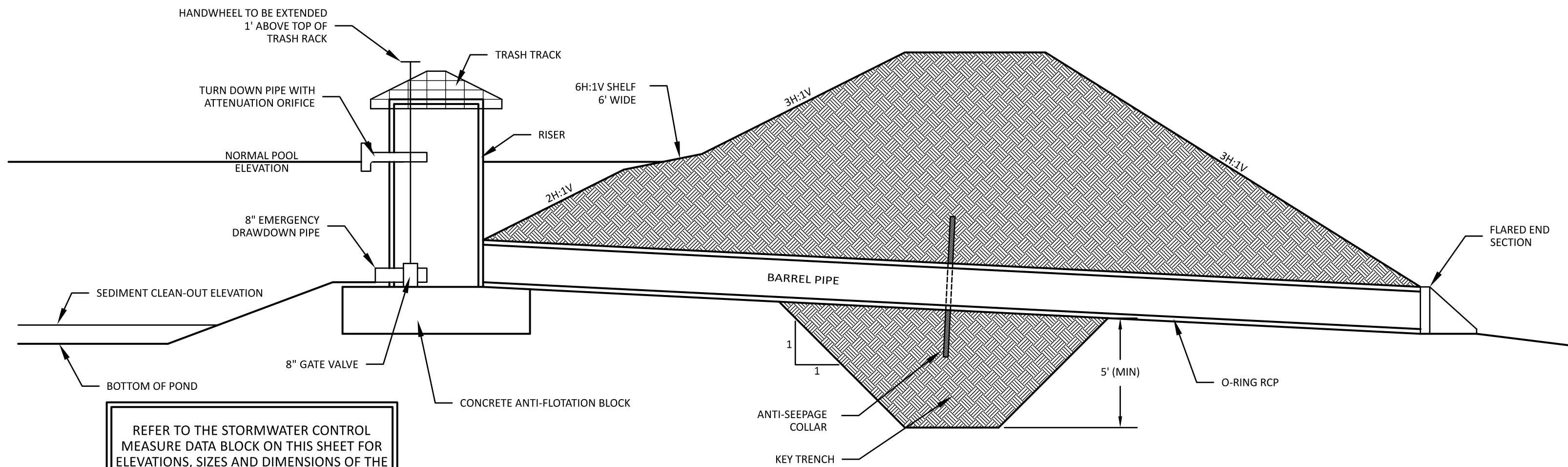




POND GRADING
SCALE: 1"=40'

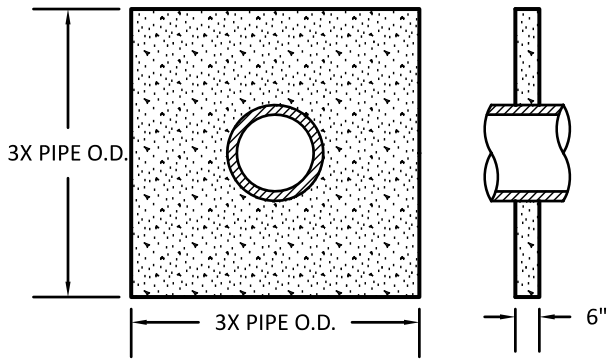
CONSTRUCTION DESIGN DATA		
DESIGN PARAMETER	DESIGN VALUE	AS-BUILT VALUE
TOP OF DAM ELEVATION	XXX	XXX
SEDIMENT CLEANOUT ELEV.	XXX	XXX
BOTTOM OF POND ELEVATION	XXX	XXX
RISER CREST ELEV.	XXX	XXX
RISER SIZE	48"x48" I.D SQUARE	XXX
NORMAL POOL ELEVATION	XXX	XXX
ORIFICE ELEVATION	XXX	XXX
BARREL DIAMETER	XXX	XXX
BARREL UPSTREAM INV.	XXX	XXX
BARREL DOWNSTREAM INV.	XXX	XXX
BARREL LENGTH	XXX	XXX
ANTI-FLOTATION BLOCK SIZE	XXX	XXX
ANTI-SEEPAGE COLLAR SIZE	XXX	XXX
CALCULATED POND DATA		
SURFACE AREA REQUIRED	XXX	XXX
SURFACE AREA PROVIDED	XXX	XXX
WQ RAINFALL VOLUME	XXX	XXX
ELEV. AT WQ VOLUME	XXX	XXX
Q(1) DISCHARGE	XXX	XXX
Q(1) ELEV.	XXX	XXX
Q(2) DISCHARGE	XXX	XXX
Q(2) ELEV.	XXX	XXX
Q(10) DISCHARGE	XXX	XXX
Q(10) ELEV.	XXX	XXX
Q(25) DISCHARGE	XXX	XXX
Q(25) ELEV.	XXX	XXX
Q(100) DISCHARGE	XXX	XXX
Q(100) ELEV.	XXX	XXX

POND CONSTRUCTION DATA AND CALCULATED POND DATATO BE COMPLETED FOR FINAL DESIGN



TYPICAL DAM CROSS SECTION
NOT TO SCALE

203



ANTI-SEEPAGE COLLAR
NOT TO SCALE

NOTES

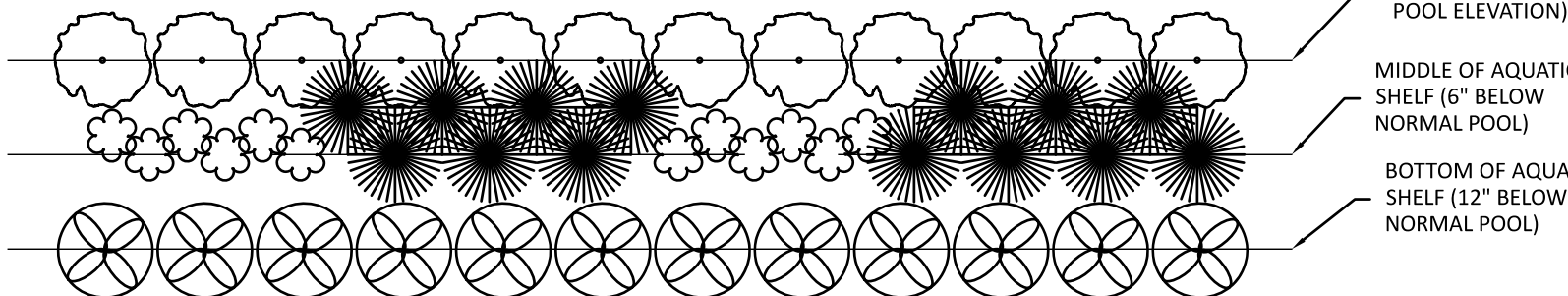
- THE CONCRETE COLLAR SHALL HAVE A MINIMUM 28-DAY STRENGTH OF 3000 PSI.
- ANTI-SEEPAGE COLLARS SHALL BE CONNECTED TO THE BARREL PIPE WITH A WATER TIGHT JOINT.
- INSTALL ANTI-SEEPAGE COLLAR AT THE CENTER OF THE EMBANKMENT.
- ANTI-SEEPAGE COLLARS SHALL BE INSTALLED AT LEAST 2 FEET FROM ANY PIPE JOINT.

AQUATIC SHELF PLANTINGS

SYMBOL	TOTAL	BOTANICAL NAME	COMMON NAME
	XXX	PONTERDERIA CORDATA	PICKERELWEED
	XXX	IRIS VIRGINICA	BLUE FLAG IRIS
	XXX	JUNCUS EFFUSUS var SOLUTUS	SOFT RUSH
	XXX	HIBISCUS COCCINEUS	SCARLET ROSE MALLOW

NOTES

- BLUE FLAG IRIS AND SOFT RUSH PERFORM BEST WHEN PLANTED IN 0" TO 2" OF WATER. THEREFORE THESE TWO VARIETIES SHOULD BE PLANTED CLOSE TO THE NORMAL POOL ELEVATION BUT STILL BELOW THE NORMAL POOL ELEVATION.



TYPICAL 200 SQUARE FOOT AQUATIC SHELF PLANTINGS
NOT TO SCALE

AQUATIC PLANTING DATA TO BE COMPLETED FOR FINAL DESIGN

AREA OF SHELF	XXX SF
REQUIRED PLANTING RATE	50 PER 200 SF OF SHELF AREA
PLANTINGS REQUIRED	XXX
PLANTINGS PROVIDED	XXX

SEEDING SPECIFICATIONS

COMPLETE GRADING BEFORE PREPARING SEEDBEDS, AND INSTALL ALL NECESSARY EROSION CONTROL PRACTICES SUCH AS, DIKES, WATERWAYS, AND BASINS. MINIMIZE STEEP SLOPES BECAUSE THEY MAKE SEEDBED PREPARATION DIFFICULT AND INCREASE THE EROSION HAZARD. IF SOILS BECOME COMPACTED DURING GRADING, LOOSEN THEM TO A DEPTH OF 6-8 INCHES USING A RIPPER, HARROW, OR CHISEL FLOW.

SEEDBED PREPARATION

GOOD SEEDBED PREPARATION IS ESSENTIAL TO SUCCESSFUL PLANT ESTABLISHMENT. A GOOD SEEDBED IS WELL-PULVERIZED, LOOSE, AND UNIFORM. WHERE HYDROSEEDING METHODS ARE USED, THE SURFACE MAY BE LEFT WITH A MORE IRREGULAR SURFACE OF LARGE CLODS AND STONES.

- LIMING—APPLY LIME ACCORDING TO SOIL TEST RECOMMENDATIONS. IF THE PH (ACIDITY) OF THE SOIL IS NOT KNOWN, AN APPLICATION OF GROUND AGRICULTURAL LIMESTONE AT THE RATE OF 1 TO 1 1/2 TONS/ACRE ON COARSE-TEXTURED SOILS AND 2-3 TONS/ACRE ON FINETEXTURED SOILS IS USUALLY SUFFICIENT. APPLY LIMESTONE UNIFORMLY AND INCORPORATE INTO THE TOP 4-6 INCHES OF SOIL. SOILS WITH A PH OF 6 OR HIGHER NEED NOT BE LIMED.
- FERTILIZER—BASE APPLICATION RATES ON SOIL TESTS. WHEN THESE ARE NOT POSSIBLE, APPLY A 10-10-10 GRADE FERTILIZER AT 700-1,000 LB/ACRE. BOTH FERTILIZER AND LIME SHOULD BE INCORPORATED INTO THE TOP 4-6 INCHES OF SOIL. IF A HYDRAULIC SEEDER IS USED, DO NOT MIX SEED AND FERTILIZER MORE THAN 30 MINUTES BEFORE APPLICATION.
- SURFACE ROUGHENING—IF RECENT TILLAGE OPERATIONS HAVE RESULTED IN A LOOSE SURFACE, ADDITIONAL ROUGHENING MAY NOT BE REQUIRED, EXCEPT TO BREAK UP LARGE CLODS. IF RAINFALL CAUSES THE SURFACE TO BECOME SEALED OR CRUSTED, LOOSEN IT JUST PRIOR TO SEEDING BY DISKING, RAKING, HARROWING, OR OTHER SUITABLE METHODS. GROOVE OR FURROW SLOPES STEEPER THAN 3:1 ON THE CONTOUR BEFORE SEEDING (PRACTICE 6.03, SURFACE ROUGHENING).

PLANT SELECTION

SELECT AN APPROPRIATE SPECIES OR SPECIES MIXTURE FROM TABLE 6.10A FOR SEEDING IN LATE WINTER AND EARLY SPRING, TABLE 6.10B FOR SUMMER, AND TABLE 6.10C FOR FALL. IN THE MOUNTAINS, DECEMBER AND JANUARY SEEDINGS HAVE POOR CHANCES OF SUCCESS. WHEN IT IS NECESSARY TO PLANT AT THESE TIMES, USE RECOMMENDATIONS FOR FALL AND A SECURELY TACKED MULCH.

SEEDING

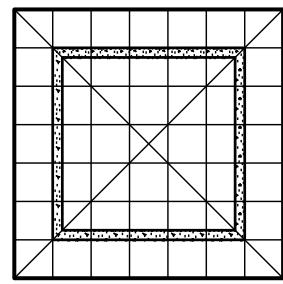
EVENLY APPLY SEED USING A CYCLONE SEEDER (BROADCAST), DRILL, CULTIPACKER SEEDER, OR HYDROSEEDER. USE SEEDING RATES GIVEN IN TABLES 6.10A-6.10C. BROADCAST SEEDING AND HYDROSEEDING ARE APPROPRIATE FOR STEEP SLOPES WHERE EQUIPMENT CANNOT BE DRIVEN. HAND BROADCASTING IS NOT RECOMMENDED BECAUSE OF THE DIFFICULTY IN ACHIEVING A UNIFORM DISTRIBUTION. SMALL GRAINS SHOULD BE PLANTED NO MORE THAN 1 INCH DEEP. GRASSES AND LEGUMES NO MORE THAN 1/2 INCH. BROADCAST SEED MUST BE COVERED BY RAKING OR CHAIN DRAGGING, AND THEN LIGHTLY FIRMED WITH A ROLLER OR CULTIPACKER. HYDROSEEDED MIXTURES SHOULD INCLUDE A WOOD FIBER (CELLULOSE) MULCH.

MULCHING

THE USE OF AN APPROPRIATE MULCH WILL HELP ENSURE ESTABLISHMENT UNDER NORMAL CONDITIONS, AND IS ESSENTIAL TO SEEDING SUCCESS UNDER HARSH SITE CONDITIONS (PRACTICE 6.14, MULCHING). HARSH SITE CONDITIONS INCLUDE:

- SEEDING IN FALL FOR WINTER COVER (WOOD FIBER MULCHES ARE NOT CONSIDERED ADEQUATE FOR THIS USE),
 - SLOPES STEEPER THAN 3:1,
 - EXCESSIVELY HOT OR DRY WEATHER,
 - ADVERSE SOILS (SHALLOW, ROCKY, OR HIGH IN CLAY OR SAND), AND
 - AREAS RECEIVING CONCENTRATED FLOW.
- IF THE AREA TO BE MULCHED IS SUBJECT TO CONCENTRATED WATERFLOW, AS IN CHANNELS, ANCHOR MULCH WITH NETTING (PRACTICE 6.14, MULCHING).

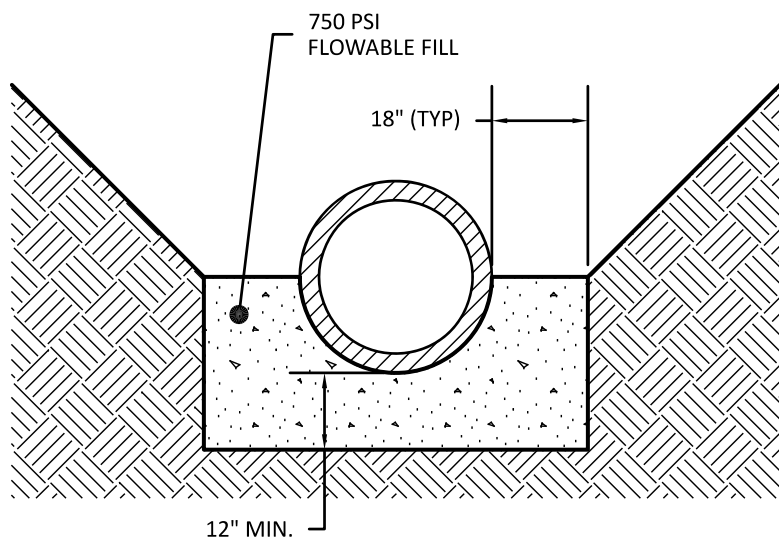
FROM: DEMLR EC MANUAL SECTION 6.10 REVISED 5/13



TRASH RACK DETAIL
NOT TO SCALE

NOTES

- THE TRASH RACK SHALL BE CONSTRUCTED OF #4 REBAR
- THE TRASH RACK SHALL BE ATTACHED TO THE RISER WITH FOUR EQUALLY SPACED HOT-DIPPED GALVANIZED STEEL CLAMPS
- THE TRASH RACK WILL BE PROVIDED WITH A HINGED ACCESS HATCH PROVIDED BY THE FABRICATOR.



CONCRETE CRADLE DETAIL
NOT TO SCALE

CONCRETE CRADLE NOTES

- EXCAVATE TRENCH FOR THE CONCRETE CRADLE AND BARREL PER THE DIMENSIONS ON THE CONCRETE CRADLE DETAIL.
- PLACE BARREL PIPE ON CONCRETE BLOCKS TO ACHIEVE SLOPE AND INVERTS NOTED ON THE POND DETAIL SHEET.
- PLACE 2 FOOT WIDE STRIPS OF FILTER FABRIC OVER PIPE JOINTS BEFORE PLACING FLOWABLE FILL
- PLACE FLOWABLE FILL AS ONE LIFT UP TO THE SPRINGLINE OF THE PIPE.
- ALLOW CRADLE TO CURE FOR AT LEAST 7 DAY BEFORE USING ANY VIBRATING EQUIPMENT IN THE VICINITY OF THE PIPE.

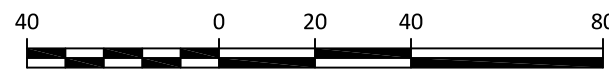
CONCRETE CRADLE ALTERNATE

THE CONTRACTOR MAY CHOOSE TO ELIMINATE THE CONCRETE CRADLE AND USE COMPACTED BACKFILL. IF THE CONCRETE CRADLE IS NOT USED THE COMPACTED BACKFILL MUST BE PLACED PER THE GEOTECHNICAL ENGINEER'S RECOMMENDATIONS.

POND CERTIFICATION REQUIREMENTS

THE CONTRACTOR SHALL NOTE THAT THE FOLLOWING DOCUMENTATION IS REQUIRED FOR CERTIFICATION OF THIS POND. ADDITIONAL ITEMS MAY BE REQUIRED DEPENDING ON THE REVIEWING AUTHORITY.

- AN AS-BUILT SURVEY WITH BARREL PIPE INVERTS AND DIAMETER, RISER DIMENSIONS AND CREST ELEVATION, ORIFICE ELEVATION(S) AND DIAMETER(S)
- AN AS-BUILT TOPOGRAPHIC SURVEY OF THE POND AT ONE FOOT CONTOUR INTERVALS, INCLUDING THE TOP OF EMBANKMENT AND DOWNSTREAM SLOPE(S) OF THE EMBANKMENT
- COMPACTION TESTS PERFORMED PER THE GEOTECHNICAL ENGINEER'S RECOMMENDATIONS. THIS SHOULD INCLUDE COMPACTION TESTS OF SOIL UNDER THE BARREL PIPE IF THE CONCRETE CRADLE WAS NOT USED.
- VERIFICATION OF ANTI-SEEPAGE COLLAR SIZE AND INSTALLATION
- VERIFICATION OF ANTI-FLOTATION BLOCK DIMENSIONS AND INSTALLATION



SCALE: 1"=40'
PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION

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919-435-6395
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SUMMIT HOSPITALITY GROUP, LLC
3141 JOHN HUMPHRIES WYND #200
JOHN RALEIGH, NC 27612

RESIDENCE INN HOTEL - SUMMIT PLACE TOWNHOMES
ZONING PLANS

CHAPEL HILL, NC

POND GRADING AND DETAILS



PROJECT NO: ---

DESIGN BY: JPE

DRAWN BY: JPE

SCALE: 1"=40'

DATE: 2020-10-29

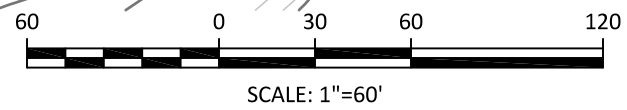
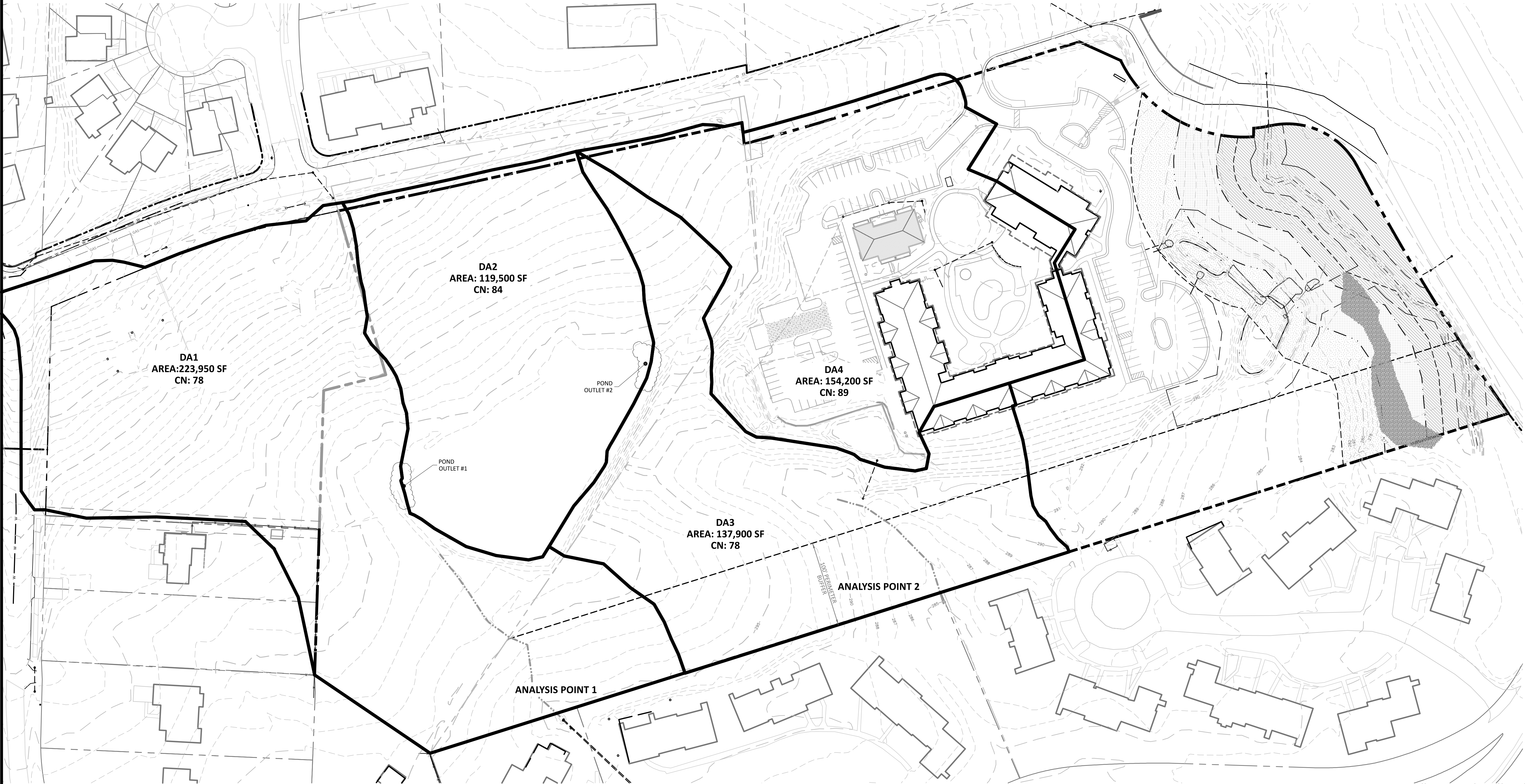
SHEET NO: C8.0

NOTES

1. PER TOCHDM THE 1-YEAR, 24-HOUR DISCHARGE IS 80% OF THE 2-YEAR, 24-HOUR DISCHARGE

NOTES:

1. THE DRAINAGE AREA, CN AND TIME OF CONCENTRATION FOR DA2.1 WERE TAKEN FROM CALCULATIONS FOR THE CCC SITE DATED FEBRUARY 4, 2020



PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION

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Consulting Civil Engineers

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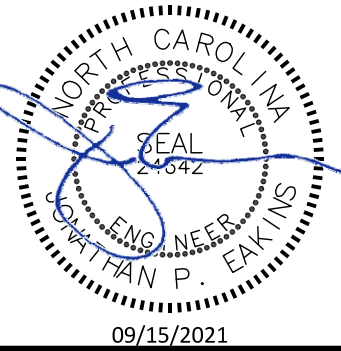
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3141 JOHN HUMPHRIES WYND #200
RALEIGH, NC 27612

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RESIDENCE INN HOTEL - SUMMIT PLACE TOWNHOMES ZONING PLANS

CHAPEL HILL, NC

PRE-DEVELOPMENT DRAINAGE AREA PLAN



ECT NO:

GN BY: JPE

WV BY: JPE

 $1'' = 6$

2020-10-29

TEST NO: **DA1.0**

ONSITE IMPERVIOUS AREA SUMMARY		
AREA TYPE	PRE-DEVELOPMENT	POST-DEVELOPMENT
BUILDINGS	34,200 SF	81,325 SF
ROADS/PARKING	57,600 SF	124,500 SF
SIDEWALK/PATIOS/CONCRETE	19,900 SF	61,300 SF
MISC IMPERVIOUS	0 SF	0 SF
TOTALS	111,700 SF	267,125 SF

AP1 DISCHARGE SUMMARY			
	PRE-DEVELOPMENT	POST-DEVELOPMENT CONDITION 1	POST-DEVELOPMENT CONDITION 2
1-YR 24-HR DISCHARGE (CFS)	8.3	2.0	2.0
2-YR 24-HR DISCHARGE (CFS)	10.4	2.5	2.5
10-YR 24-HR DISCHARGE (CFS)	20.7	4.6	4.6
25-YR 24-HR DISCHARGE (CFS)	26.9	5.9	5.9
100-YR 24-HR DISCHARGE (CFS)	36.6	8.0	8.0

NOTES

1. PER TOCHDM THE 1-YEAR, 24-HOUR DISCHARGE IS 80% OF THE 2-YEAR, 24-HOUR DISCHARGE

The Nau Company
Consulting Civil Engineers

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REVISIONS	
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2	2021-03-26
3	2021-05-10
4	2021-08-09
5	2021-09-15

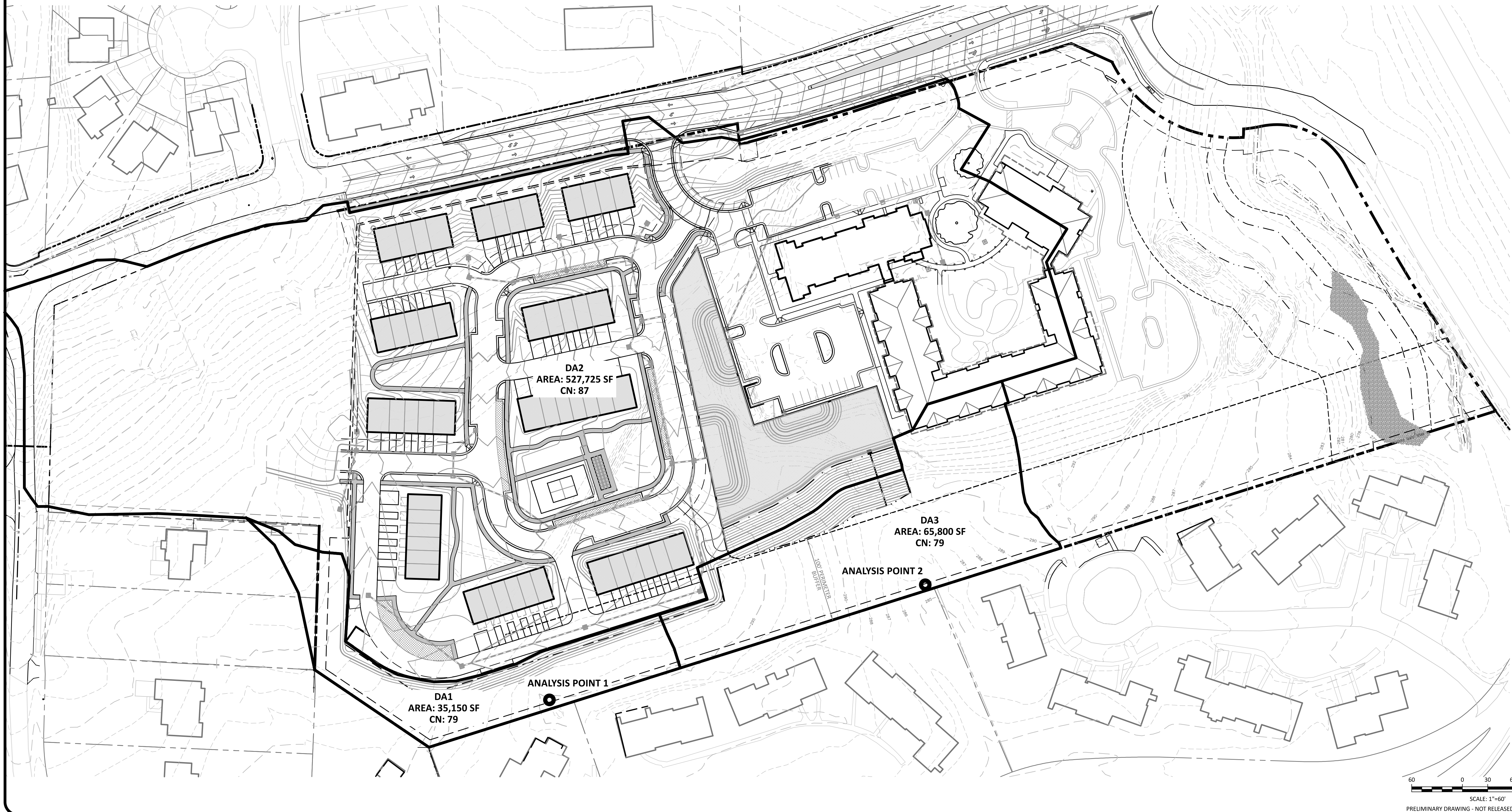
RESIDENCE INN HOTEL - SUMMIT PLACE TOWNHOMES
ZONING PLANS

CHAPEL HILL, NC

POST-DEVELOPMENT CONDITION 1 DRAINAGE AREA



PROJECT NO:	...
DESIGN BY:	JPE
DRAWN BY:	JPE
SCALE:	1"=60'
DATE:	2020-07-29
SHEET NO:	DA2.1



2-YEAR STORMWATER VOLUME SUMMARY		
	PRE-DEVELOPMENT	POST-DEVELOPMENT
SITE AREA		713,950 SF
IMPERVIOUS AREA	111,700 SF	249,475
CURVE NUMBER	81	86
2-YR 24-HR RUNOFF VOLUME	100,825 CF	122,410 CF
2-YR 24-HR VOLUME INCREASE		21,585 CF

ONSITE IMPERVIOUS AREA SUMMARY		
AREA TYPE	PRE-DEVELOPMENT	POST-DEVELOPMENT
BUILDINGS	34,200 SF	81,325 SF
ROADS/PARKING	57,600 SF	124,500 SF
SIDEWALK/PATIOS/CONCRETE	19,900 SF	61,300 SF
MISC IMPERVIOUS	0 SF	0 SF
TOTALS	111,700 SF	267,125 SF

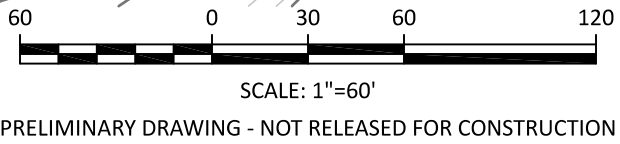
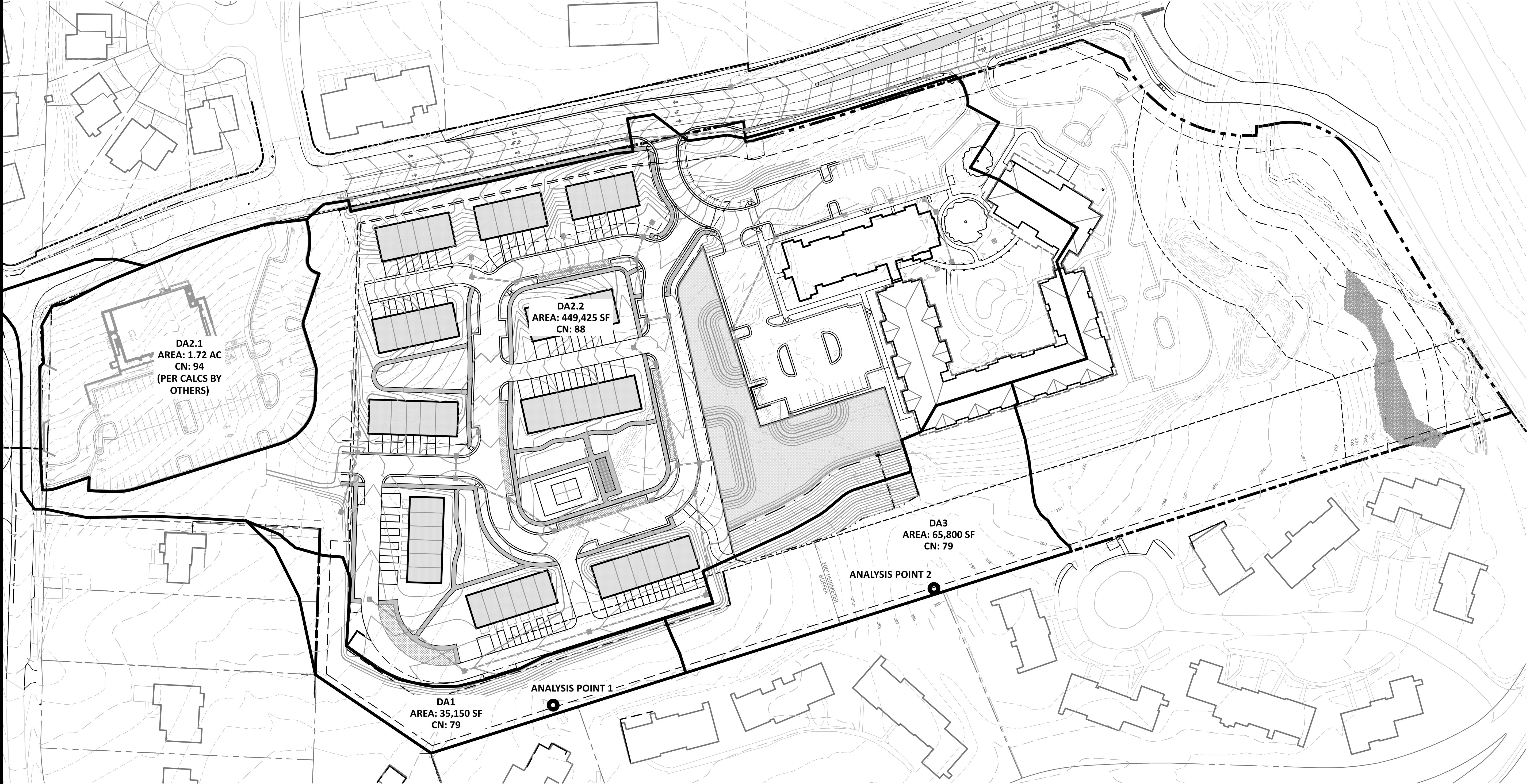
DRAINAGE AREA SUMMARY			
		PRE-DEVELOPMENT	POST-DEVELOPMENT
		CONDITION 1	CONDITION 2
DA1	DRAINAGE AREA	5.13 AC	0.81
	CN	78	79
	TIME OF CONCENTRATION	22.8 MIN	5.0 MIN
DA2	DRAINAGE AREA	2.74 AC	12.12 AC
	CN	84	87
	TIME OF CONCENTRATION	13.1 MIN	5.0 MIN
DA2.1	DRAINAGE AREA	---	1.72 AC
	CN	---	94
	TIME OF CONCENTRATION	---	10.0 MIN
DA2.2	DRAINAGE AREA	---	10.32 AC
	CN	---	88
	TIME OF CONCENTRATION	---	5.0 MIN
DA3	DRAINAGE AREA	3.16 AC	1.51 AC
	CN	78	79
	TIME OF CONCENTRATION	23.4 MIN	5.0 MIN
DA4	DRAINAGE AREA	3.54 AC	---
	CN	88	---
	TIME OF CONCENTRATION	5.0 MIN	---

NOTES:
1. THE DRAINAGE AREA, CN AND TIME OF CONCENTRATION FOR DA2.1 WERE TAKEN FROM CALCULATIONS FOR THE CCC SITE DATED FEBRUARY 4, 2020

AP1 DISCHARGE SUMMARY			
	PRE-DEVELOPMENT	POST-DEVELOPMENT	POST-DEVELOPMENT
		CONDITION 1	CONDITION 2
1-YR 24-HR DISCHARGE (CFS)	8.3	2.0	2.0
2-YR 24-HR DISCHARGE (CFS)	10.4	2.5	2.5
10-YR 24-HR DISCHARGE (CFS)	20.7	4.6	4.6
25-YR 24-HR DISCHARGE (CFS)	26.9	5.9	5.9
100-YR 24-HR DISCHARGE (CFS)	36.6	8.0	8.0

AP2 DISCHARGE SUMMARY			
	PRE-DEVELOPMENT	POST-DEVELOPMENT	POST-DEVELOPMENT
		CONDITION 1	CONDITION 2
1-YR 24-HR DISCHARGE (CFS)	15.2	4.0	3.9
2-YR 24-HR DISCHARGE (CFS)	19.0	5.0	4.9
10-YR 24-HR DISCHARGE (CFS)	33.9	9.1	9.1
25-YR 24-HR DISCHARGE (CFS)	42.8	11.5	11.5
100-YR 24-HR DISCHARGE (CFS)	55.7	30.2	28.6

NOTES:
1. PER TOCHDM THE 1-YEAR, 24-HOUR DISCHARGE IS 80% OF THE 2-YEAR, 24-HOUR DISCHARGE



The Nau Company

Consulting Civil Engineers

PO Box 810, Rolesville, NC 27571
919-435-6395
NCBELS License P-0751

CUSTOMER:

SUMMIT HOSPITALITY GROUP, LLC
3141 JOHN HUMPHRIES WYND #200
CHAPEL HILL, NC 27612

REVISIONS		REVISIONS PER TOWN AND VDOT COMMENTS	
1	2021-03-04	REVISIONS PER TOWN AND VDOT COMMENTS	
2	2021-05-26	REVISIONS PER TOWN AND VDOT COMMENTS	
3	2021-05-10	REVISIONS PER TOWN AND VDOT COMMENTS	
4	2021-06-09	LANDUT REVISIONS AND REVISIONS PER TOWN COMMENTS	
5	2021-09-15	REVISIONS PER TOWN COMMENTS AND UPDATED FIELD SURVEY	

RESIDENCE INN HOTEL - SUMMIT PLACE TOWNHOMES
ZONING PLANS

CHAPEL HILL, NC

POST-DEVELOPMENT CONDITION 2 DRAINAGE AREA

NORTH CAROLINA

REGISTERED PROFESSIONAL ENGINEER

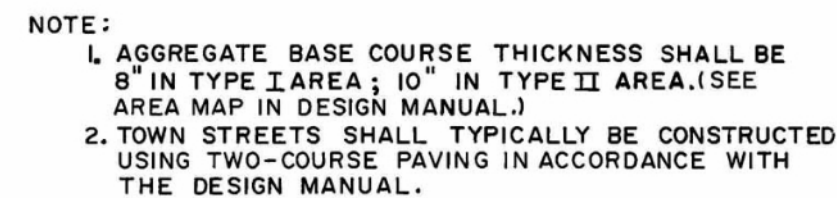
SEAL

16642

CHRISTOPHER P. ECKINS

09/15/2021

PROJECT NO:	---
DESIGN BY:	JPE
DRAWN BY:	JPE
SCALE:	1"=60'
DATE:	2020-10-29
SHEET NO:	DA2.2

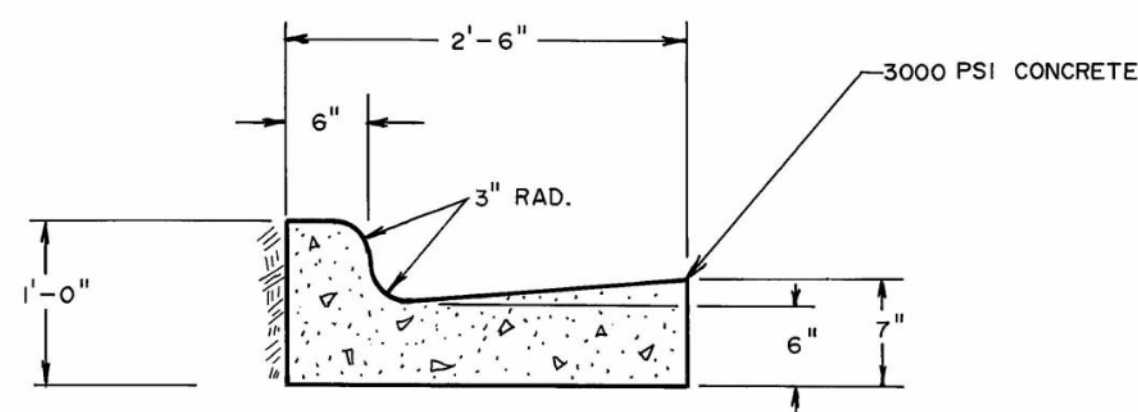


NO SCALE

TITLE: TYPICAL
PAVEMENT THICKNESS
FOR TYPE I AND TYPE II
CONSTRUCTION AREAS

REVISIONS		
NO	DATE	BY

DET.NO.
ST-IG
SH. 8 of 8

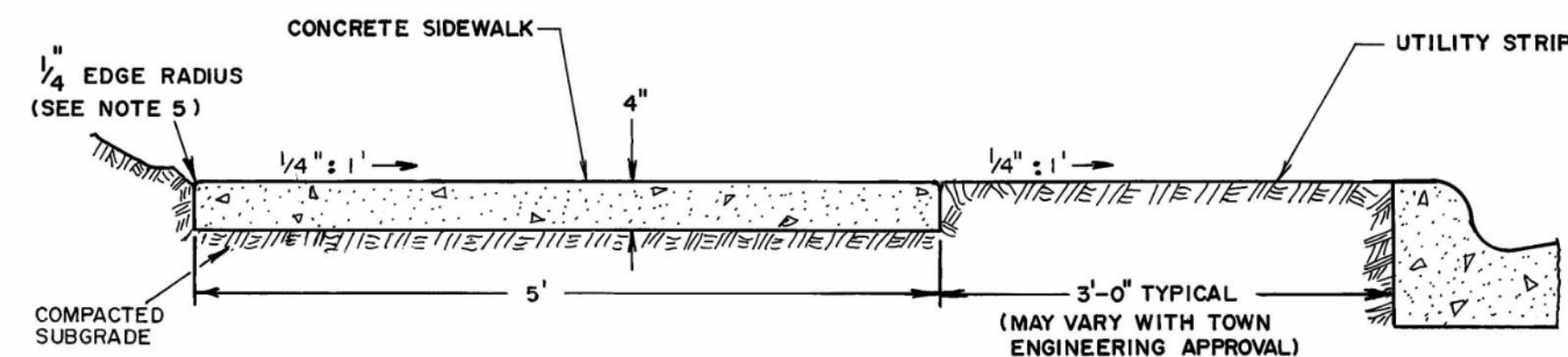


SCALE: 1" = 1'-0"

TITLE
CURB & GUTTER
SECTION

REVISIONS		
NO	DATE	BY

DET.NO.
ST-2



NOTES:

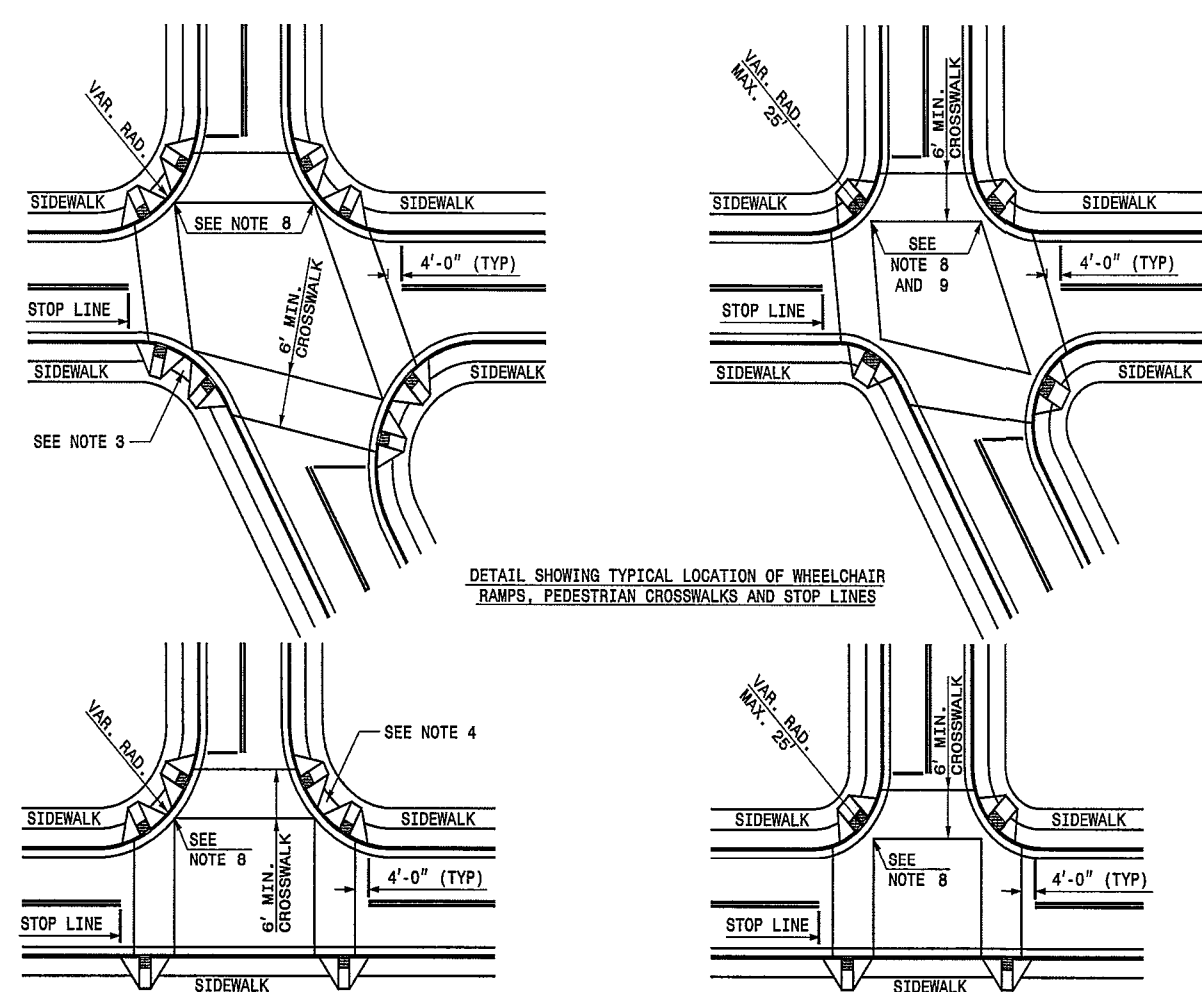
1. ALL CONCRETE 3000 PSI.
2. SEE STANDARD DETAIL "D-1" FOR THROUGH DRIVEWAY SPECIFICATIONS.
3. EXPANSION JOINTS 50' APART MAXIMUM.
4. CONTROL JOINT EVERY 5 FEET.
5. ALL SIDEWALKS SHALL BE CONSTRUCTED WITH TOOLED $\frac{1}{4}$ " EDGE RADIUS.
6. IF UTILITY STRIP IS COMPLETELY ELIMINATED, SIDEWALK SHALL BE PLACED DIRECTLY AT BACK-OF-CURB, WITH $\frac{1}{4}$ " EDGE RADIUS.

NO SCALE

TITLE
TYPICAL SIDEWALK

REVISIONS		
NO	DATE	BY

DET.NO
ST-4
SH 1 of 3



DETAIL SHOWING TYPICAL LOCATION OF WHEELCHAIR RAMPS,
PEDESTRIAN CROSSWALKS AND STOP LINES FOR TEE INTERSECTIONS

PROPOSED WHEELCHAIR RAMP

PROPOSED OR FUTURE SIDEWALK

ALLOWABLE LOCATIONS

DUAL RAMP RADII.....ANY
DIAGONAL RAMP RADII...MAX. 25'
(DIAGONAL RAMP IS NOT
PERMISSIBLE FOR NEW CONSTRUCTION)

TITLE:

REVISIONS

DET. NO.

ACCESSIBLE RAMP

09/03

JH

ST - 5.2

NOTE: DRAWING NOT TO SCALE
SOURCE: NCDOT STANDARD DRAWINGS



**STANDARD
ENGINEERING
DETAILS
DEPARTMENT**

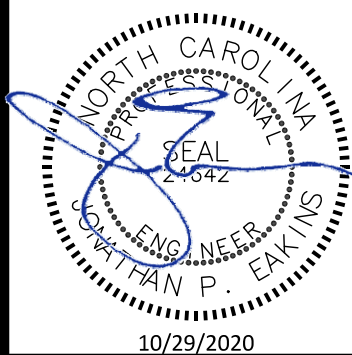


**STANDARD
ENGINEERING
DEPARTMENT**

CLIENT: SUMMINT HOSPITALITY GROUP, LLC
3141 JOHN HUMPHRIES WYND #200
RALEIGH, NC 27612

RESIDENCE INN HOTEL - SUMMIT PLACE TOWNHOMES
ZONING PLANS

CHAPEL HILL, NC



PROJECT NO

DESIGN BY:

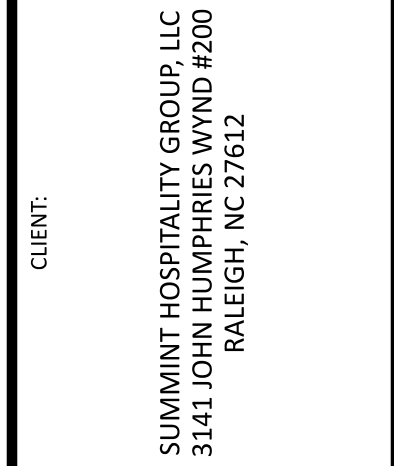
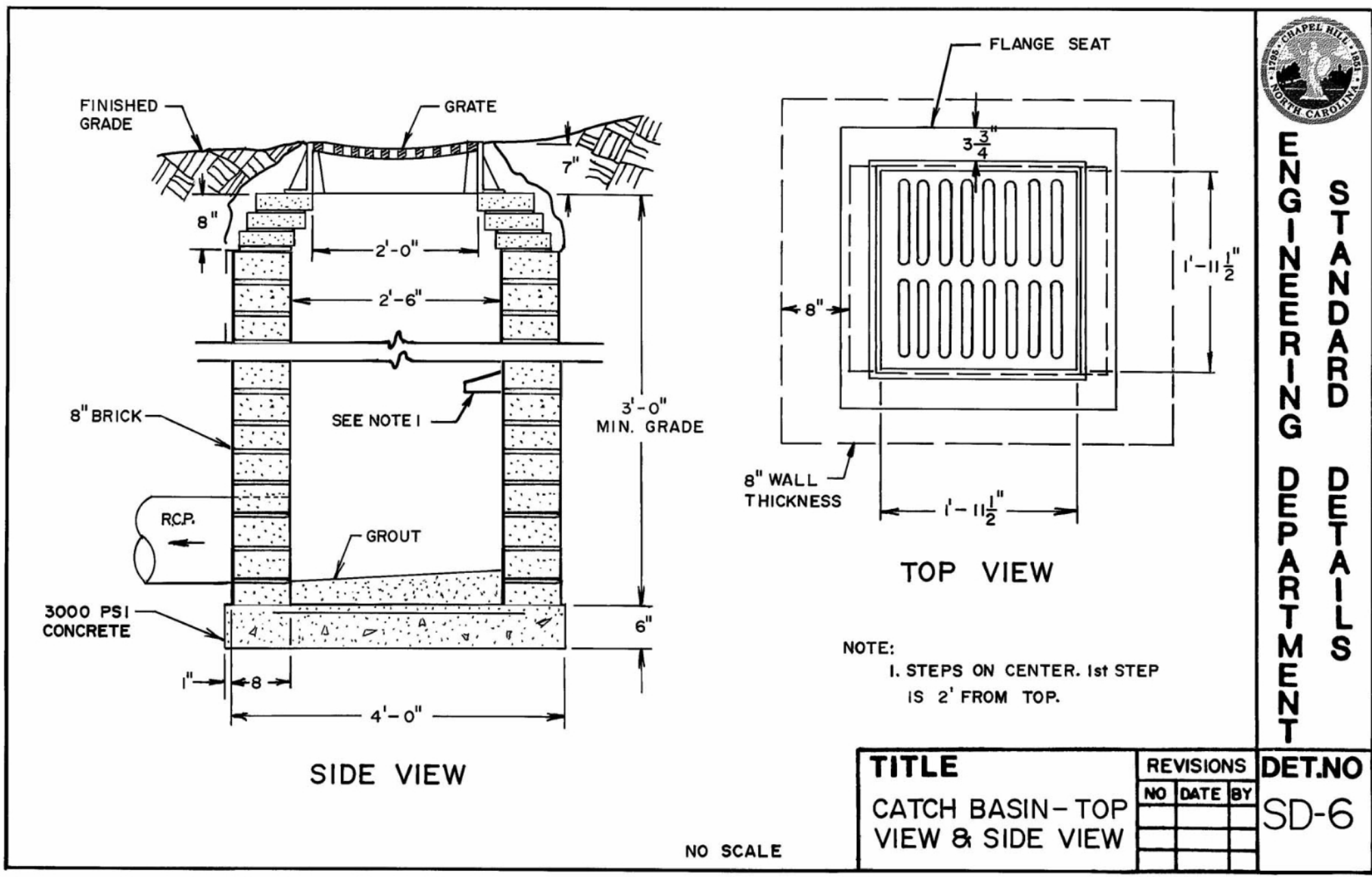
DRAWN BY:

SCALE:

DATE: _____

SHEET NO:

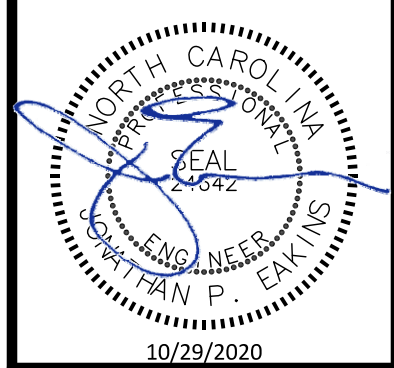
D1.1

[illegible]

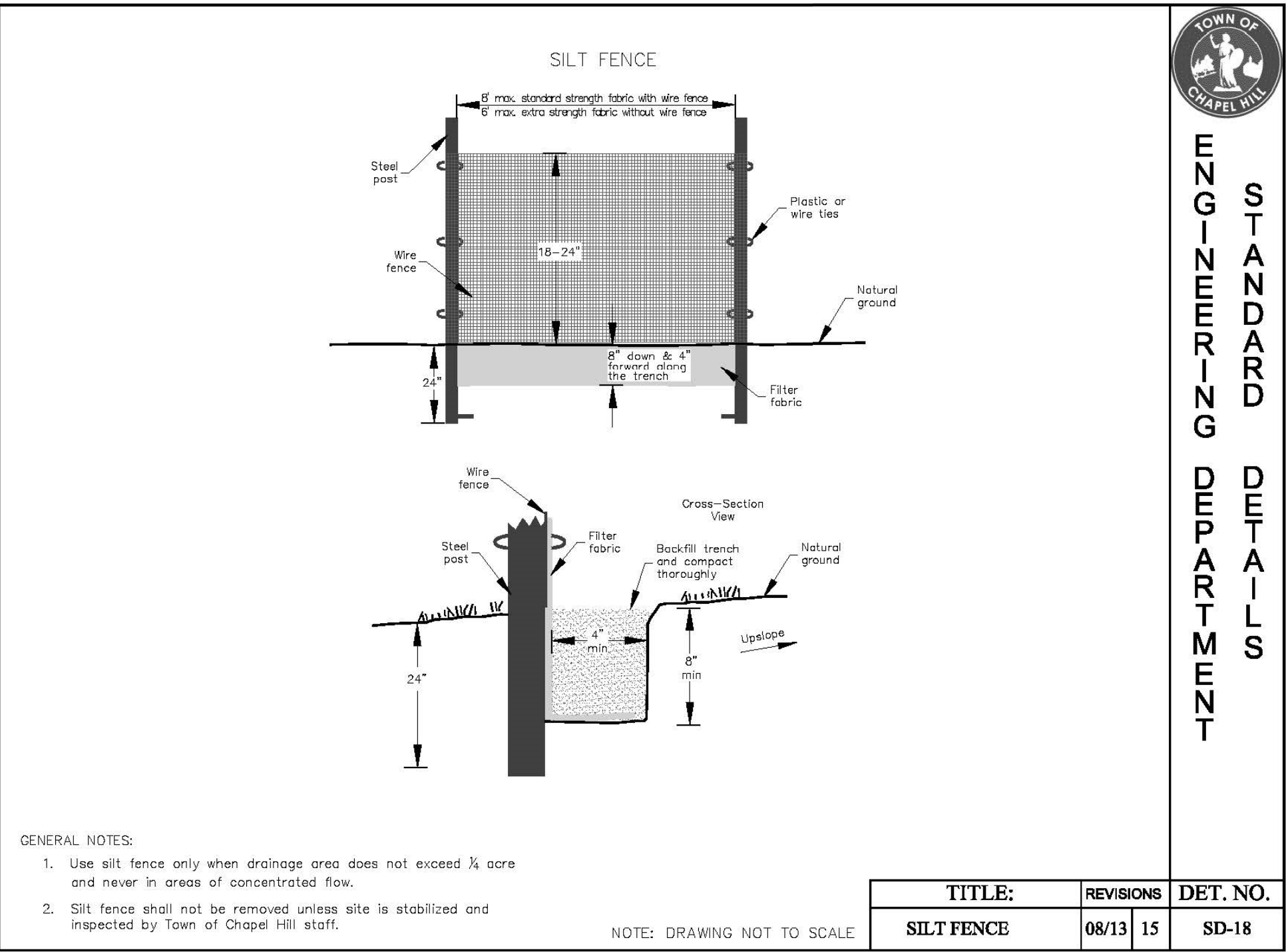
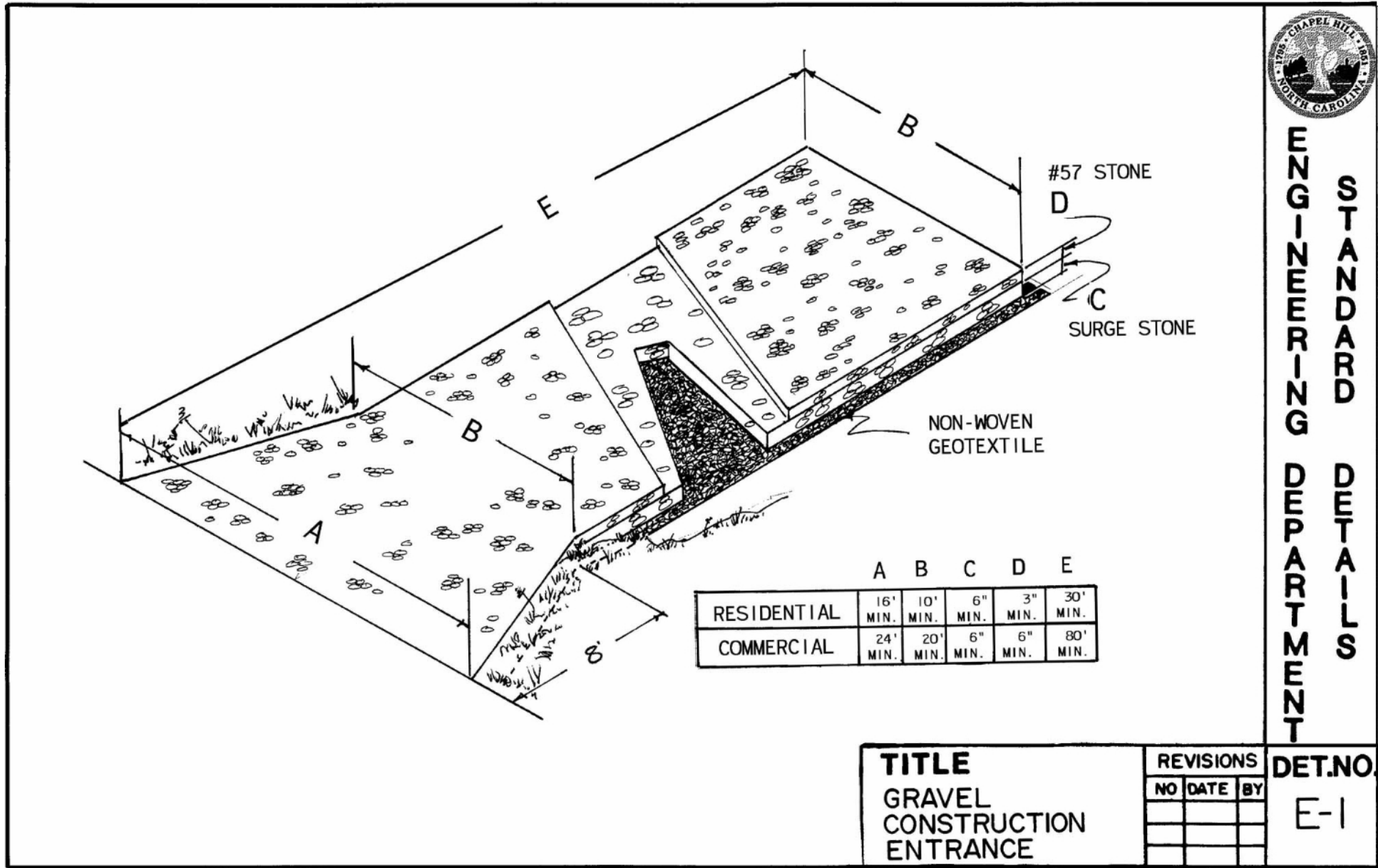
RESIDENCE INN HOTEL - SUMMIT PLACE TOWNHOMES
ZONING PLANS

CHAPEL HILL, NC

STORM DRAINAGE DETAILS

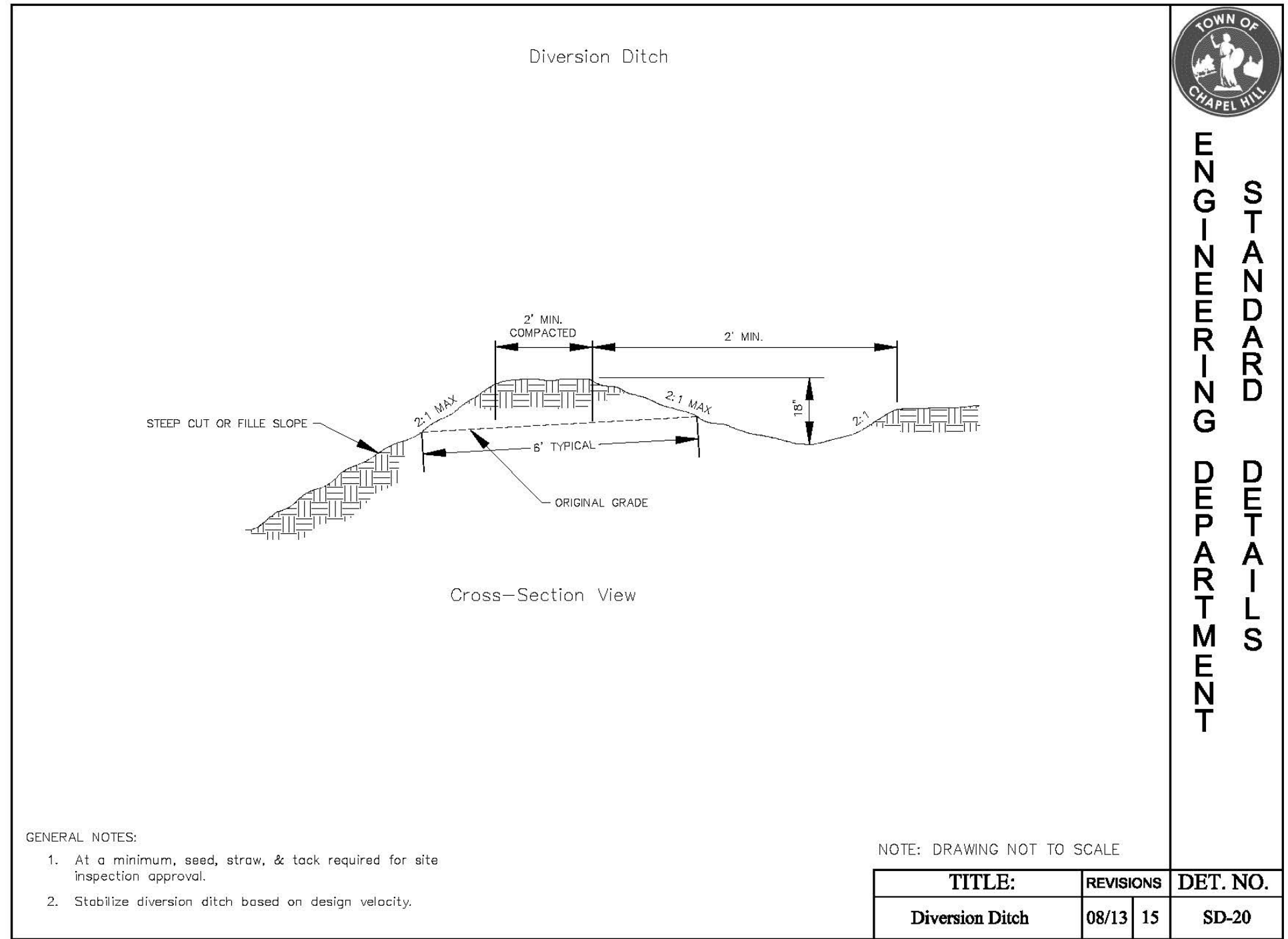
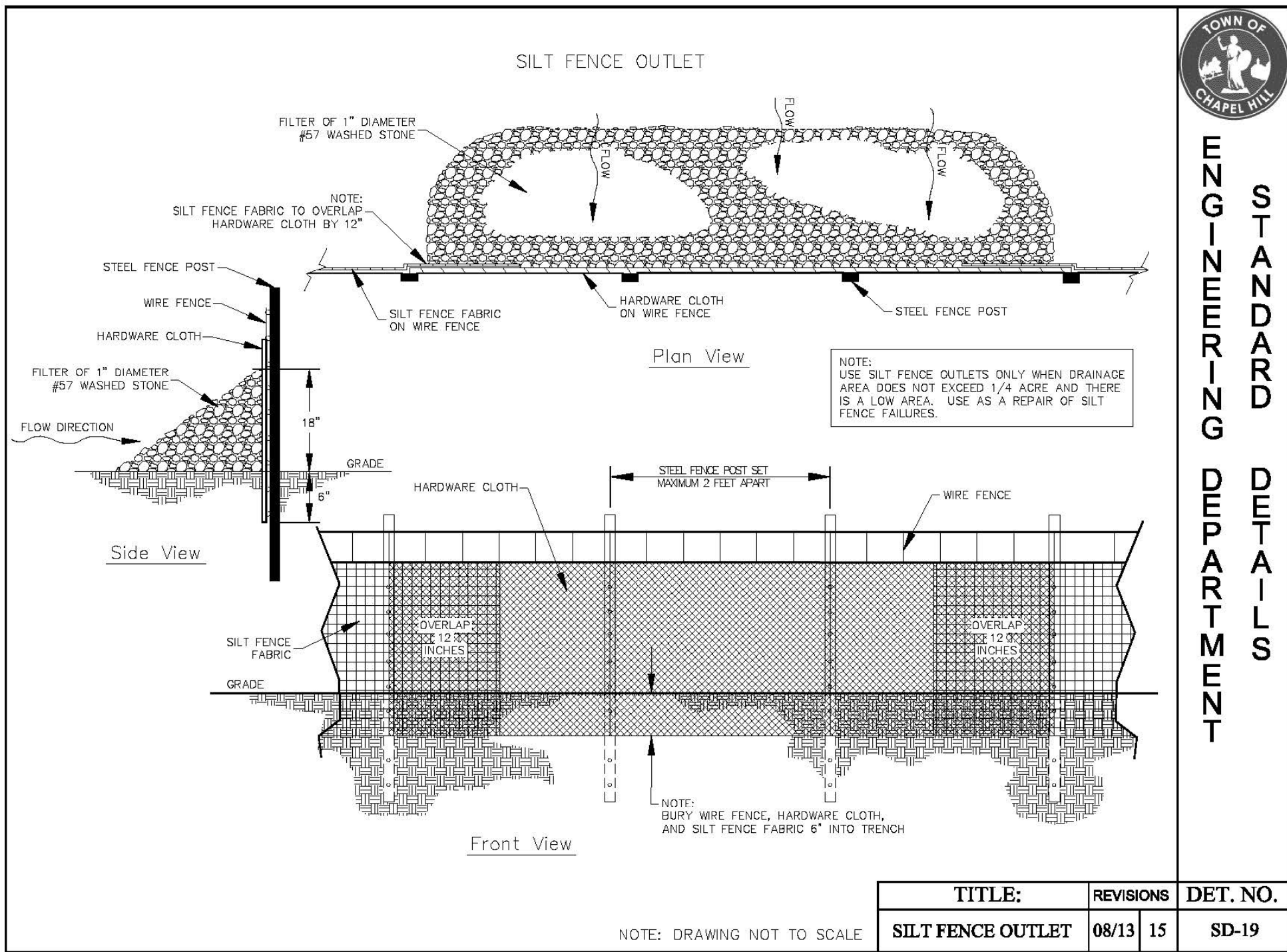


PROJECT NO:	---
DESIGN BY:	JPE
DRAWN BY:	JPE
SCALE:	NTS
DATE:	2020-10-29
SHEET NO:	D2.1



- GENERAL NOTES:
1. Use silt fence only when drainage area does not exceed $\frac{1}{4}$ acre and never in areas of concentrated flow.
 2. Silt fence shall not be removed unless site is stabilized and inspected by Town of Chapel Hill staff.

NOTE: DRAWING NOT TO SCALE



- GENERAL NOTES:
1. At a minimum, seed, straw, & tack required for site inspection approval.
 2. Stabilize diversion ditch based on design velocity.

NOTE: DRAWING NOT TO SCALE

2627 Meacham Road
Chapel Hill NC 27516

Ray Planning and Land
Development Consultants

The Nau Company
Consulting Civil Engineers
PO Box 810, Rolesville, NC 27571
919-435-6395
NCBELS License P-0751



SUMMIT HOSPITALITY GROUP, LLC
3141 JOHN HUMPHRIES WYND #200
3141 JOHN RALEIGH, NC 27612

REVISIONS	DATE	BY	DESCRIPTION

RESIDENCE INN HOTEL - SUMMIT PLACE TOWNHOMES
ZONING PLANS

CHapel Hill, NC

EROSION CONTROL DETAILS



PROJECT NO:	---
DESIGN BY:	JPE
DRAWN BY:	JPE
SCALE:	NTS
DATE:	2020-10-29
SHEET NO:	D3.1

D4.1

[Return to Table of Details](#)

City Planning and Land
Development Consultants

The Nau Company
Consulting Civil Engineers

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919-435-6395
NCBELS License P-0751

CLIENT: SUMMINT HOSPITALITY GROUP, LLC
3141 JOHN HUMPHRIES WYND #200
RALEIGH, NC 27612

RESIDENCE INN HOTEL - SUMMIT PLACE TOWNHOMES
ZONING PLANS

CHAPEL HILL, NC

OWASA SEWER DETAILS

PROJECT NO:

PROJECT NO:

DESIGN BY:

DRAWN BY:

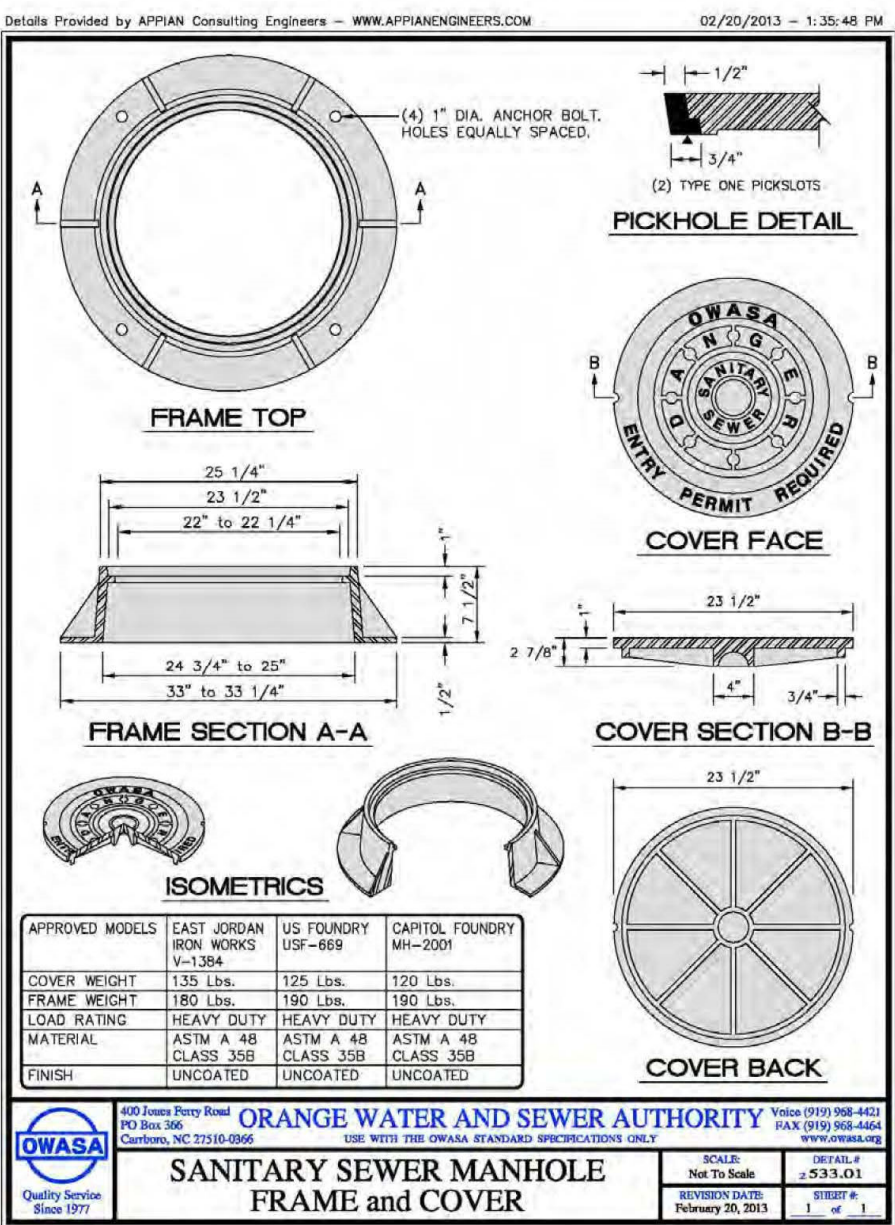
SCALE:

DATE: 20

SHEET NO:

D5.1

PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION



OWASA – Manual of Specifications, Standards and Design

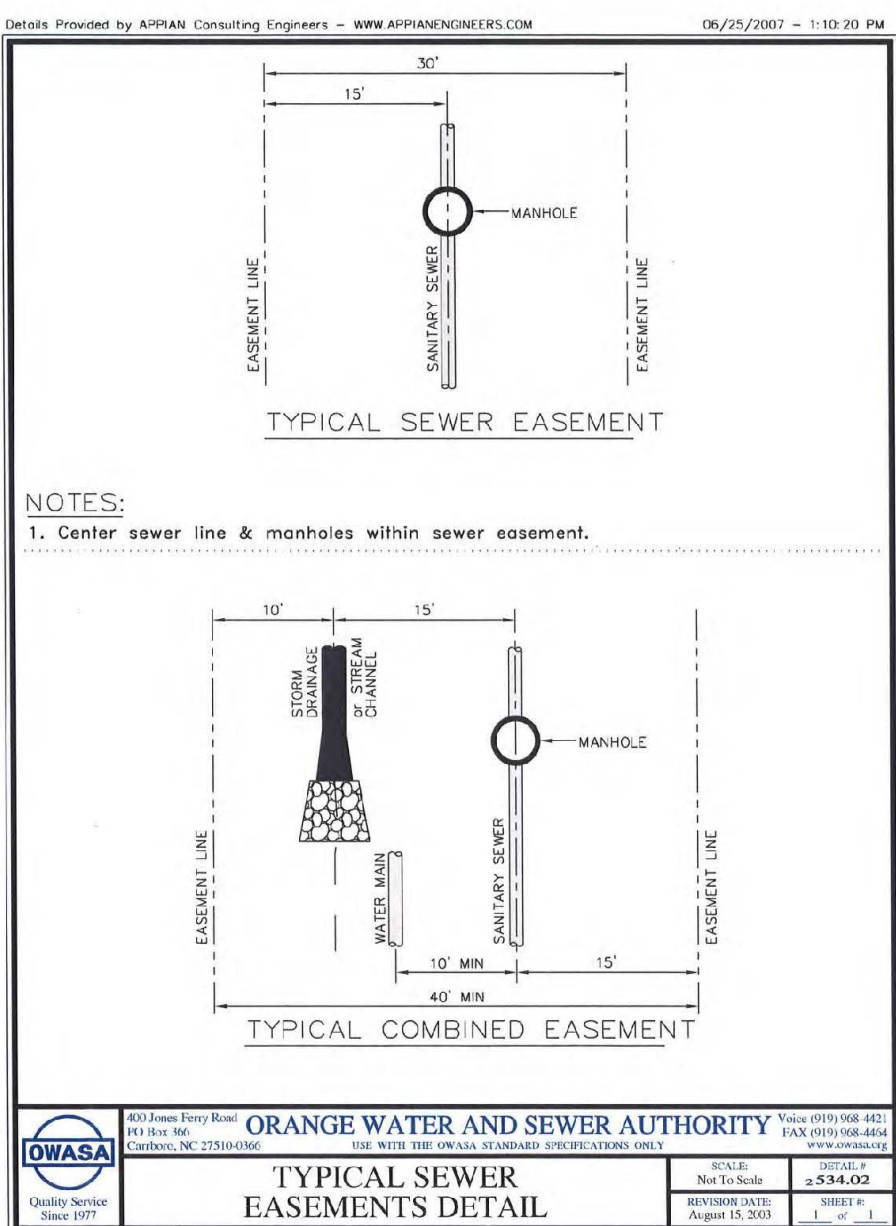
April 2015

OWASA – Manual of Specifications, Standards and Design

April 2015

OWASA – Manual of Specifications, Standards and Design

April 2015

[Return to Table of Details](#)[Return to Table of Details](#)

OWASA – Manual of Specifications, Standards and Design

April 2015

OWASA – Manual of Specifications, Standards and Design

April 2015



212
TOWN OF CHAPEL HILL

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

Item Overview

Item #: 9., **File #:** [21-0767], **Version:** 1

Meeting Date: 10/13/2021

Close the Legislative Hearing and Consider an Application for a Major Modification to the Development Agreement: Glen Lennox Height Modification.

See the Summary Report on the next page.

The Agenda will reflect the text below and/or the motion text will be used during the meeting.

PRESENTER: Anya Grahm, Senior Planner

- a. Without objection, the revised report and any other materials submitted at the hearing for consideration by the Council will be entered into the record
- b. Introduction and revised recommendation
- c. Presentation by the applicant
- d. Recommendation of the Planning Commission
- e. Comments from the public
- f. Comments and questions from the Mayor and Town Council
- g. Motion to adjourn the legislative hearing
- h. Motion to adopt the Resolution of Consistency with the Comprehensive Plan
- i. Motion to enact the Ordinance to approve the request.

RECOMMENDATION: That the Council adopt the Resolution of Consistency with the Comprehensive Plan and enact the ordinance approving the height modification.



CONSIDER AN APPLICATION FOR A MAJOR MODIFICATION TO THE DEVELOPMENT AGREEMENT– GLEN LENNOX HEIGHT MODIFICATION

SUMMARY REPORT

TOWN OF CHAPEL HILL PLANNING DEPARTMENT
Colleen Willger, Director
Judy Johnson, Assistant Director
Anya Grahn, Senior Planner

PROPERTY ADDRESS 1201 Raleigh Road	DATE October 13, 2021	APPLICANT Grubb Properties on behalf of Glen Lennox LLC
--	---------------------------------	---

TOWN MANAGER RECOMMENDATION

I have reviewed and discussed key issues with Town staff. Based on the information in the record to date, I believe the Council could make the findings required to approve the proposal, and therefore could approve Ordinance A.

UPDATES SINCE SEPTEMBER 22, 2021 HEARING

An additional public information meeting was held October 11, 2021 with notifications going to property owners as well as residents within 1,000 feet of the site.

STAFF RECOMMENDATION

That the Town Council continue the recessed hearing and receive comment on the proposed major modification to the Glen Lennox Development Agreement (GLDA). That the Council then close the legislative hearing and make a motion to approve the proposed major modification to the GLDA, by adopting the Resolution of Consistency, and enacting Ordinance A, approving the major modification request.

PROCESS

The applicant requests approval of a Major Modification to the [Glen Lennox Development Agreement \(GLDA\)](#)¹. Section 4.10 Amendment and Modification states that a major modification to the development agreement (DA) includes a change in maximum building height as illustrated on page 138 of the GLDA recorded with the Orange County Register of Deeds at Book 5883, Page 11. Grubb Properties presented a proposal for additional height during the Council work session on [March 17, 2021](#).²

Per the GLDA, in the event the Town Manager determines that a request to amend the GLDA is a Major Modification, the Town Manager shall require the filing of an application for approval of an amendment (see page 13 of the recorded GLDA).

In 2014, the Town entered into a development agreement with FCP Glen Lennox, LLC and Glen Lennox Shopping Center, LLC by Grubb Fund Management, LLC and by Grubb Management, Inc.. The purpose of the GLDA is to facilitate the development of the property in a way that best realizes the public benefits to the Town and the Developer Owners. The GLDA outlines the development review and approval process for site plans, urban design elements, land uses, and on- and off-site improvements. For more information, see the recorded [Glen Lennox Development Agreement](#).

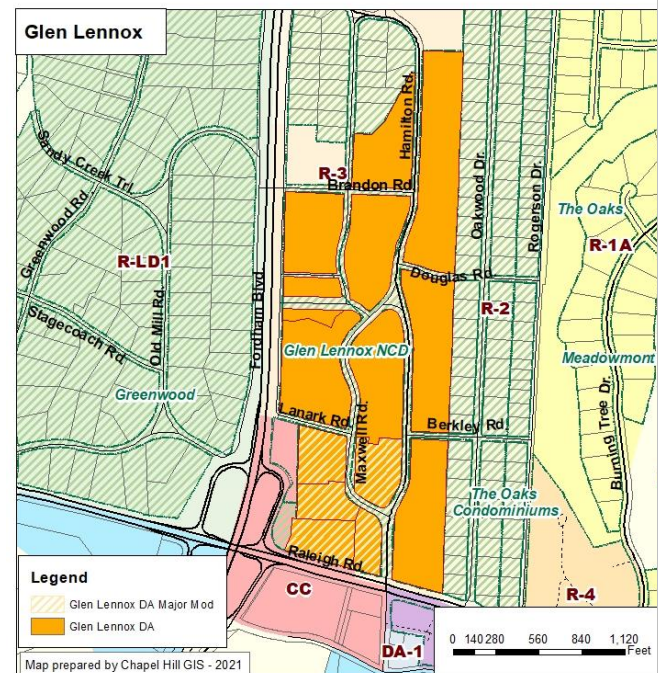
PROJECT OVERVIEW

The applicant proposes increasing building height. The proposal provides a transition in building height between Fordham Blvd. east to the Oakwood neighborhood and allows greater building height in the center of the development between NC 54 and Lanark Road. In response to the feedback received at the Public Information Meeting on September 2, 2021, the applicant is requesting additional building height in Blocks 4 and 9; Block 3 is no longer part of this request.

DECISION POINTS

The applicant requests a Major Modification to the Glen Lennox Development Agreement to allow additional building height for developments in Blocks 4 and 9.

PROJECT LOCATION



(This map is based on current property boundaries)

¹ <https://www.townofchapelhill.org/home/showpublisheddocument/36461/636360722320830000>

² <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=4853297&GUID=6A7C5DE7-B189-4AE5-BA81-77F3275AFC20>

ATTACHMENTS

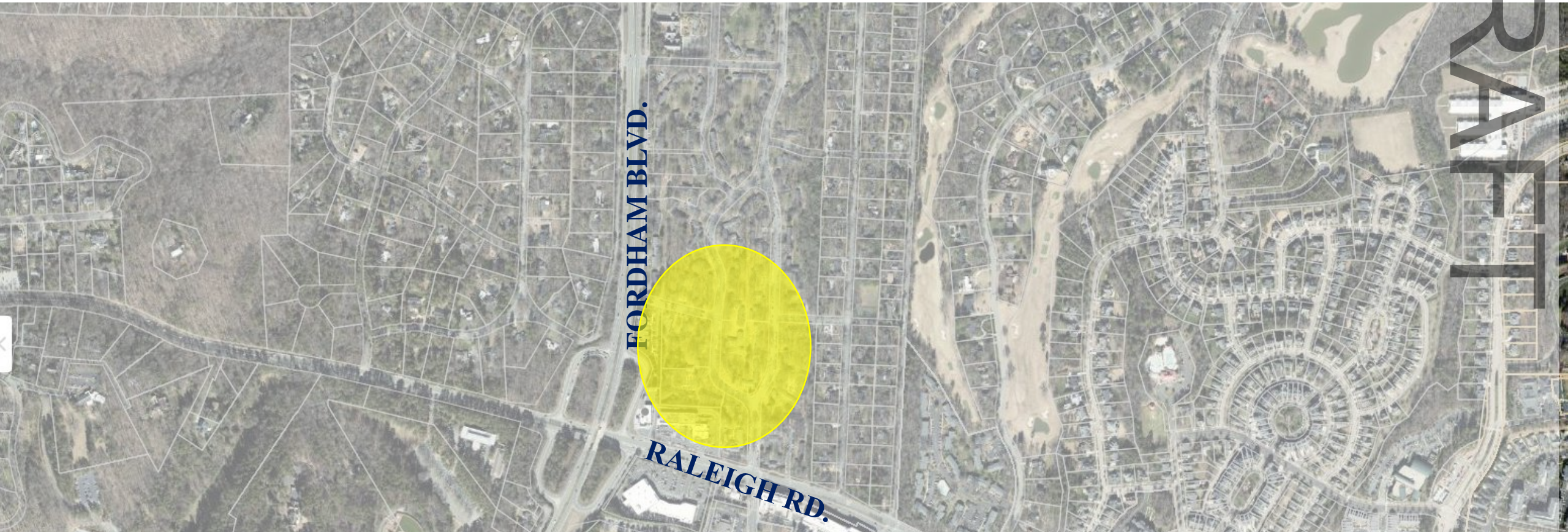
1. Draft Staff Presentation
2. Resolution A, Resolution of Consistency
3. Ordinance A approving the request
4. Resolution B, denying the request
5. Planning Commission Recommendation
6. Applicant Materials

TOWN COUNCIL

2021.10.13

Land Use Management Ordinance Text Amendment

Sections 4.4, 4.5, 4.6. and 4.8





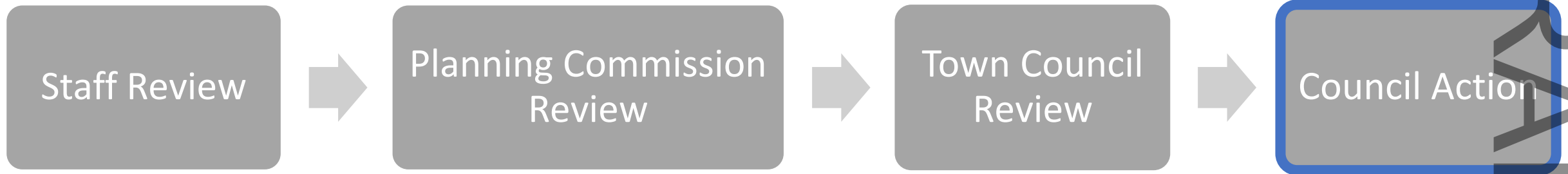
RECOMMENDATION

- ☐ Close the Public Hearing
- ☐ Adopt the Resolution of Consistency
- ☐ Enact Ordinance A, approving the Major Modification to the Glen Lennox Development Agreement





PROCESS

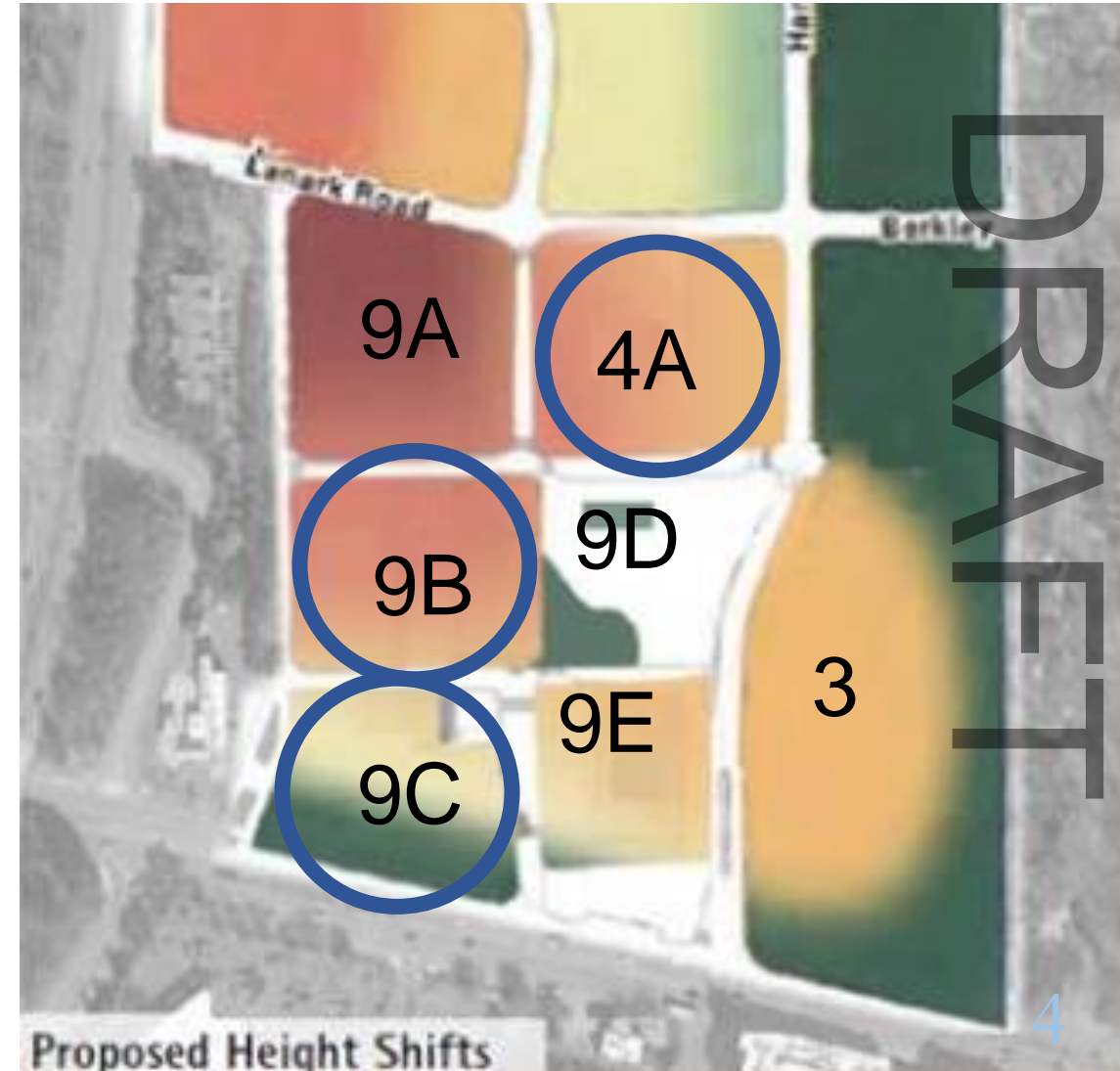


DRAFT



Project Summary

Height Modification Request			
Block	Stories		
	Current Req	Added	Total
4	5	+1	6
9B	4	+2	6
9C	4	+1	5





Background

2014 Recorded Glen Lennox Development Agreement

- Outlined the required allowable heights
- Taller buildings located near highway interchange
- Lower heights approaching Oakwood neighborhood

Maximum Allowable Height

	2 Stories
	3 Stories
	4 Stories
	5 Stories
	6 Stories
	8 Stories



Development Agreement (2014 LUMO)

DRAFT



Background

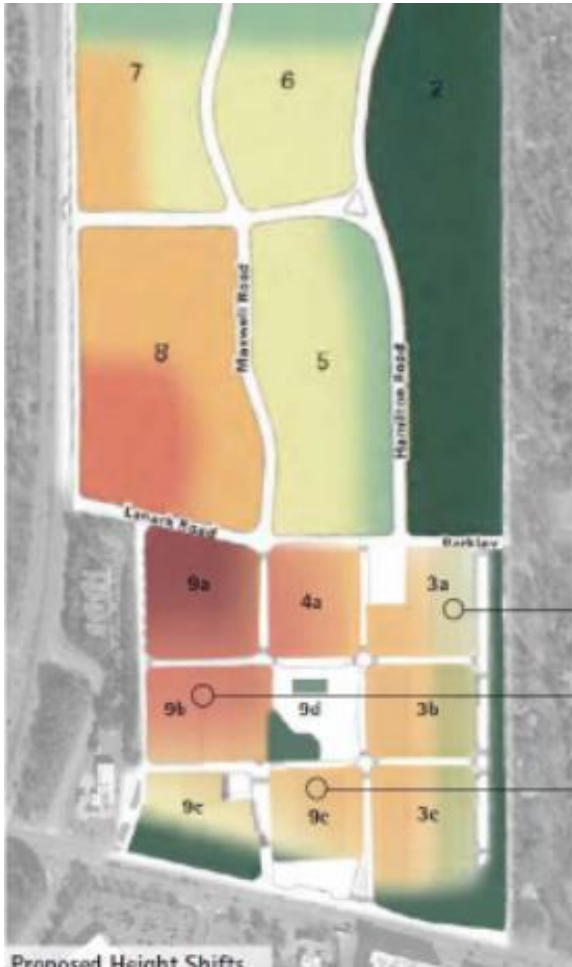
March 17, 2021, Town Council Work Session:

- Support for placemaking
- Provide updated traffic studies as uses change and road networks
- Maintain the green feeling of the neighborhood
- Understand how increased height impacted the number of units and floor area

DRAFT



Background



September 2, 2021 PIM:

- Concerns for increased height adjacent to Oakwood neighborhood

September 7, 2021 Planning Commission Meeting

- More greenspace
- Less parking spaces

Applicant eliminated request for additional height on Block 3

DRAFT



September 22, 2021 Public Hearing

- Interest in more opportunities for public comment
- October 11, 2021 Public Information Meeting
- In favor of more green space and less car dependency

DRAFT



RECOMMENDATION

- ☐ Close the Public Hearing
- ☐ Adopt the Resolution of Consistency
- ☐ Enact Ordinance A, approving the Major Modification to the Glen Lennox Development Agreement



RESOLUTION A
Resolution of Consistency

A RESOLUTION REGARDING THE APPLICATION FOR A MAJOR MODIFICATION TO THE GLEN LENNOX DEVELOPMENT AGREEMENT RELATED TO ADDITIONAL BUILDING HEIGHT AND CONSISTENCY WITH THE COMPREHENSIVE PLAN (2021-10-13/R-13)

WHEREAS, in 2014, the Town entered into a development agreement with Glen Lennox, LLC and Glen Lennox Shopping Center, LLC to facilitate the development of the property in a way that best realizes the public benefits to the Town and the Developer Owners; and

WHEREAS, the Glen Lennox Development Agreement outlines the development review and approval process for site plans, urban design elements, land uses, and on- and off-site improvements; and

WHEREAS, the Town of Chapel Hill has received a request from Grubb Properties on behalf of Glen Lennox, LLC, for a Major Modification to the 2014 Glen Lennox Development Agreement; and

WHEREAS, on July 9, 2021, the Town of Chapel Hill received a request from Grubb Properties on behalf of Glen Lennox, LLC, for a Major Modification to the 2014 Glen Lennox Development Agreement. The proposal requested additional height within Blocks 3, 4 and 9 and identified as Orange County Parcel Identifier Numbers 9798-35-1887, 9798-25-5743, 9798-25-8721, 9798-26-5134, and 9798-26-8189 in order to create a transition in building height between Fordham Blvd. east to the Oakwood neighborhood and allows greater building height in the center of the development between NC 54 and Lanark Road; and

WHEREAS, the Chapel Hill Planning Department held a public information meeting with the applicant on September 2, 2021, and heard public concern for the additional height proposed on Block 3; and

WHEREAS, the Planning Commission reviewed the application on September 7, 2021 and recommended that the Council enact the major modification to the Glen Lennox Development Agreement to allow additional height on Blocks 3, 4, and 9; and

WHEREAS, Grubb Properties withdrew their request for additional building on Block 3 in response to the feedback they received from community members; and

WHEREAS, the Council of the Town of Chapel Hill has considered the application for the major modification to the Glen Lennox Development Agreement and finds that the amendment if enacted, is reasonable and in the public's interest and is warranted to achieve the purposes of the Comprehensive Plan, as explained by, but not limited to, the following goals of the Comprehensive Plan:

- Family-friendly, accessible exterior and interior places throughout the town for a variety of active uses (*Goal: A Place for Everyone.1*)
- A range of housing options for current and future residents (*Goal: A Place for Everyone.3*)
- Promote a safe, vibrant, and connected (physical and person) community (*Goal: Community Prosperity and Engagement.3*)

- A well-conceived and planned, carefully thought out, integrated, and balanced transportation system that recognizes the importance of automobiles but encourages and facilitates the growth and use of other means of transportation such as bicycle, pedestrian, and public transportation options (*Goal: Getting Around.1*)
- A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (*Goal: Getting Around.2*)
- Made an adaptable transportation system to support both dense and suburban development(*Goal: Getting Around.4*)
- A range of neighborhood types that addresses residential, commercial, social, and cultural needs and uses while building and evolving Chapel Hill's character for residents, visitors, and students (*Goal: Good Places, New Spaces.5*)
- Future land use, form, and density that strengthen the community, social equity, economic prosperity, and natural environment. (*Goal: Good Places, New Spaces.8*)
- Support the Parks and Recreation Master Plan and the Greenways Master Plan to provide recreation opportunities and ensure safe pedestrian and bicycle connections (*Goal: Nurturing Our Community.4*)
- Protect neighborhoods from the impact of development such as stormwater runoff, light and noise pollution, and traffic (*Goal: Nurturing Our Community.8*)
- Housing for students that is safe, sound, affordable, and accessible and meets a demonstrated need conducive to educational and maturational needs of students, and housing for Town, University, and the Health Care System employees that encourages them to reside in the community (*Goal: Town and Gown Collaboration.4*)
- Promote access for all residents to health-care centers, public services, and active lifestyle opportunities (*Goal: Town and Gown Collaboration.6*)

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds the proposed major modification to the Glen Lennox Development Agreement to be reasonable and consistent with the Town Comprehensive Plan.

This the 13th day of October, 2021.

Ordinance A
(Approving the Request)

AN ORDINANCE APPROVING AN APPLICATION FOR A MAJOR MODIFICATION TO THE GLEN LENNOX DEVELOPMENT AGREEMENT (2021-10-13/O-3)

WHEREAS, in 2014, the Town entered into a development agreement with Glen Lennox, LLC and Glen Lennox Shopping Center, LLC to facilitate the development of the property in a way that best realizes the public benefits to the Town and the Developer Owners; and

WHEREAS, the Glen Lennox Development Agreement outlines the development review and approval process for site plans, urban design elements, land uses, and on- and off-site improvements; and

WHEREAS, on July 9, 2021, the Town of Chapel Hill received a request from Grubb Properties on behalf of Glen Lennox, LLC, for a Major Modification to the 2014 Glen Lennox Development Agreement. The proposal requested additional height within Blocks 4 and 9 and identified as Orange County Parcel Identifier Numbers 9798-35-1887, 9798-25-5743, 9798-25-8721, 9798-26-5134, and 9798-26-8189 in order to create a transition in building height between Fordham Blvd. east to the Oakwood neighborhood and allows greater building height in the center of the development between NC 54 and Lanark Road.; and

WHEREAS, the Chapel Hill Planning Department held a public information meeting (PIM) on September 2, 2021, and heard concerns about the additional height proposed on Block 3; and

WHEREAS, the Planning Commission reviewed the application on September 7, 2021 and recommended that the Council enact the major modification to the Glen Lennox Development Agreement to allow additional height on Blocks 3, 4, and 9; and

WHEREAS, Grubb Properties withdrew their request for additional building on Block 3 in response to the feedback they received from community members; and

WHEREAS, the Council of the Town of Chapel Hill has considered the proposed major modification to the Development Agreement to allow additional heights within Blocks 4 and 9 and identified as Orange County Parcel Identification Numbers as Orange County Parcel Identifier Numbers 9798-25-5743, 9798-25-8721, 9798-26-5134, and 9798-26-8189. The Council finds that the modification, if granted, is reasonable and in the public's interest and is warranted, to achieve the purposes of the Chapel Hill 2020 Comprehensive Plan.

Section I

BE IT ORDAINED by the Council of the Town of Chapel Hill that the following conditions are hereby incorporated by reference.

1. Increased Building Height: The major modification to the Glen Lennox Development Agreement authorizes the following as an amendment to the "Height Plan" on page 138 of the recorded Glen Lennox Development Agreement:

Height Modification		
Block	Stories	
	Added	Total
4	+1	6
9B	+2	6
9C	+1	5

Section II

2. Recording Major Modification: Prior to issuance of any future Development Agreement Compliance Permit (DACP) for development on Lots 4, 9B, or 9C, the developer shall record this agreement with the Orange County Register of Deeds.

BE IT FURTHER ORDAINED that the Council hereby approves the application for a major modification to the Glen Lennox Development Agreement for additional building height.

This the 13th day of October, 2021.

**RESOLUTION B
(Denying the Request)**

**A RESOLUTION DENYING AN APPLICATION FOR A MAJOR MODIFICATION TO THE
GLEN LENNOX DEVELOPMENT AGREEMENT (2021-10-13/R-14)**

WHEREAS, in 2014, the Town entered into a development agreement with Glen Lennox, LLC and Glen Lennox Shopping Center, LLC to facilitate the development of the property in a way that best realizes the public benefits to the Town and the Developer Owners; and

WHEREAS, the Glen Lennox Development Agreement outlines the development review and approval process for site plans, urban design elements, land uses, and on- and off-site improvements; and

WHEREAS, on July 9, 2021, the Town of Chapel Hill received a request from Grubb Properties on behalf of Glen Lennox, LLC, for a Major Modification to the 2014 Glen Lennox Development Agreement. The proposal requested additional height within Blocks 4 and 9 and identified as Orange County Parcel Identifier Numbers 9798-35-1887, 9798-25-5743, 9798-25-8721, 9798-26-5134, and 9798-26-8189 in order to create a transition in building height between Fordham Blvd. east to the Oakwood neighborhood and allows greater building height in the center of the development between NC 54 and Lanark Road; and

WHEREAS, the Chapel Hill Planning Department held a public information meeting (PIM) on September 2, 2021, and heard concerns about the additional height proposed on Block 3; and

WHEREAS, the Planning Commission reviewed the application on September 7, 2021 and recommended that the Council enact the major modification to the Glen Lennox Development Agreement to allow additional height on Blocks 3, 4, and 9; and

WHEREAS, Grubb Properties withdrew their request for additional building on Block 3 in response to the feedback they received from community members; and

WHEREAS [Reasons for denial]

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby denies the major modification to the Glen Lennox Development Agreement for additional building height.

This the 13th day of October, 2021.

PLANNING COMMISSION

The charge of the Planning Commission is to assist the Council in achieving the Town's Comprehensive Plan for orderly growth and development by analyzing, evaluating, and recommending responsible town policies, ordinances, and planning standards that manage land use and involving the community in long-range planning.

RECOMMENDATION FOR A MAJOR MODIFICATION TO THE DEVELOPMENT AGREEMENT- GLEN LENNOX HEIGHT MODIFICATION

September 7, 2021

Recommendation: Approval ☐ Approval with Conditions ☒ Denial ☐

Motion: Neal Bench moved and John Rees seconded a motion to recommend that the Council adopt Resolution A (Resolution of Consistency).

Vote: 7 – 1

Yeas: Michael Everhart (Chair), James Baxter (Vice-Chair), Neal Bench, Elizabeth Losos, John Rees, Louie Rivers, Stephen Whitlow

Nays: Jon Mitchell

Special Considerations:

- That the Council and developer continue to look at opportunities for additional greenspace as a community amenity and for reducing the number of parking spaces.

Reasons for Nay Votes:

- Interest in knowing why the current building heights were set as part of the original Development Agreement before approving a motion to modify the height limits.

Prepared by: Anya Grahn, Senior Planner

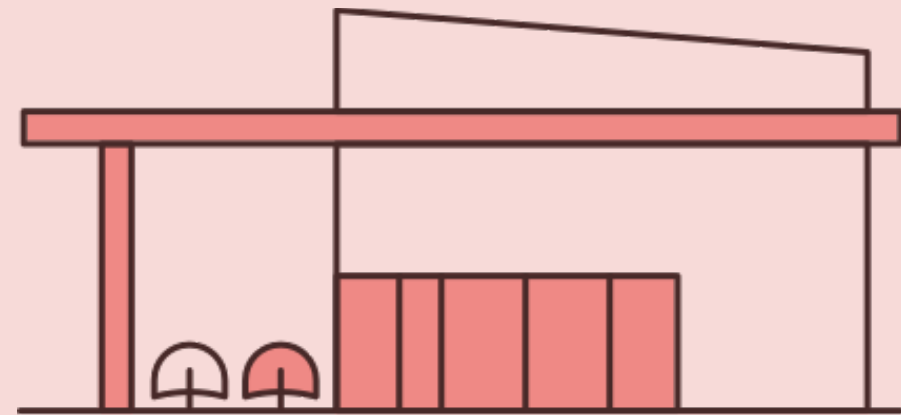


HELLO

GLEN LENNOX



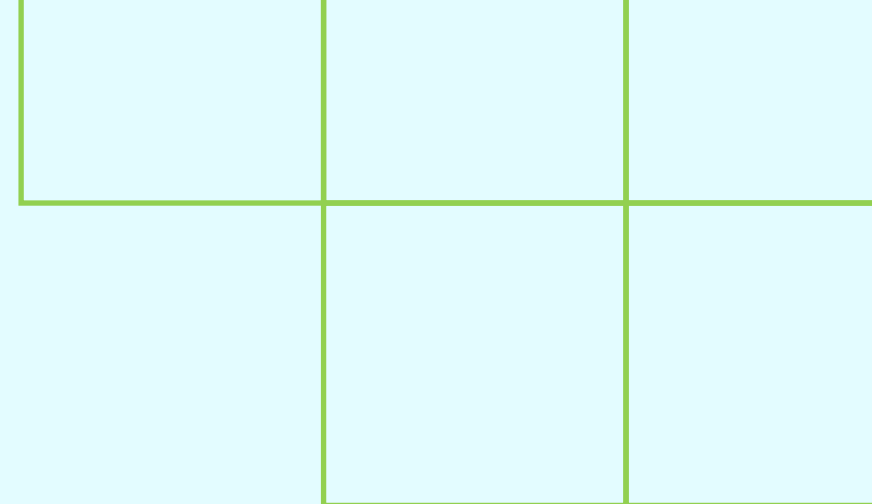
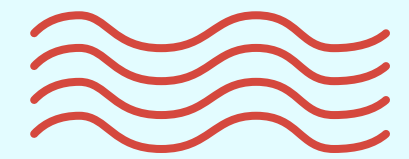
An Enduring Vision



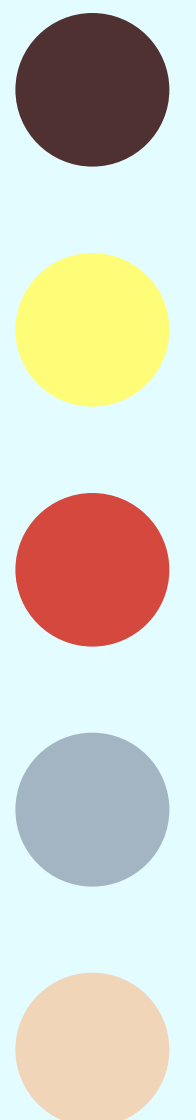
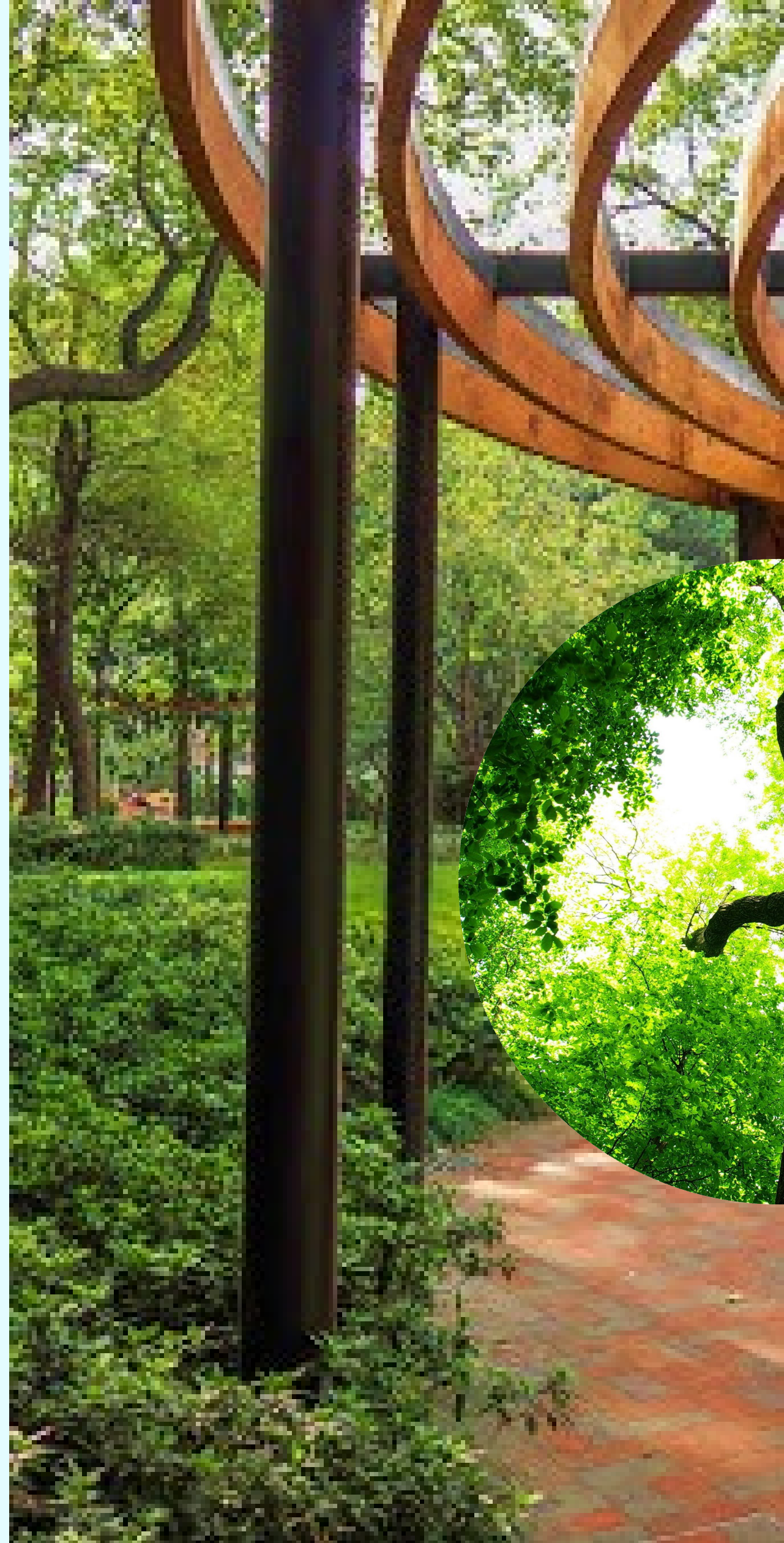
We are Community Builders

Setting out to build a
neighborhood that is
nostalgic yet forward-thinking





We believe design focused
on vibrant outdoor
gathering spaces will allow
us to embrace and
emphasize what
makes Glen Lennox special





Character • Culture • Community



Natural beauty

Celebrate the splendour of Glen Lennox and the surrounding Chapel Hill community



Walkable and bikeable

Link eastward past Meadowmont and westward to Chapel Hill's Downtown and UNC



Shared Heritage

Continue our tradition of a collegial and aspiring atmosphere

Delivered with Care



The first phase of Glen Lennox delivered over the last year including 215 units of residential, 107,000 sf of office and a 3,000 sf café slated to open in Q3. These buildings are reflective of the quality Grubb brings to every community.

234

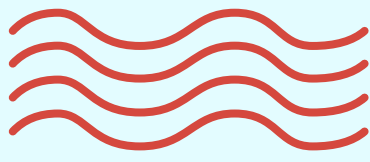
234

GLEN LENNOX MASTER PLAN

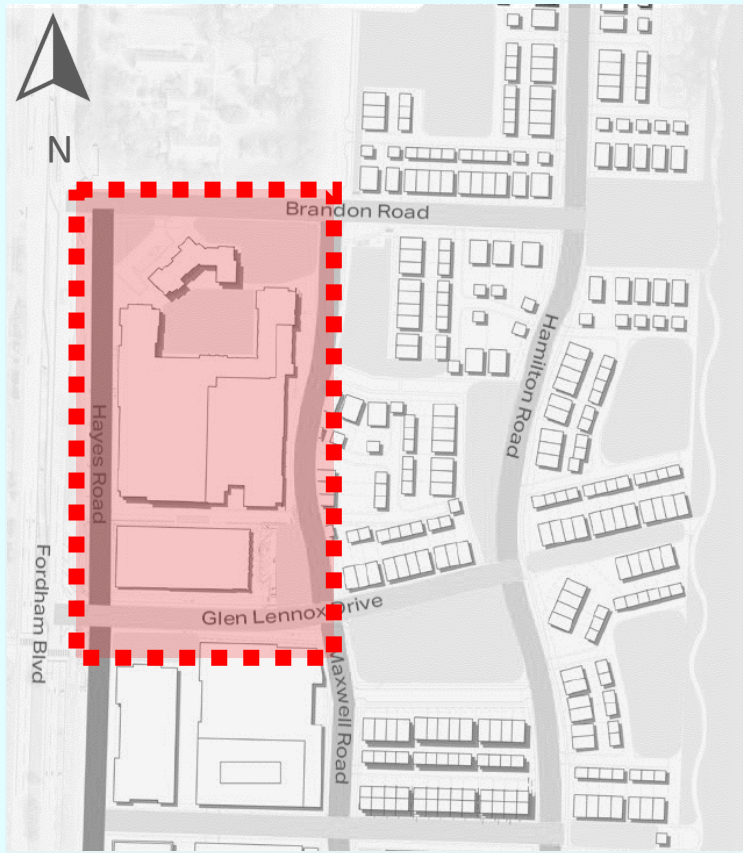
Phase 1

The Gwendolyn
Delivered Q2 2021

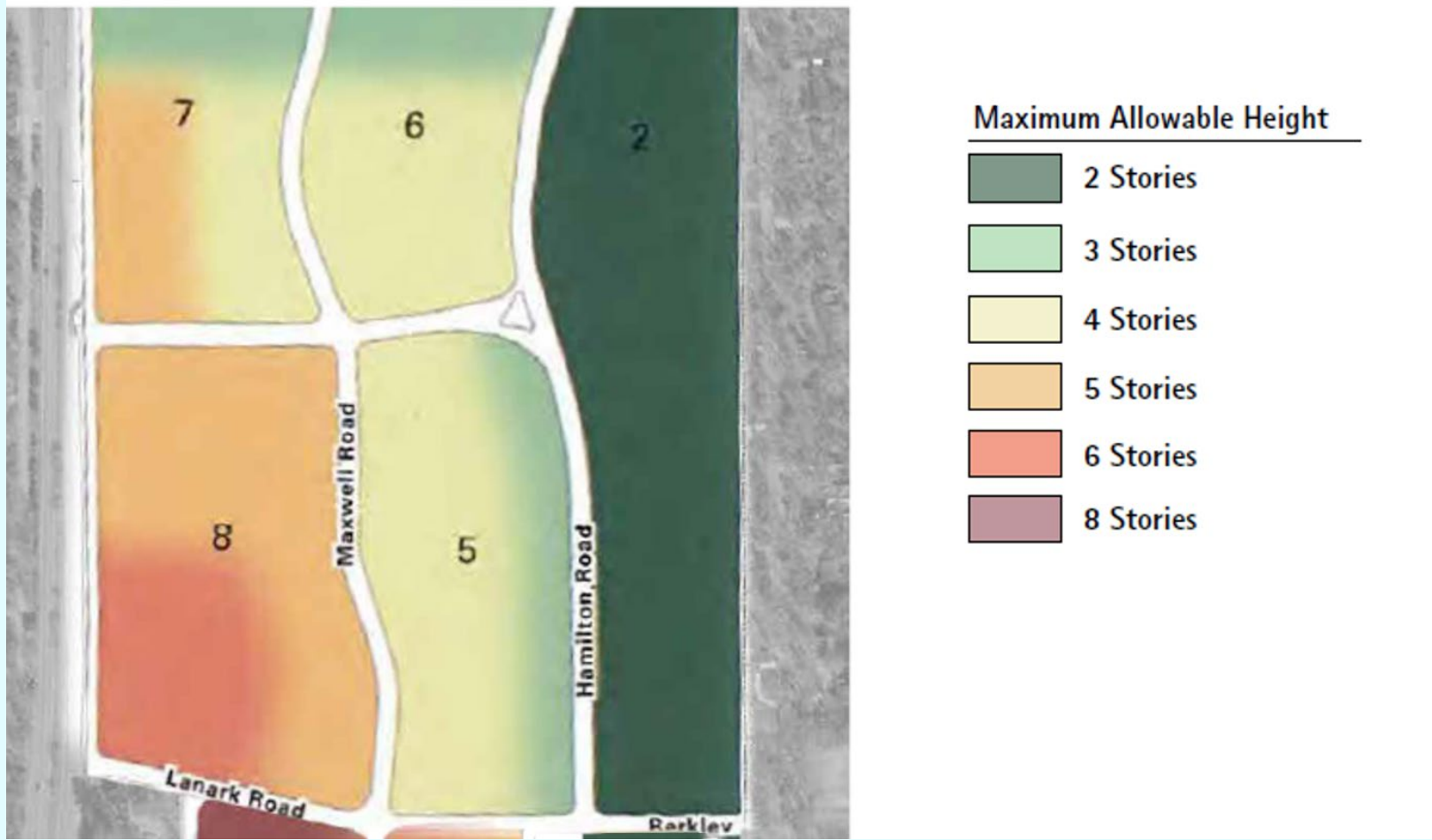




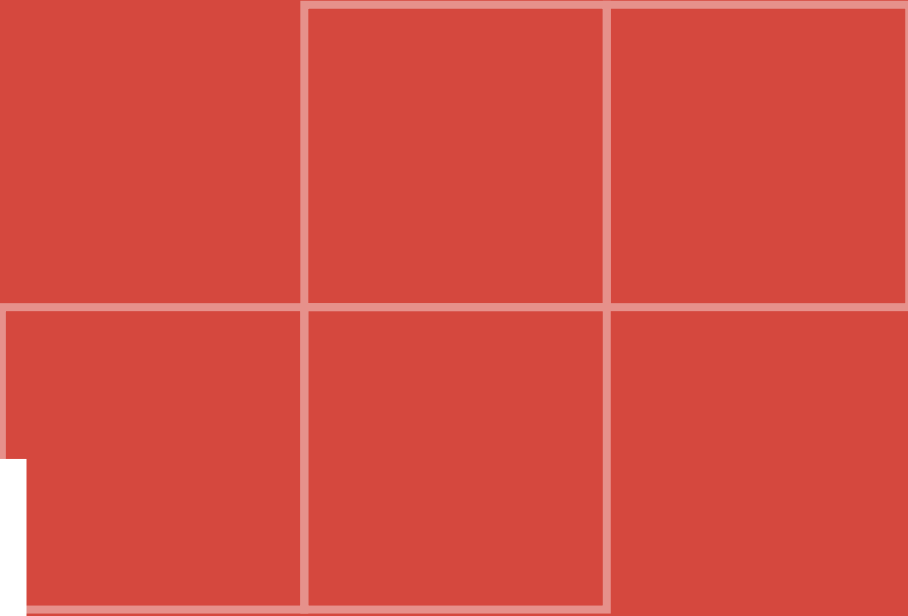
DELIVERED WITH
CARE OF PLACE



Phase I	Height Allowance Summary			
	Block	STORIES		Δ
		DA	Built	
	7 - Gwendolyn	5	4	-1
	7 - Linden	5	5	0



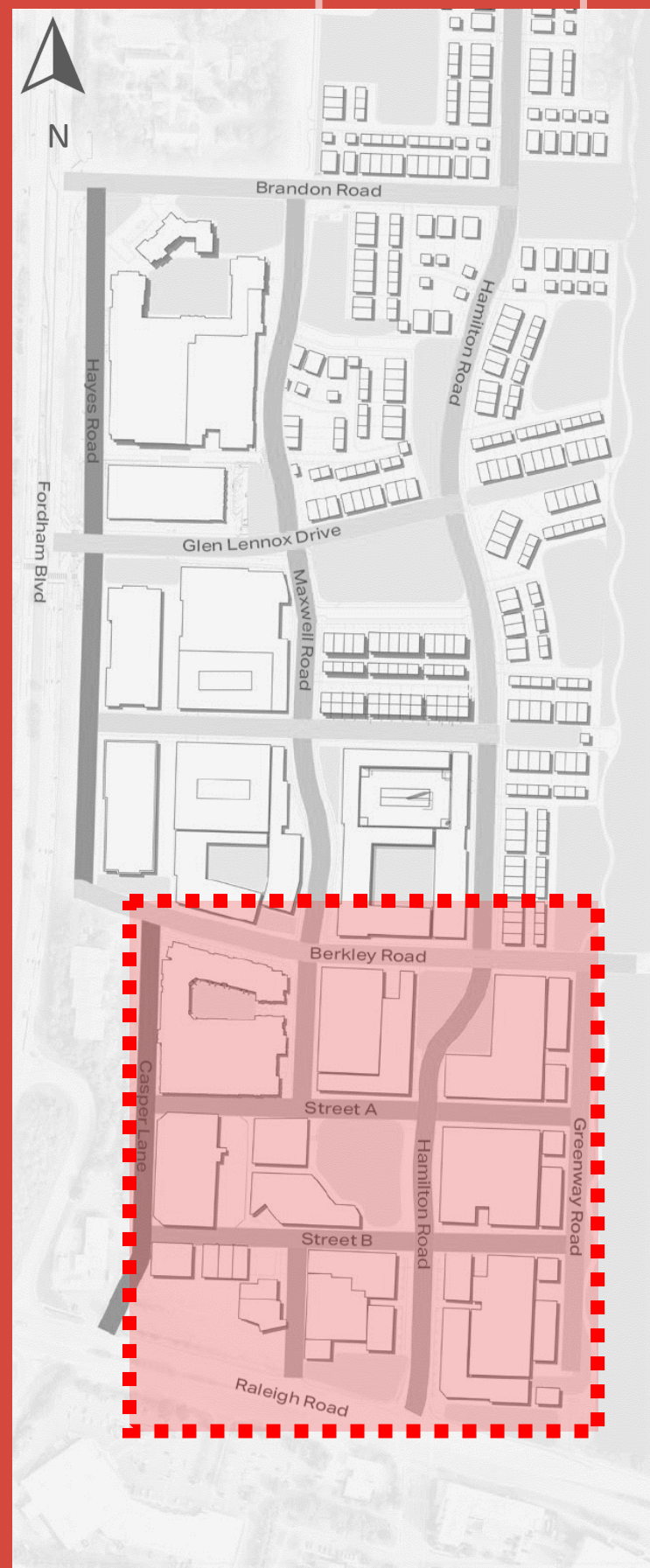
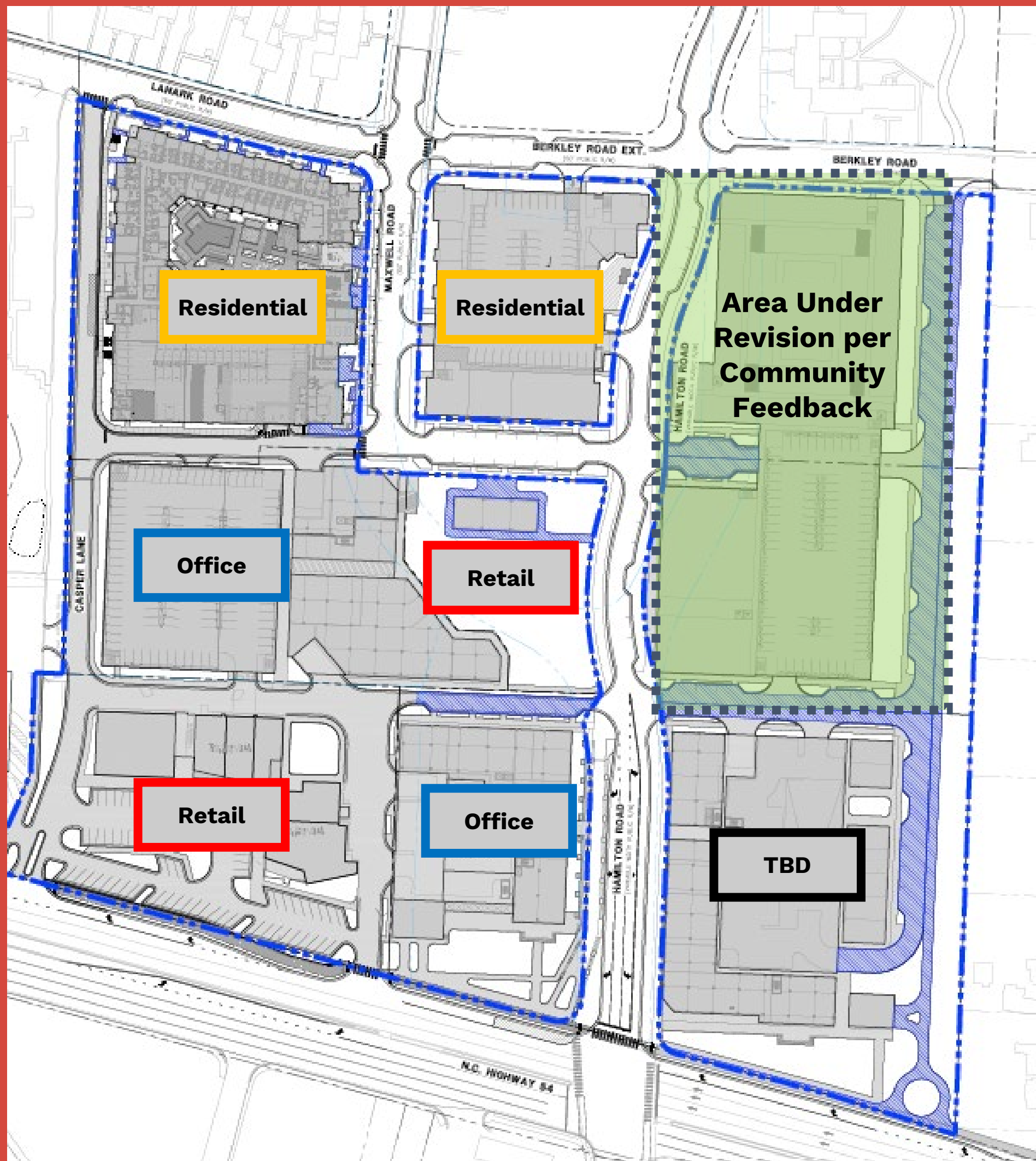
The 4-Story Gwendolyn office building was constructed 1-story below the height limit, while only the 5-story parking deck of Link Apartments® Linden met the full height limit.



Phase 1



Phase 2

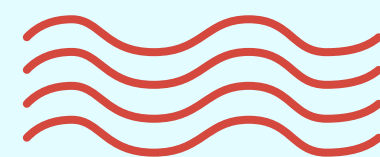


Context and Request

In 2014 the Chapel Hill Town Council set forth a Development Agreement for Glen Lennox as a framework of the principles governing the land use, public infrastructure and amenities.

As Grubb Properties proceeds toward the next phase of development, we are requesting a modification to the allowable development height in order to achieve a successful mixed-use core envisioned by the Development Agreement.

The requested shift is intended to promote balance over the mixed-use district, with a specific focus on respecting the downward transition of density toward the eastern edge with the Oakwood Community with an established network of open green spaces.



Guiding Principles

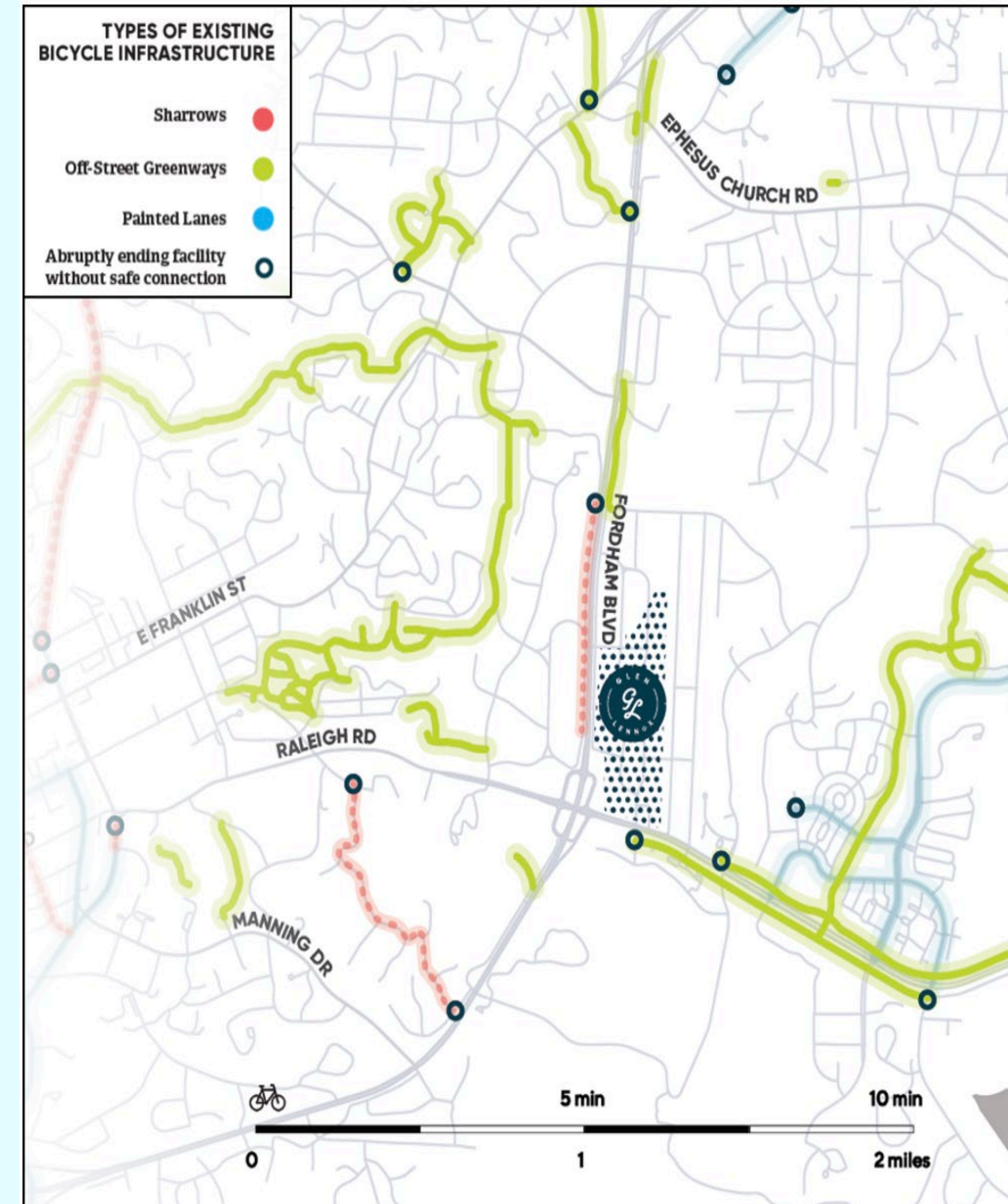
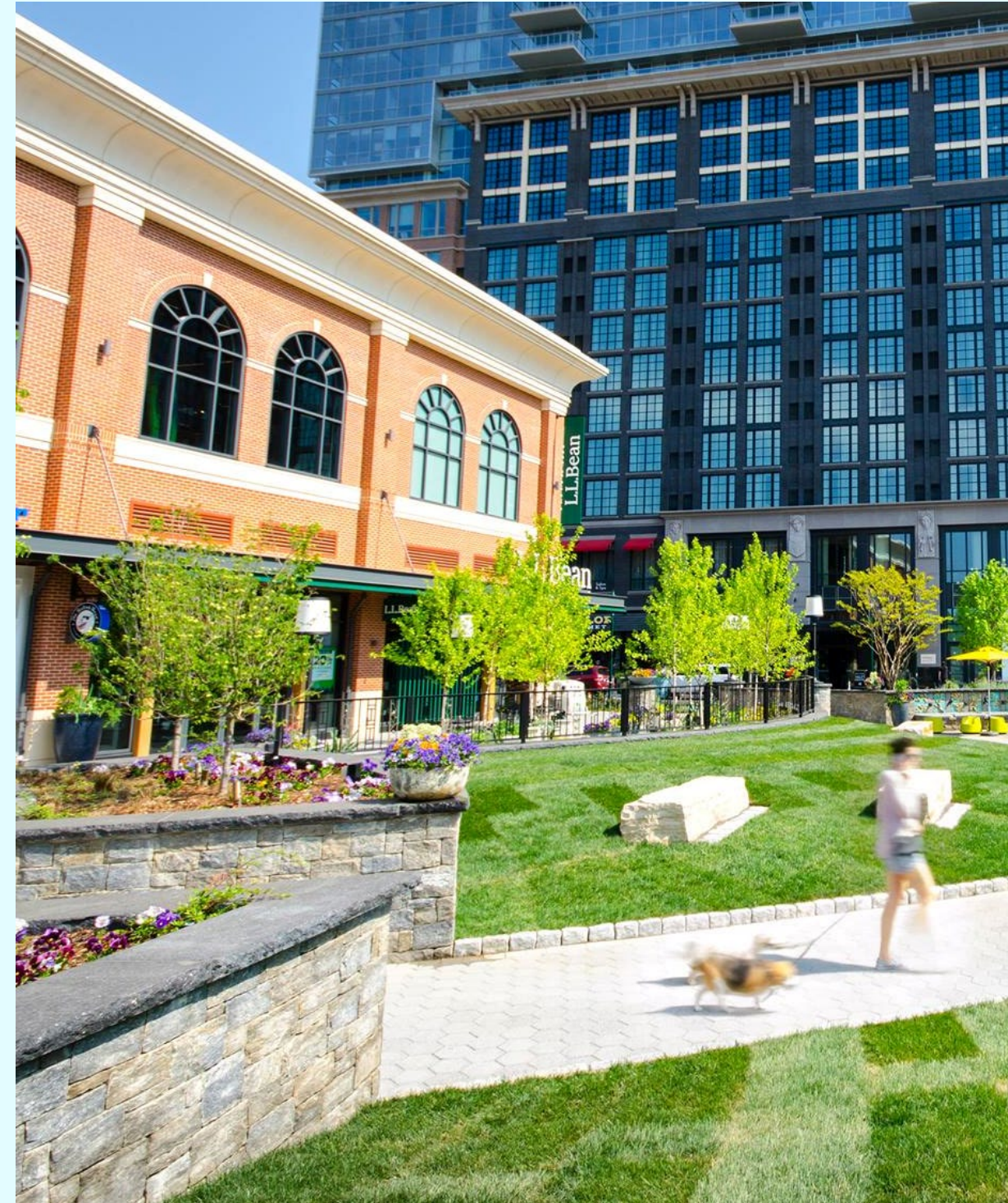
Principle	Action: Modification Request
Transition and Vary Density & Heights	Shifted density west to maintain and respect a gentle transition between GL and Oakwood. Request to increase height limits on Blocks 9B, 9C, and 4.
Principle	Matured Design Intention
Preserve the Street Network	Establishing the street grid within the commercial core in order to enhance pedestrian and bicyclist safety.
Create and Maintain Public Open Space	Progressed open space plans with 2.23 acres of park space south of Lanark Rd – 0.73 acres more than required in all of Glen Lennox.
Create an Effective Transportation Strategy	Connected bike and pedestrian paths throughout the site. Shared parking facilities within the mixed-use core.
Encourage Community Sustainability	Reviewed stormwater management alternatives – underground detention, permeable pavement.
Ongoing Principles	
Balance Development with Tree Preservation	Value the History of the Neighborhood
Provide Landscaped Buffers for Sensitive Neighbors	Preserve the Church of the Holy Family’s Visibility & Accessibility
Keep a Portion of the Buildings	Encourage and Support Community Diversity



Greenway + Greenspaces

The updated plan shifts commercial density to the west to respect and maintain a graceful transition between Glen Lennox and Oakwood.

The Chapel Hill Greenway Trail will be extended, acting as a buffer and community amenity while keeping the required setback for the eastern edge of the property.



Height Limit Modification Request

Development Agreement



Proposed



Maximum Allowable Height



Height Modification Request		
Block	Stories	
	Added	Total
4	+1	6
9B	+2	6
9C	+1	5
3 Blocks	0	No Change

Height Limit Modification Request

Development Agreement



Proposed



Maximum Allowable Height



Height Modification Request		
Block	Stories	
	Added	Total
4	+1	6
9B	+2	6
9C	+1	5
3 Blocks	0	No Change

Incremental Density

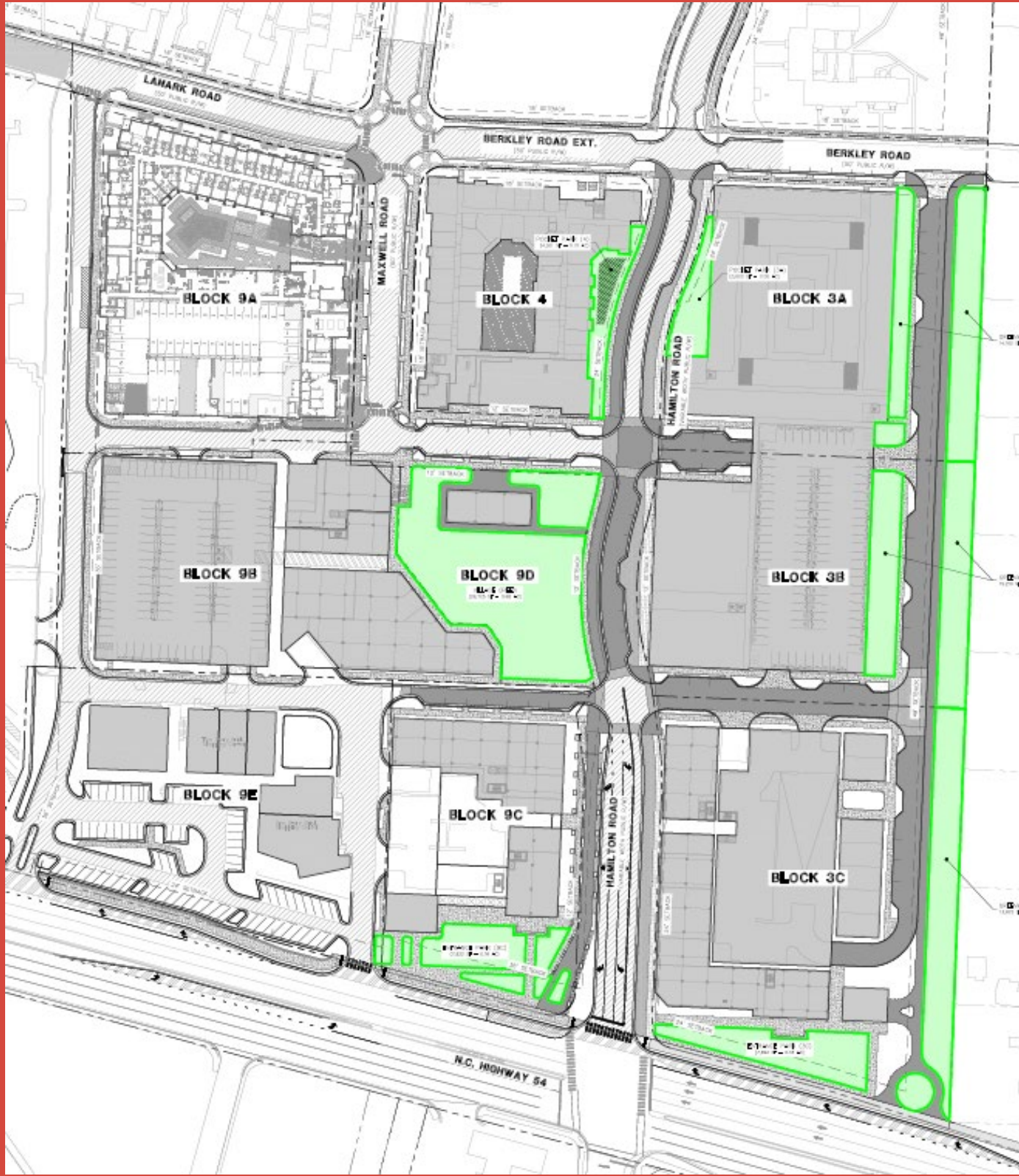
The density proposed in the Glen Lennox Master plan is a reduction of over 400k SF from the maximum allowed in the development agreement (as calculated by max. coverage area projected to max. height).

Reduced building footprints within the 18-acre mixed-use district allow for 2.23 acres of open space including a community green, transit hub, greenway, and 3 pocket parks.

This represents a 48% increase in open space over the 1.5 acres required across all 70 acres of Glen Lennox.



DEVELOPMENT AGREEMENT MAXIMUM



PROPOSED GLEN LENNOX MASTER PLAN

BLOCK #	Use	Parking Deck	MAX BUILDING Footprint (SF)*	PROPOSED BUILDING Footprint (SF)*	DA BUILDING Height (Floors)	PROPOSED BUILDING Height (Floors)	MAX BUILDING AREA (SF)	MAX BUILDING DENSITY (Units)	PROPOSED BUILDING AREA (SF)	PROPOSED BUILDING DENSITY (Units)	Shortfall BUILDING AREA (SF)	Shortfall BUILDING DENSITY (Units)
BLOCK 3A	Townhouses	Garages	45,192	9,526	2	2	90,384	110	19,052	12	-71,332	-98
BLOCK 3C	Multifamily	Yes	58,475	43,702	5	5	292,377	355	218,510	265	-73,867	-90
BLOCK 4	Multifamily	Yes	54,284	40,573	5	6	271,420	330	243,438	296	-27,982	-34
BLOCK 9A	Multifamily	Yes	36,554	36,554	8	7	292,432	355	255,878	311	-36,554	-44
Residential Totals							946,612	1,149	736,878	884	-209,734	-266

BLOCK #	Use	Parking Deck	MAX BUILDING Footprint (SF)*	PROPOSED BUILDING Footprint (SF)*	DA BUILDING Height (Floors)	PROPOSED BUILDING Height (Floors)	MAX BUILDING AREA (SF)	MAX BUILDING DENSITY (RSF)	PROPOSED BUILDING AREA (SF)	PROPOSED BUILDING DENSITY (RSF)	Shortfall BUILDING AREA (SF)	Shortfall BUILDING DENSITY (RSF)
BLOCK 3B	Office / Retail	No	53,243	51,673	5	5	266,214	226,282	258,365	219,610	-7,849	-6,672
BLOCK 9B	Office / Retail	Yes	55,504	50,237	4	6	222,016	188,714	301,422	256,209	79,406	67,495
BLOCK 9C	Office / Retail	No	58,128	37,950	4	5	232,512	197,635	189,750	161,288	-42,762	-36,348
BLOCK 9D	Office / Retail	No	28,150	3,150	5	2	140,750	119,638	6,300	5,355	-134,450	-114,283
BLOCK 9E	Office / Retail	No	57,983	19,541	2	2	115,966	98,571	29,312	24,915	-86,655	-73,656
Commercial Totals							977,458	830,840	785,149	667,376	-192,310	-163,463

*Less footprint of parking, where applicable

Cumulative Totals	1,924,070	831,989	1,522,027	668,260	-402,044
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*Glen Lennox Master Plan is representative and subject to change

OPEN SPACE NETWORK

- PRIVATE COURTYARDS
- NEIGHBORHOOD PARK
- GREENWAY
- GATEWAY PARK
- POCKET PARK
- URBAN PARK/PLAZA
- PROPOSED BIKE PATH
- PROPOSED PEDESTRIAN NETWORK



GLEN LENNOX

Master Plan Coordination | September 22, 2021

HOERR SCHAUDT LANDSCAPE ARCHITECTS

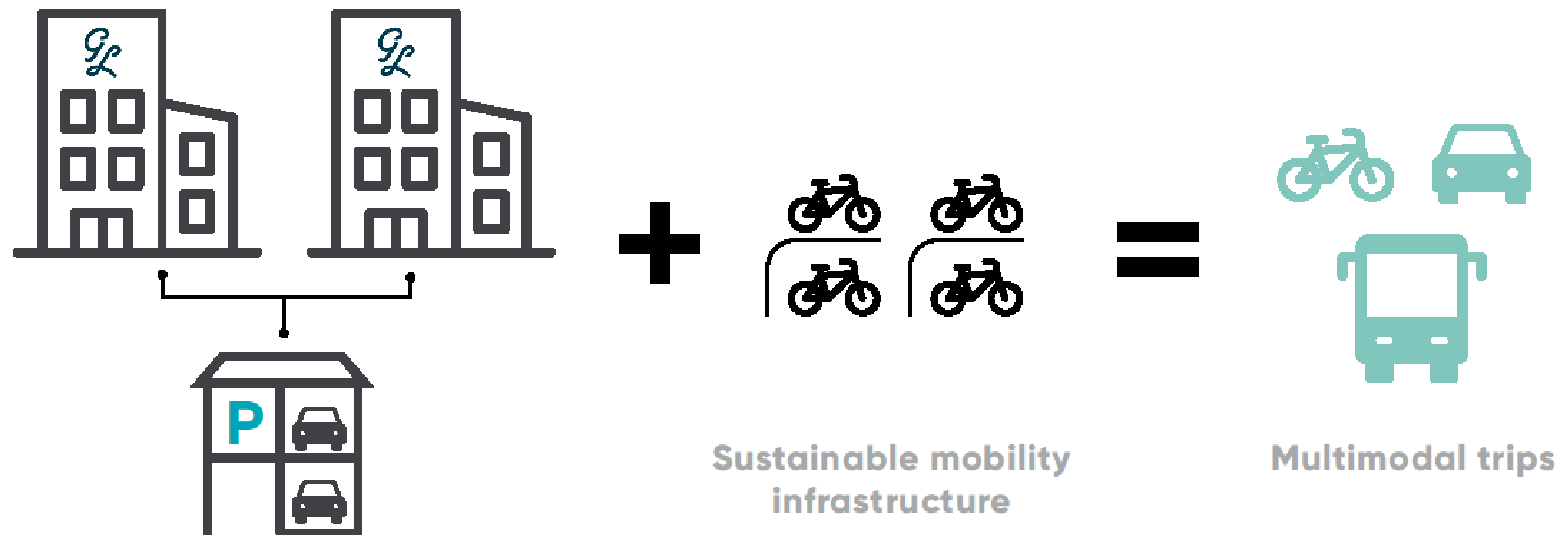
Conventional Density

Conventional parking requirements for standard buildings adds increased cars and vehicular use, thus creating additional congestion.



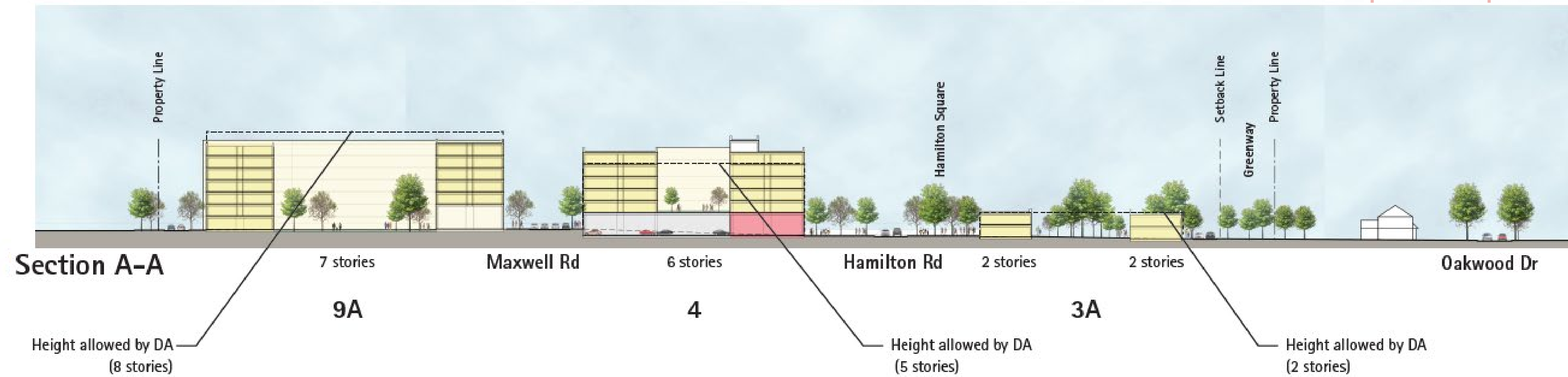
Glen Lennox Density

Shared parking facilities spur lower car use and open up additional road space for multimodal infrastructure, leading to more opportunities for non-vehicular travel and fewer single occupant vehicles on the roads.



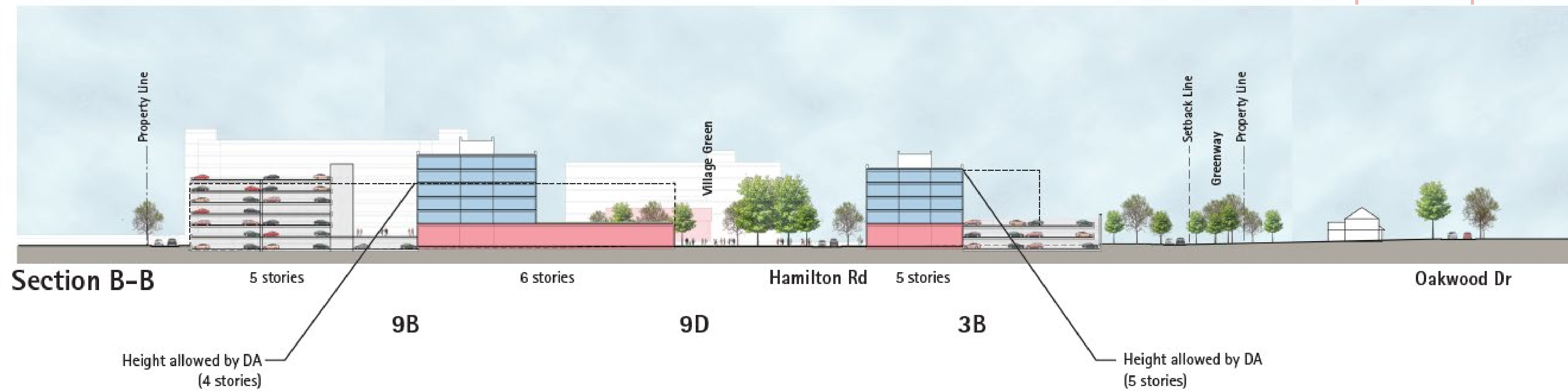
MODIFICATION REQUEST

Section A



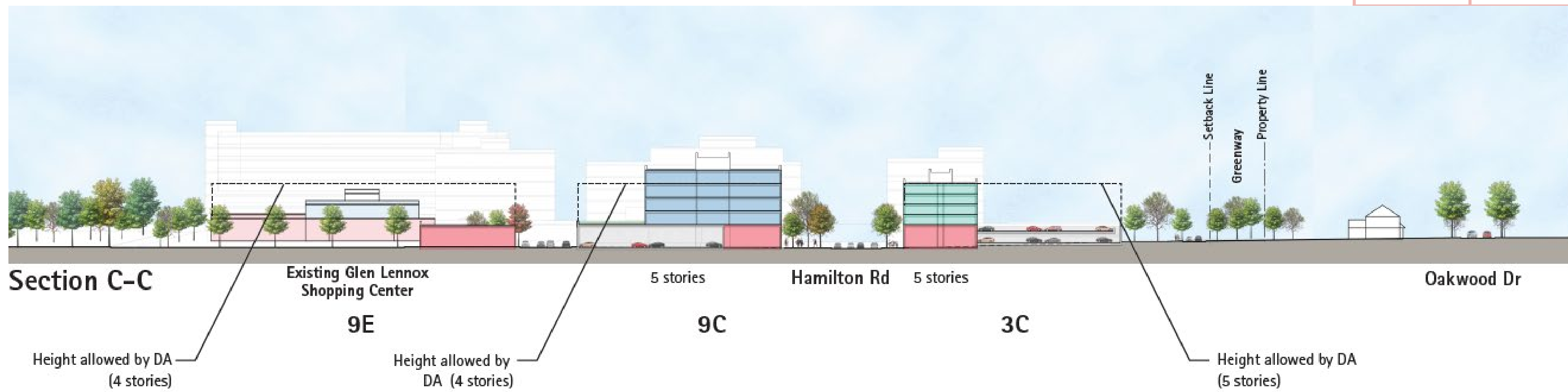
MODIFICATION REQUEST

Section B



MODIFICATION REQUEST

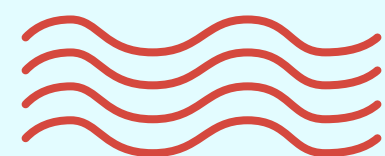
Section C



Trip Generation

The 2014 Development Agreement for Glen Lennox stipulated thresholds for traffic improvements on Fordham Boulevard and Raleigh Road, as well as a threshold to revisit the committed improvements.

Fordham Boulevard improvements were completed with the delivery of Phase I and Raleigh Road improvements are to be completed with Phase II.



Additional External Vehicle Trips Per Day

Existing	0
Phase I	384
<i>Fordham Blvd Improvement Threshold</i>	<i>5,000</i>
Phase II	6,431
<i>Raleigh Rd Improvements Threshold</i>	<i>8,000</i>
Future Glen Lennox	17,027
<i>Revisit Traffic Improvements Threshold</i>	<i>17,557</i>



Height Limit —
Modification Request



THANK YOU

Q&A

Design DNA

Glen Lennox was born as a forward thinking community in the 1950s, helping to solve that era's housing crisis and bring quality lifestyle to many American families.



A. PATTERN

Simple and often expressive patterns are hallmark for Mid-Century design. The patterns can be applied to bring uniqueness and separation to the different neighborhoods.



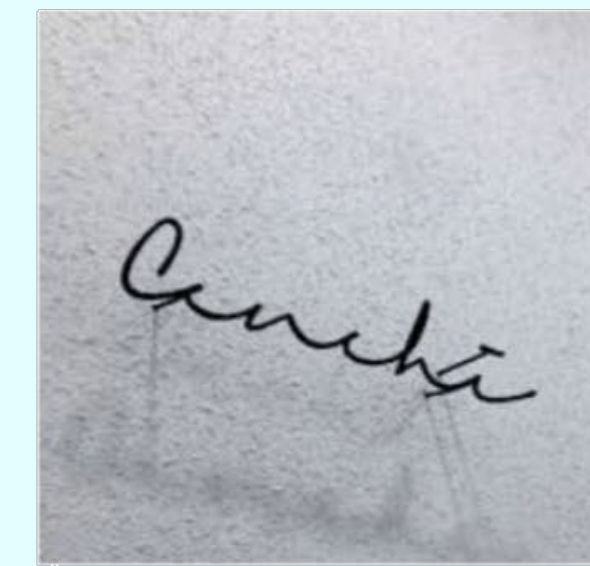
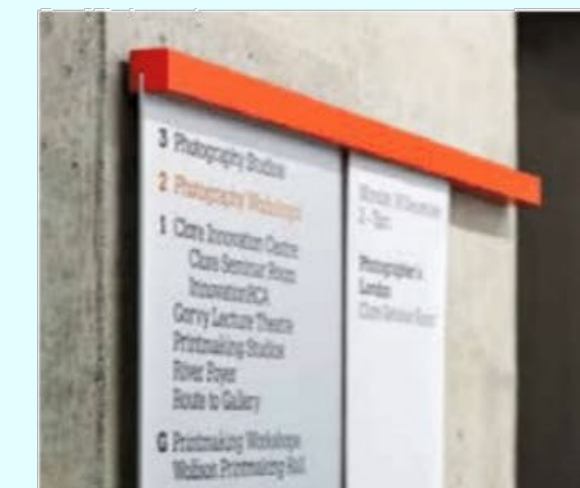
B. COLORS

Glen Lennox brand provides a vibrant and timeless color palette that is a modern tribute to the mid-century. Wayfinding and environmental design use colors as an element to bring connection between the brand and built environment.



C. MATERIAL

Materials are critical to bring integrity to the design and architecture cohesiveness to a place. Using materials that create a connection to the architecture will bring the experience from large to small scale and feel like a complete cycle.



D. EXPRESSIVE ELEMENTS

Use mid century elements to bring expressive elements to the site. This will create vibrancy and engagement at a pedestrian level and create highly memorable places.

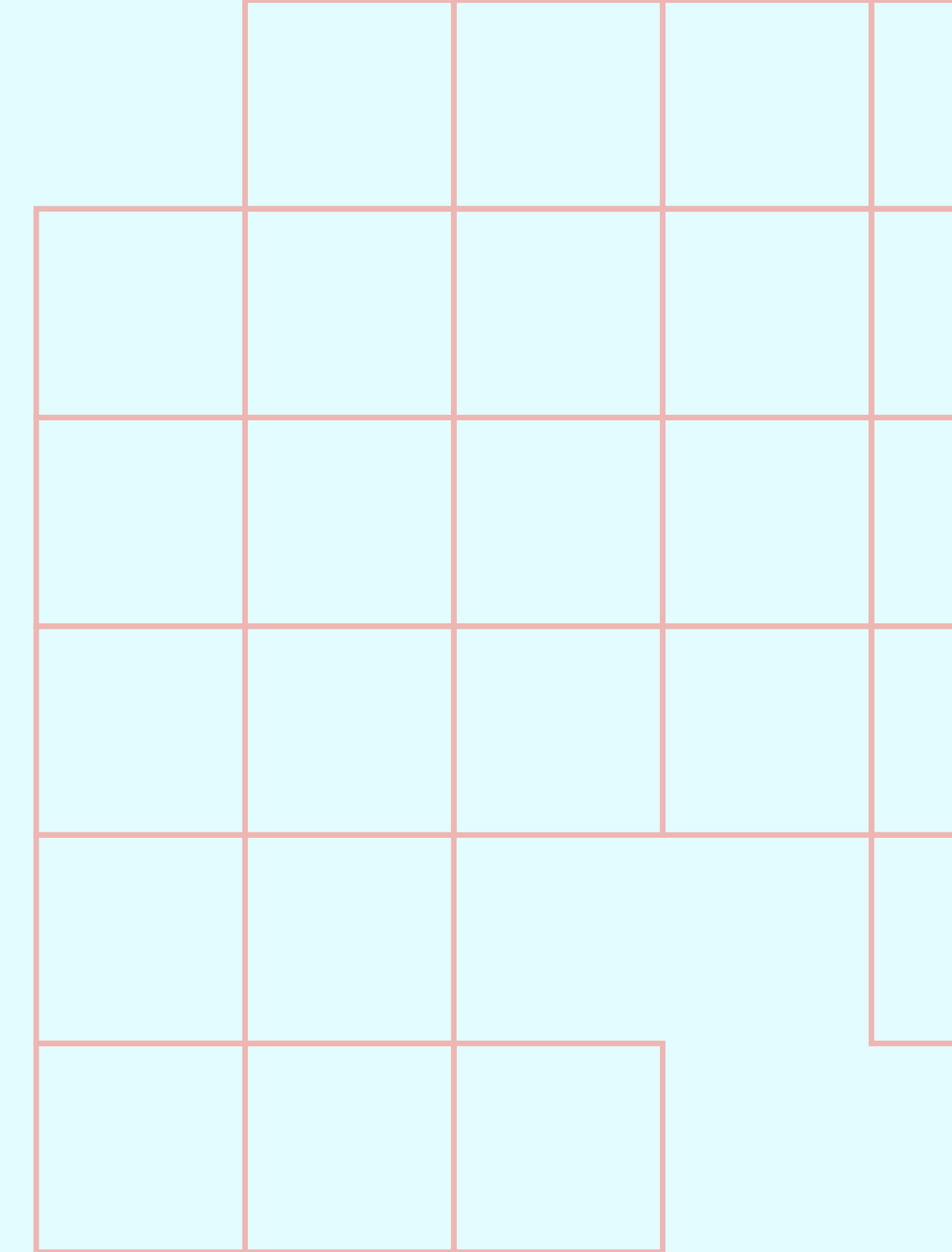
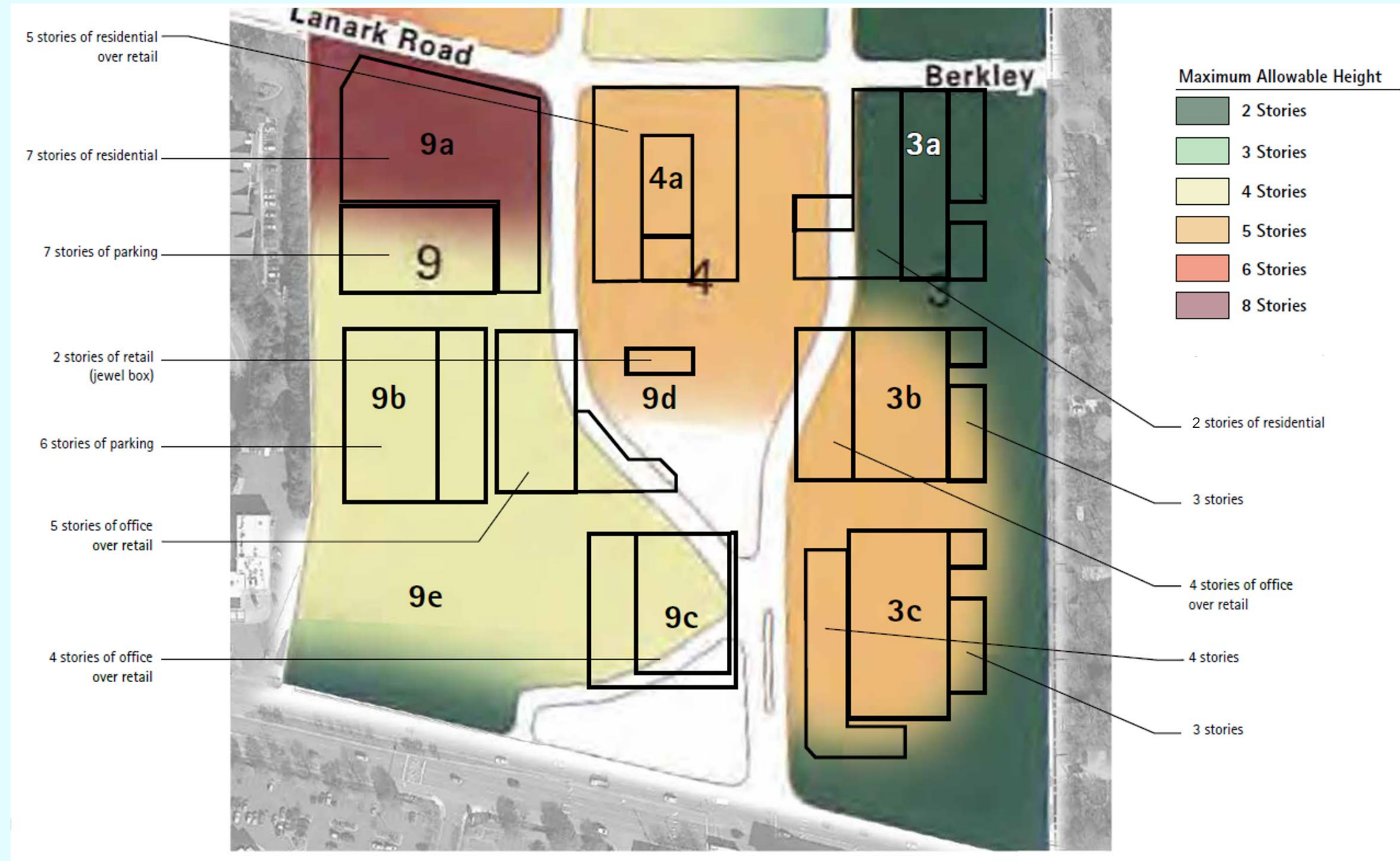


Purposeful Experience

Taking cues and inspiration from Mid-Century design, we identified four visual/signage language facets.

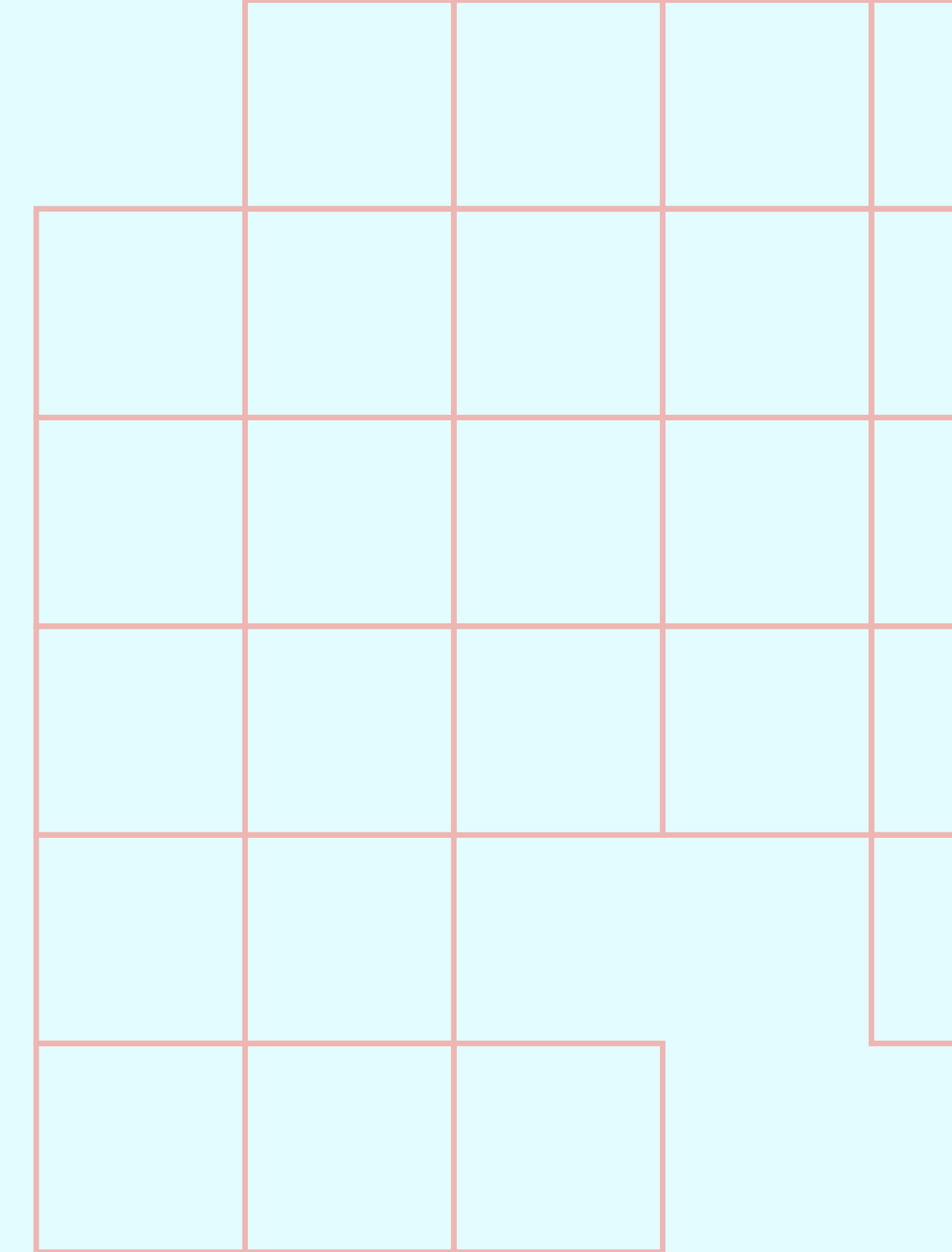
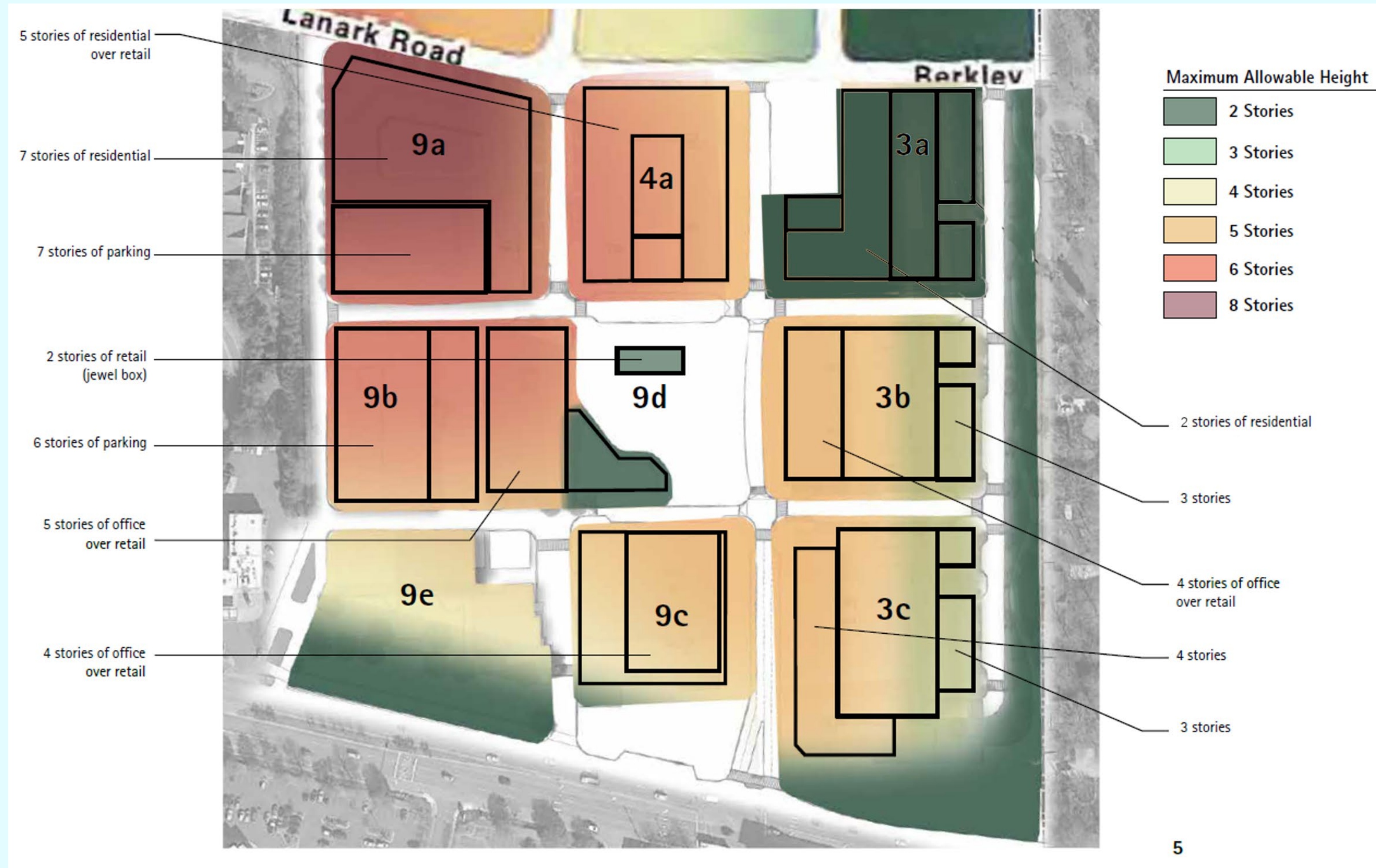
MODIFICATION REQUEST

DA with Master Plan Overlay



MODIFICATION REQUEST

Revised Plan with Master Plan Overlay





MODIFICATION REQUEST

Height
Limits
Changes

	Block	STORIES		
		DA	Proposed	Δ
Phase II	4	5	6	+1
	9b	4	6	+2
	9c	4	5	+1
	9a	8	7	-1
	9d	4	2	-2
	9e	2	2	0
	3a	2	2	0
	3b	5	5	0
	3c	5	5	0



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 10., **File #:** [21-0768], **Version:** 1

Meeting Date: 10/13/2021

Close the Legislative Hearing and Consider a Land Use Management Ordinance Text Amendment - Proposed Changes to Section 8.5, Community Design Commission - and Updates to the Advisory Board Membership Policy.

See the Staff Report on the next page.

The Agenda will reflect the text below and/or the motion text will be used during the meeting.

PRESENTER: Corey Liles, Principal Planner

- a. Introduction and revised recommendation
- b. Recommendation of the Planning Commission
- c. Comments from the public
- d. Comments and questions from the Mayor and Town Council
- e. Motion to adjourn the Legislative Hearing
- f. Motion to adopt the Resolution of Consistency with the Comprehensive Plan
- g. Motion to enact the ordinance to approve the changes to the Land Use Management Ordinance
- h. Motion to adopt the Resolution amending the Advisory Board Membership Policy.

RECOMMENDATION: That the Council consider reducing the number of member seats on the Community Design Commission, and consider associated reductions to the thresholds for quorum and voting.



CONSIDER A LAND USE MANAGEMENT ORDINANCE TEXT AMENDMENT - PROPOSED CHANGES TO SECTION 8.5, COMMUNITY DESIGN COMMISSION - AND UPDATES TO THE ADVISORY BOARD MEMBERSHIP POLICY

STAFF REPORT

TOWN OF CHAPEL HILL PLANNING DEPARTMENT
Colleen Willger, Director
Corey Liles, Principal Planner
Adam Nicholson, Senior Planner

AMENDMENT REQUEST Consider reducing the number of member seats on the Community Design Commission, given recent challenges with recruitment and retention. Consider associated reductions to the thresholds for quorum and voting, to maintain simple majorities.	DATE October 13, 2021
UPDATES SINCE LEGISLATIVE HEARING (held on September 1, 2021 ¹) <ul style="list-style-type: none"> No changes have been made to the proposal for revising rules of the CDC The Planning Commission recommended approval of the text amendment on September 7, 2021 	
TOWN MANAGER'S RECOMMENDATION I have reviewed and discussed key issues with Town staff. Based on the information in the record to date, I believe the Council could make the findings required to approve the proposal, and therefore should: <ol style="list-style-type: none"> close the legislative hearing; adopt Resolution A for Consistency with the Comprehensive Plan; enact Ordinance A to amend Section 8.5 of the Land Use Management Ordinance; and adopt Resolution B updating the Advisory Board Membership Policy 	
ADDITIONAL INFO <ul style="list-style-type: none"> The proposal is in response to the Community Design Commission (CDC) petitioning Council on February 23, 2021. The CDC currently has three vacant seats. The CDC has had at least one vacant seat out of nine total seats since July 2019. With six currently active CDC members, a meeting must be rescheduled or cancelled if there is more than one absence. No decision can be made on an official action if there is more than one 'Nay' vote. 	PROCESS <ol style="list-style-type: none"> Receive CDC Petition Initiate Text Amendment Process Call the Legislative Hearing Community Design Commission Review Legislative Hearing Planning Commission Review Consider Action
DECISION POINTS Proposed amendments to the rules of the Community Design Commission include the following: <ul style="list-style-type: none"> Move the rules for membership, quorum, and voting from LUMO to the Council's Advisory Board Membership Policy, and update LUMO to further reference that Policy; Reduce the number of Commission member seats from 9 to 7; Reduce the number of members needed for quorum from 5 to 4; Reduce the number of concurring votes needed for formal action from 5 to 4. To enact a Land Use Management Ordinance Text Amendment, Council must consider whether it achieves one or more of the following three purposes: <ol style="list-style-type: none"> To correct a manifest error in the chapter Because of changed or changing conditions in a particular area or in the jurisdiction generally To achieve the purposes of the Comprehensive Plan. 	

¹ <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=5120300&GUID=6C7BF1EE-D3D9-418D-B083-050B64AEC7EA>

ATTACHMENTS

1. Technical Report
2. Draft Staff Presentation
3. Resolution A, Consistency with the Comprehensive Plan
4. Ordinance A, Enacting the Land Use Management Ordinance Text Amendment
5. Resolution B, Adopting the Advisory Board Policy
6. Resolution C, Denying the Proposal
7. Community Design Commission Recommendation
8. Planning Commission Recommendation



TECHNICAL REPORT

RULES OF THE COMMUNITY DESIGN COMMISSION, SECTION 8.5

This report provides various considerations for the proposed LUMO text amendment to revise rules of the Community Design Commission

BACKGROUND AND NEXT STEPS

February 23, 2021	The Community Design Commission (CDC) petitions Council to consider a reduction of Commission member seats
February 25, 2021	Council Committee on Boards and Commissions recommends full Council consideration of the petition
March 24, 2021	Council formally initiates a text amendment process to consider revisions to membership, quorum, and voting rules of the CDC
June 23, 2021	Council calls a legislative hearing to consider the LUMO text amendment
August 24, 2021	Community Design Commission reviews and makes recommendation on proposed LUMO text amendment
September 1, 2021	Council holds legislative hearing to consider LUMO text amendment
September 7, 2021	Planning Commission reviews and makes recommendation
October 13, 2021	Council considers actions on LUMO text amendment and related update to the Advisory Board Membership Policy

CURRENT CDC MEMBERSHIP RULES

- 9 Member Seats on the Community Design Commission
- 5 Members in attendance needed for Quorum
- 5 Concurring Votes needed to take any formal action. This includes approval or denial of a Blue Hill Certificate of Appropriateness. This does not include building elevation reviews and recommendations to Council, which may be approved with a simple majority of members present.

The CDC has had 9 member seats since 2014, when the number of seats was reduced from 10 to 9. Quorum has been set to equal a majority of seats.

Staff compared the sizes of other appearance commissions in the region and noted that Carrboro, Graham, and Chatham County all currently have 9-member commissions. A greater number of member seats was typical among larger communities such as Raleigh and Durham.

Council applied the 5-member concurring vote threshold through a LUMO text amendment on June 27, 2018. The text amendment required that the Planning Commission, Historic District Commission, and Community Design Commission all take formal actions through a majority vote of total member seats, rather than a majority vote of members present. The purpose of the change was to prevent instances of significant decisions being made by only a few people.

CHALLENGES FOR THE COMMISSION AND STAFF

There are currently six active CDC members and three vacant seats. Since July 2019, at least one seat has been vacant out of the nine total. Challenges created by this situation include:

- **Time and effort spent on recruiting and interviewing candidates.**
The Commission has held interviews outside of the typical spring cycle to try to fill vacant seats. This does not always result in new appointments.
- **Meetings must be rescheduled or cancelled if there is more than one absence.**
Staff notes that in the past year, absences have resulted in one meeting (December 2020) needing to be rescheduled. In recent years there have been high levels of attendance, with most Commission members only being absent once per year (on average) or less. However, there is always the risk that attendance patterns could change over time.
- **No decision can be made when there is more than one 'Nay' vote.**
This applies to formal actions only. The result of two 'Nay' votes is not denial of an application, but rather lack of decision and lack of clear path forward. While no formal application review in recent years has resulted in lack of decision, the risk remains.

PROPOSED CHANGES

Council reviewed the following changes at the Legislative Hearing on September 1, 2021.

Existing Rule	Proposed Change	Staff Evaluation
Membership		
9 seats	7 seats	<ul style="list-style-type: none"> • Less time and effort addressing vacancies • More efficient discussion at meetings • May slightly reduce the range of member perspectives • A seat for extraterritorial jurisdiction (ETJ) representation, required by Chapter 160D, is being addressed in a separate resolution.
Quorum		
5 attending	4 attending	<ul style="list-style-type: none"> • Reduces risk of meetings being rescheduled/cancelled • Maintains simple majority threshold, IF membership is also reduced • Constitutes a majority of current active members
Voting		
5 concurring votes	4 concurring votes	<ul style="list-style-type: none"> • Reduces risk of applications getting 'stuck' without formal approval OR denial • Maintains simple majority threshold as established in 2018, IF membership is also reduced • Constitutes a majority of current active members

ADVISORY BOARD MEMBERSHIP POLICY vs. LAND USE MANAGEMENT ORDINANCE

Rules for the Town's Development Review Commissions are found in two places – the LUMO and the Council's standing Advisory Board Membership Policy. The information is sometimes duplicative. Referencing the Membership Policy in LUMO is a common practice.

Staff recommends that rules for membership, quorum, and voting be contained in the Advisory Board Membership Policy, with appropriate references in LUMO to the Policy. The rules contained in LUMO would then primarily focus on powers and duties of the Commission. Advantages of this approach include:

- Removing the risk of inconsistencies by not duplicating information.
- A simplified procedure to make any future updates. If Council wished to pilot some changes in response to the CDC's petition, then a later update following the pilot could be made without requiring a Text Amendment process.

LAND USE MANAGEMENT ORDINANCE FINDINGS OF FACT

Staff provides the following evaluation of the amendment under the three Findings of Fact identified in LUMO Section 4.4. At least one of the Findings must be made to amend the LUMO.

FINDING #1: The proposed zoning amendment is necessary to correct a manifest error.

Arguments	To date, no arguments in support or in opposition have been submitted or identified by staff.
Staff Evaluation	There appears to be no manifest error in the Ordinance.

FINDING #2: The proposed zoning amendment is necessary because of changed or changing conditions in a particular area or in the jurisdiction generally.

Arguments	Challenges noted in this report represent changing conditions that may impact the ability of the Community Design Commission to successfully fulfill its charge and exercise its powers as stated in the Land Use Management Ordinance. To date, no arguments in opposition have been submitted or identified.
Staff Evaluation	The Council could make the finding that the proposed zoning amendment is necessary because of changing conditions in the jurisdiction generally.

FINDING #3: The proposed zoning amendment is necessary to achieve the purposes of the comprehensive plan.

Arguments	Staff finds that the proposed amendment relates to the following goal of Chapel Hill 2020, under the Theme of 'Good Places New Spaces': <ul style="list-style-type: none"> • A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 Comprehensive Plan. To date, no arguments in opposition have been submitted or identified.
Staff Evaluation	The Council could make the finding that the proposed zoning amendment is necessary to achieve the purposes of the Comprehensive Plan.



Land Use²⁶² Management
Ordinance Text Amendment
+
Advisory Board Membership
Policy Update

CDC Membership Rules

October 13, 2021

DRAFT



RECOMMENDATION

1. Close the Legislative Hearing
2. Adopt Resolution A -
Consistency with the Comp Plan (R-#)
3. Enact Ordinance A –
LUMO Text Amendment (O-#)
4. Adopt Resolution B -
Adv Board Membership Policy Update (R-#)

DRAFT



AMENDMENT PROCESS

DRAFT

**CDC
Petition
2/23/21**



**Council
Initiates Text
Amendment
3/24/21**



**Council
Hearing
9/1/21**



**Planning
Comm.
Review
9/7/21**



**Council
Action
10/13/21**



PROPOSED CHANGES

Existing Rule		Reduction
9	Member Seats	7
5	Quorum	4
5	Concurring Votes	4

Move rules from LUMO to
Advisory Board Membership Policy

DRAFT



BOARD RECOMMENDATIONS

- ✓ Community Design Commission - August 24, 2021
Recommended **approval**
- ✓ Planning Commission - September 7, 2021
Recommended **approval**

DRAFT



RECOMMENDATION

1. Close the Legislative Hearing
2. Adopt Resolution A -
Consistency with the Comp Plan (R-#)
3. Enact Ordinance A –
LUMO Text Amendment (O-#)
4. Adopt Resolution B -
Adv Board Membership Policy Update (R-#)

DRAFT

DRAFT



CHALLENGES²⁶⁹

9	Member Seats	➤ 3 current vacancies – time spent on recruitment
5	Quorum	➤ Risk of cancelled/ rescheduled meetings
5	Concurring Votes	➤ Risk of ‘stuck’ applications

DRAFT

**RESOLUTION A
RESOLUTION OF CONSISTENCY**

A RESOLUTION FINDING THAT THE PROPOSED AMENDMENTS TO SECTION 8.5 OF THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE REVISING RULES OF THE COMMUNITY DESIGN COMMISSION ARE CONSISTENT WITH THE CHAPEL HILL 2020 COMPREHENSIVE PLAN (2021-10-13/R-15)

WHEREAS, on March 24, 2021, the Town Council initiated a text amendment process to consider revisions to membership, quorum, and voting rules of the Community Design Commission, in response to a petition made by Commission members; and

WHEREAS, the Planning Commission reviewed the proposed text amendments to the Land Use Management Ordinance Section 8.5 on September 7, 2021 and recommended that the Council enact the text amendments; and

WHEREAS, the Council of the Town of Chapel Hill has considered the proposal to amend the Land Use Management Ordinance (LUMO) to revise membership rules of the Community Design Commission in response to the Commission's petition; and

WHEREAS, upon consideration the Council finds that the amendments, if enacted, are reasonable and in the public's interest and are warranted to achieve the purposes of the Comprehensive Plan, as explained by, but not limited to, the following goals of the Comprehensive Plan:

- A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 Comprehensive Plan (Good Places New Spaces.3)

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds the proposed text amendment to be reasonable and consistent with the Town Comprehensive Plan.

This the 13th day of October, 2021.

ORDINANCE A

(Enacting the Land Use Management Ordinance Text Amendment)

AN ORDINANCE AMENDING SECTION 8.5 OF THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE TO REVISE RULES FOR THE COMMUNITY DESIGN COMMISSION (2021-10-13/O-4)

WHEREAS, on March 24, 2021, the Town Council initiated a text amendment process to consider revisions to membership, quorum, and voting rules of the Community Design Commission, in response to a petition made by Commission members; and

WHEREAS, the Planning Commission reviewed the proposed text amendments to the Land Use Management Ordinance Section 8.5 on September 7, 2021 and recommended that the Council enact the text amendments; and

WHEREAS, the Council of the Town of Chapel Hill has considered the proposal to amend the Land Use Management Ordinance (LUMO) to revise membership rules of the Community Design Commission in response to the Commission's petition; and

WHEREAS, an accompanying resolution would amend the Advisory Board Membership Policy of the Town of Chapel Hill, to provide consistency with the revisions detailed in this Ordinance; and

WHEREAS, upon consideration the Council finds that the amendments are reasonable and in the public's interest and are warranted to achieve the purposes of the Comprehensive Plan, as explained by, but not limited to, the following goals of the Comprehensive Plan:

- A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 Comprehensive Plan (Develop Good Places New Spaces.3)

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that Section 8.5 – Community Design Commission of Appendix A – Land Use Management of the Code of Ordinances, Town of Chapel Hill, North Carolina is hereby amended as follows:

SECTION 1

Section 8.5.1. Establishment of the Commission; Charge is hereby revised to read as follows:

"A Community Design Commission, consisting of ~~nine (9)~~ members appointed in accordance with the council's advisory board membership policy, is hereby established. The charge of the commission is to assist the council in guiding the town's vision on aesthetics, character and function to focus community growth through advice, advocacy, and implementation of the council's policies and review of proposed development in key areas of the community."

SECTION 2

Section 8.5.8. Quorum and Voting is hereby revised to read as follows:

"A quorum of the commission **shall be defined in accordance with the council's advisory board membership policy**, ~~necessary to take any official action, shall consist of five (5) members.~~ **A concurring vote necessary to take**

action or conduct business shall be defined in accordance with the council's advisory board membership policy. ~~The concurring vote of five (5) members shall be necessary to take any official action to approve or deny an application or permit.~~

~~The concurring majority vote of the quorum shall be necessary to conduct other business, including making a recommendation on an application to be considered by the council."~~

SECTION 3

This ordinance shall be effective upon enactment.

This the 13th day of October, 2021.

RESOLUTION B

(Adopting the Advisory Board Membership Policy Amendment)

A RESOLUTION AMENDING THE ADVISORY BOARD MEMBERSHIP POLICY TO REVISE RULES FOR THE COMMUNITY DESIGN COMMISSION (2021-10-13/R-16)

WHEREAS, on March 24, 2021, the Town Council initiated a text amendment process to consider revisions to membership, quorum, and voting rules of the Community Design Commission, in response to a petition made by Commission members; and

WHEREAS, the Planning Commission reviewed the proposed text amendments to the Land Use Management Ordinance Section 8.5 on September 7, 2021 and recommended that the Council enact the text amendments; and

WHEREAS, the Council of the Town of Chapel Hill has considered the proposal to amend the Land Use Management Ordinance (LUMO) to revise membership rules of the Community Design Commission in response to the Commission's petition; and

WHEREAS, an accompanying ordinance would amend the Land Use Management Ordinance to provide consistency with the revisions detailed in this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Advisory Board Membership Policy of the Town of Chapel Hill, North Carolina is hereby amended as follows:

SECTION 1

The **Board Specific Policies** for the **Community Design Commission** are hereby revised to read as follows:

[Adoption of this Resolution removes the first 2 rows of the table below, with 7 rows to remain.]

"Seat Category	Seat Requirements
Chapel Hill Resident	Must live within the municipal limits of the Town of Chapel Hill and have demonstrated special training or experience in a design field such as architecture, landscape design, horticulture, city planning, green design, place making or a closely related field.
Chapel Hill Resident	Must live within the municipal limits of the Town of Chapel Hill and have demonstrated special training or experience in a design field such as architecture, landscape design, horticulture, city planning, green design, place making or a closely related field.
Chapel Hill Resident	Must live within the municipal limits of the Town of Chapel Hill and have demonstrated special training or experience in a design field such as architecture, landscape design, horticulture, city planning, green design, place making or a closely related field.
Chapel Hill Resident	Must live within the municipal limits of the Town of Chapel Hill and have demonstrated special training or experience in a design field such as architecture, landscape design, horticulture, city planning, green design, place making or a closely related field.

"Seat Category	Seat Requirements
Chapel Hill Resident	Must live within the municipal limits of the Town of Chapel Hill and have demonstrated special training or experience in a design field such as architecture, landscape design, horticulture, city planning, green design, place making or a closely related field.
Chapel Hill Resident	Must live within the municipal limits of the Town of Chapel Hill and have demonstrated special training or experience in a design field such as architecture, landscape design, horticulture, city planning, green design, place making or a closely related field.
Chapel Hill Resident	Must live within the municipal limits of the Town of Chapel Hill and have demonstrated special training or experience in a design field such as architecture, landscape design, horticulture, city planning, green design, place making or a closely related field.
Chapel Hill Resident	Must live within the municipal limits of the Town of Chapel Hill and have demonstrated special training or experience in a design field such as architecture, landscape design, horticulture, city planning, green design, place making or a closely related field.
Chapel Hill Resident	<p>[Note that Council will also consider a separate resolution on the October 13, 2021 consent agenda, regarding the requirement under NC General Statute 160D to have an ETJ Resident on the Community Design Commission. If that resolution is adopted, this row will have been deleted and a new row for ETJ Resident will have been added.]</p> <p>Must live within the municipal limits of the Town of Chapel Hill and have demonstrated special training or experience in a design field such as architecture, landscape design, horticulture, city planning, green design, place making or a closely related field."</p>

SECTION 2

The **Board Specific Policies** for the **Community Design Commission** are hereby revised to include a new subsection on **Voting**, to read as follows:

"Voting

The concurring vote of four (4) members shall be necessary to take any official action to approve or deny an application or permit.

The concurring majority vote of the quorum shall be necessary to conduct other business, including making a recommendation on an application to be considered by the council."

SECTION 3

The section titled **Quorum** is hereby revised to read as follows:

"For the Grievance Hearing Board ~~and Community Design Commission~~, quorum is 5 members. For the Board of Adjustment, ~~and Historic District Commission~~, ~~and~~ Planning Commission the quorum is 6 members. **For the Community Design**

Commission, quorum is 4 members. For all other advisory boards, quorum is a majority of members excluding any vacant seats.”

SECTION 4

This resolution shall be effective upon adoption.

This the 13th day of October, 2021.

RESOLUTION C

(Denying the Land Use Management Ordinance Text Amendment)

A RESOLUTION DENYING A PROPOSAL TO AMEND SECTION 8.5 OF THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE TO REVISE RULES OF THE COMMUNITY DESIGN COMMISSION (2021-10-13/R-17)

WHEREAS, on March 24, 2021, the Town Council initiated a text amendment process to consider revisions to membership, quorum, and voting rules of the Community Design Commission, in response to a petition made by Commission members; and

WHEREAS, the Council of the Town of Chapel Hill has considered the proposal to amend the Land Use Management Ordinance (LUMO) to revise membership rules of the Community Design Commission, and fails to find that the amendment:

- a) corrects a manifest error in the chapter, or
- b) is justified because of changed or changing conditions in the area of the rezoning site or the community in general, or
- c) achieves the purposes of the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby denies the proposal to amend the Land Use Management Ordinance to revise membership rules of the Community Design Commission.

This the 13th day of October, 2021.

COMMUNITY DESIGN COMMISSION

The charge of the Community Design Commission is to assist the Council in guiding the Town's vision on aesthetics, character, and function to focus community growth through advice, advocacy and implementation of the Council's policies and review of proposed development in key areas of the community.

RECOMMENDATION FOR CDC MEMBERSHIP REDUCTION REQUEST

August 24, 2021

Recommendation: **Approval** ☒ **Approval with Conditions** ☐ **Denial** ☐

Motion: John Weis moved and Ted Hoskins seconded a motion to recommend approval to Council of the proposed Land Use Management Ordinance and Advisory Board Membership Policy language to reduce the Community Design Commission seats from nine (9) to seven (7), with associated reductions to Quorum and Concurring Vote thresholds.

Vote: 5-0 (Note Commissioner Levitan was not present at this meeting)

<p>Yeas: Ted Hoskins Susan Lyons Megan Patnaik John Weis Susana Dancy</p>	<p>Nays: NA</p>
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Prepared by: Adam Nicholson, Senior Planner

PLANNING COMMISSION

The charge of the Planning Commission is to assist the Council in achieving the Town's Comprehensive Plan for orderly growth and development by analyzing, evaluating, and recommending responsible town policies, ordinances, and planning standards that manage land use and involving the community in long-range planning.

RECOMMENDATION FOR A LAND USE MANAGEMENT ORDINANCE TEXT AMENDMENT – MEMBERSHIP RULES OF THE COMMUNITY DESIGN COMMISSION

September 7, 2021

Recommendation: Approval ☒ Approval with Conditions ☐ Denial ☐

Motion: John Rees moved and Elizabeth Losos seconded a motion to recommend that the Council adopt Resolution A (Resolution of Consistency with the Comprehensive Plan).

Vote: 8 – 0

Yeas: Michael Everhart (Chair), James Baxter (Vice-Chair), Neal Bench, Elizabeth Losos, Jon Mitchell, John Rees, Louie Rivers, Stephen Whitlow

Nays: none

Motion: John Rees moved and Elizabeth Losos seconded a motion to recommend that the Council enact Ordinance A (LUMO Text Amendment - Membership Rules of the Community Design Commission).

Vote: 8 – 0

Yeas: Michael Everhart (Chair), James Baxter (Vice-Chair), Neal Bench, Elizabeth Losos, Jon Mitchell, John Rees, Louie Rivers, Stephen Whitlow

Nays: none

Prepared by: Corey Liles, Principal Planner