



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 27, 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_ILvUHjWPQKC098q9cLcNNg

After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 823 3644 5062

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

OPENING

ROLL CALL

ANNOUNCEMENTS BY COUNCIL MEMBERS

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. John Shearer Request to Amend the April 14, 2021 Columbarium Request. [\[21-0811\]](#)
2. Joseph Patterson III Request to Ban Through Traffic by Trucks and Buses on Henderson Street and North Street. [\[21-0812\]](#)
3. Mayor Hemminger and the Chapel Hill Downtown Partnership Request that the Town Explore Taking Over the Downtown Portion of Franklin Street. [\[21-0813\]](#)

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.

4. Approve all Consent Agenda Items. [\[21-0814\]](#)
By adopting the resolution, the Council can approve various resolutions and ordinances all at once without voting on each resolution or ordinance separately.
5. Approve the Miscellaneous Budget Ordinance Amendment to Adjust Various Fund Budgets for FY 2021-22. [\[21-0815\]](#)
By enacting the budget ordinance amendment, the Council adjusts the General Fund, Library Gift Fund, Grants Fund, Transit Fund, and Climate Action Fund. By enacting the project ordinance amendments, the Council adjusts the Capital Projects Ordinance Fund, Housing Capital Grants Fund, Transit Capital Grants Fund, Affordable Housing Fund, and the Transitional Housing Fund. By adopting the resolution, the Council accepts funding from the Orange County ABC Board.
6. Increase the Town's Micro-Purchase Threshold. [\[21-0816\]](#)
By adopting the resolution, the Council authorizes an increase in the Town's micro-purchase thresholds related to the expenditure of federal funds.
7. Approve an Additional \$100,000 for Performance Agreements with Human Services Agencies Recommended by the Human Services Advisory [\[21-0817\]](#)

Board.

By adopting the resolution, the Council would authorize an additional \$100,000 in performance agreements with human service agencies as recommended by the Human Services Advisory Board.

- 8.** Approve the Town Attorney's Employment Contract Extension. [\[21-0818\]](#)

By adopting the resolution, the Council extends the contract of Town Attorney Ann Anderson one year from the end of her current employment contract, to March 1, 2025.

- 9.** Award the Same Pay Increase Approved for all Employees to the Town Attorney and Award Additional Pay Increase to Town Attorney. [\[21-0819\]](#)

By adopting the resolution, the Council will award a three percent pay increase to the Town Attorney with an effective date of July 1, 2021, and an additional salary adjustment of \$5,050.00 effective November 1, 2021.

- 10.** Adopt a Local Resolution to Support the Installation of Art in the North Carolina Department of Transportation Right-of-way. [\[21-0820\]](#)

By adopting the resolution, the Council approves the 2021 Adopt-A-Block Artistic Signal Box Plan and directs the Manager to request the NCDOT Right-of-Way Art Committee approve the installation of Art on designated downtown signal boxes.

- 11.** Adopt Minutes from January 6, 13 and 27, 2021 and February 17 and 24, 2021 and March 10, 17, 24, and 31, 2021 Meetings. [\[21-0821\]](#)

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

INFORMATION

- 12.** Receive Upcoming Public Hearing Items and Petition Status List. [\[21-0822\]](#)

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

DISCUSSION

- 13.** Close the Legislative Hearing and Consider a Land Use Management Ordinance Text Amendment - Sections [\[21-0823\]](#)

4.4 Zoning Amendments, 4.5 Special Use Permits, 4.7 Site Plan Reviews, and 4.8 Master Land Use Plans Related to Time Extension Periods Granted by the Town Manager.

PRESENTER: Judy Johnson, Assistant Planning Director

- 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 close 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

RECOMMENDATION: That the Council consider extending the time extension periods granted by the Town Manager.

- 14.** Close the Legislative Hearing and Consider Enacting a Land Use Management Ordinance Text Amendment - Section 3.11 Regarding Short Term Rental Standards in Blue Hill District.

[\[21-0824\]](#)

PRESENTER: Becky McDonnell, Senior Planner

- a. Update and recommendation
- b. Comments and questions from the Mayor and Town Council
- c. Motion to close the Legislative Hearing
- d. Motion to adopt the Resolution of Consistency
- e. Motion to enact Ordinance A.

RECOMMENDATION: That the Council close the legislative hearing and enact the Land Use Management Ordinance (LUMO) text amendment.

- 15.** Open the Legislative Hearing: Land Use Management Ordinance Text Amendment - Section 3.6.2(E) Related to Historic District Commission Review Criteria.

[\[21-0825\]](#)

PRESENTER: Anya Grahm, Principal Planner

- a. Introduction and preliminary 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 recess the Legislative Hearing to November 17,

2021

- f. Referral to the Manager and Attorney.

RECOMMENDATION: That the Council open the legislative hearing on the Land Use Management Ordinance (LUMO) text amendment, receive public comment, and continue the hearing to November 17, 2021.

- 16.** Open the Legislative Hearing: Application for Conditional Zoning, 150 East Rosemary Street. [\[21-0826\]](#)

PRESENTER: Becky McDonnell, Senior Planner

- a. Without objection, the preliminary report and any other materials submitted at the hearing for considerations by the Council will be entered into the record
- b. Introduction and preliminary recommendation
- c. Presentation by the applicant
- d. Recommendations of the Planning Commission
- e. Recommendations of other boards and commissions
- f. Comments from the public
- g. Comments and questions from the Mayor and Town Council
- h. Motion to recess the legislative hearing to November 17, 2021
- i. Referral to the Manager and Attorney.

RECOMMENDATION: That the Council open the Legislative Hearing, receive comment, and make a motion to recess the hearing and schedule consideration of the item on November 17, 2021.

- 17.** Approve the Housing Advisory Board's Recommended Funding Plan for the Affordable Housing Development Reserve. [\[21-0827\]](#)

PRESENTER: Nate Broman-Fulks, Affordable Housing Manager

RECOMMENDATION: That the Council approve the Housing Advisory Board's funding recommendation for the Affordable Housing Development Reserve (AHDR) applications received in October 2021.

- 18.** Review Results and Consider Recommendations for the Employee Housing Program. [\[21-0828\]](#)

PRESENTER: Sarah Osmer Viñas, Interim Director
Nate Broman-Fulks, Affordable Housing Manager
Megan Culp, Community Development Programs Manager

RECOMMENDATION: That the Council approve updates to the Employee Housing Program.

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.

19. Concept Plan Review: 710 North Estes Drive.

[21-0829]

PRESENTER: Judy Johnson, Assistant Planning Director

- 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.
Boulevard
Chapel Hill, NC 27514

Item Overview

Item #: 1., **File #:** [21-0811], **Version:** 1

Meeting Date: 10/27/2021

John Shearer Request to Amend the April 14, 2021 Columbarium Request.

Staff:

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

Department:

Communications and Public Affairs

Overview: 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 <https://www.townofchapelhill.org/government/mayor-and-council/how-to-submit-a-petition/petition-status>](https://www.townofchapelhill.org/government/mayor-and-council/how-to-submit-a-petition/petition-status) webpage to track the petition. Receiving or referring of a petition does not constitute approval, agreement, or consent.



Recommendation(s):

That the Council consider the petition.



Attachments:

- John Shearer Request-Revised

via email, [p he mminger@townofchapelhill.org](mailto:phe mminger@townofchapelhill.org)

Mayor Pam Hemminger
Town of Chapel Hill
405 Martin Luther King, Jr. Blvd.
Chapel Hill, NC 27514

via email, aharvey@townofchapelhill.org

Amy Harvey, Deputy Town Clerk
Town of Chapel Hill
405 Martin Luther King, Jr. Blvd.
Chapel Hill, NC 27514

Re: Revised Petition, originally dated April 14, 2021, for Permission to Proceed with Presentation of Proposal for a Columbarium at the Old Chapel Hill Cemetery (OCHC).

Dear Mayor Hemminger and Town Clerk Harvey:

As a long-time resident (since 1948) of Chapel Hill and owner of Plots T-07 & T14 in the Old Chapel Hill Cemetery, I recently assumed leadership/contact person duties for this columbarium project and respectfully request that our petition be revised in order to present all known aspects of the project, clarify any concerns, and respond to any questions within a presentation that includes the attached documents/images and hopefully the opportunity to personally address and present to the Town Council during their meeting on October 27, 2021.

My goal is to explain the exhaustive research accomplished in order to fashion a carefully designed facility to reflect the long historical significance and traditions of the OCHC, held dear by our unique and treasured community. Every detail has been sized and crafted to blend in with surrounding monuments and features of this hallowed ground where all peoples from all walks of life have been interred and memorialized eternally. This columbarium of 160 niches will provide enough niches to accommodate up to 352 urn interments of cremated remains.

Now, after two years of preparation, I come before you to present, in the tradition of communal open communication, a plan and supporting information reflecting my own and my family's demonstrated commitment and wish to provide a lasting service-based legacy for the benefit of the entire community. This contribution may be compared with your own personal commitment to shoulder the responsibilities associated with guiding and leading our "Southern Part of Heaven"* into the coming years and concomitant challenges.

The following documents are provided:

1) I met with Mr. Phil Fleischmann in September 2021 and provided a **Construction and Operations Plan** which is copied here for your perusal.

2) After receiving an opposing email posted in the Town portal on April 21, 2021 from Mr. Moore, I have decided to address his concerns in the order of his objections. I am aware and appreciate Mr. Moore's contribution to the OCHC and community while serving on the now defunct Cemetery Advisory Committee, the ongoing Friends of Old Chapel Hill Cemetery, and as a fellow owner of OCHC property. However, our views diverge and I wish to respectfully provide a **Reply and Rebuttal**.

3) While not an attorney, I have collected a number of **Legal Aspects** for your consideration. Relying on the language and intent of the Quitclaim Deed of February 1989 ceding the OCHC to the Town with certain conditions to be met, it is clear that fee simple rights of ownership have been historically held supporting the ability to use, sell, purchase, trade, or lie dormant without restrictions other than those found within the Town's Code of Ordinances, which specify below ground interment requirements only. OCHC currently has two above-ground columbaria and one mausoleum. The later has distinctive architecture and this columbarium is designed to compliment that structure.

4) **Summary Statement of Intent and Purpose.**

My **intent** is to clarify and respond to any and all questions and concerns without seeking consent, rather I seek a blessing of silence to proceed with ordering the structure, paying 50%(six figures) and asking for three action items from the Town:

- a) Coordinate with UNC to obtain their approval for placing a footbridge over the East rock wall onto the adjacent Memorial Grove public pathway.
- b) Request the TCH Cemetery Administrator, Ms. Debra Lane, to bring her metal detector and mark the exact four corner irons location for plot T-07 & T-14.
- c) Request the TCH Arborist to examine and approve the removal of the tree within the Southern end of the adjacent Right of Way, thus allowing full access equipment to the plots and all other plots in this area. Up to now the equipment has been driven over and outside the bounds of the Right of Way in order to dig graves and provide funeral services.

Please be aware that my **purpose** is to focus on realizing the highest and best usage of the T-07 and T-14 plots within the overall goal of serving our community in the finest and most tasteful manner reflecting the historical precedence set long ago within the Old Chapel Hill Cemetery. Esse quam videri.

With great respect for your combined talents, efforts, and ideas, I am sincerely

Yours Truly,

s/s John Andrew Shearer

Son of Edna and Andy Shearer (RIP), owners of Plots T-07 & T-14 since 1954.

September 18, 2021

Mr. Phillip Fleischmann
Director
Parks & Recreation
Town of Chapel Hill
Chapel Hill, North Carolina

Dear Mr. Fleischmann,

This letter is intended to provide insight, goals, methods and processes with regard to the future of the OCHC columbarium project. I wish to present answers and insights to questions and concerns raised during the meeting of July 7, 2020 and of your letter on July 10, 2020. The OCHC has a long-established responsibility and functionality to act as a touchstone between the past and future generations of the Town of Chapel Hill, the University of North Carolina, and the world they and we live in and serve.

Aligning with the long-term unmet desire of many community members to be interred in the OCHC, I wanted to bring highest and best use of the two adjacent plots (T7 & T14 in Section IV) consisting of six contiguous subplots. Only six subplots (five were contiguous) have come to market within the past five years and it is likely that our six will be the last. A waiting list has existed since 1956.

Rather than selling these subplots off individually to accommodate a maximum of twelve casket type burials, if double stacked; we realized that the six contiguous subplots provided enough property to place a multi-niche columbarium, thereby increasing the solution to as many as one hundred-sixty niches, each with a capacity of two urns/niche: and thirty-two niches within the Ascension* feature with capacity for three urns/niche.. This facility can accommodate as many as three hundred and eighty-four interments.

*Ascension feature offers a larger space and slanted shutter for easy viewing. See attached photo.

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Perhaps the most important feature of this project is the **public handicapped access** afforded with the juxtaposition of the columbarium to the UNC Memorial Grove scattering ground. The Memorial Grove provides public walkways from the Cobb parking deck and street parking to within five feet of the Eastern OCHC rock wall boundary. A simple low foot bridge can transverse the 6" high rock wall directly into the two parallel walkways adjacent to the columbarium. This feature assures that no visitor need step on any other gravesites in order to view and commune with those in eternal rest within the niches of the columbarium.

Globally, cremated remains inurnments represent the future in global cemetery management and are favored in over 70 % of all interments, leaving a greener cleaner environmental impact for future generations. Also, research shows that a growing majority of people now prefer to be interred above ground.

Basis for action- Since the establishment of the OCHC in 1798, the plots have been owned fee simple by individuals, families and certain organizations. In 1989 the State of North Carolina sold to the Town of Chapel Hill, via a quitclaim deed, the public right of ways, boundary walls, walk ways, and other structures associated with maintaining and defining and enhancing the property. The quitclaim deed contains specific language which directs the Town to "maintain the cemetery in a suitable condition" and to "grant some indicia of ownership (cemetery deed or other) of grave plots assigned to or belonging to individuals, families, and certain organizations. . .".

Fee simple ownership is defined as:

Fee simple is a term that refers to real estate or land ownership. The owner of the property has full and irrevocable ownership of the land and any buildings on that land. He is free to do whatever he wishes on the land subject to local zoning ordinances. Fee simple and fee simple absolute are the same thing. Fee simple is the highest form of property ownership. <https://www.bankrate.com/glossary/f/fee-simple/>

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Therefore, fee simple rights provide that I may build any structure related to cemeteries in general and within the OCHC specifically, without limitation and purpose, citing the complete absence of code ordinance to the contrary. I am building a 160 niche columbarium within the metes and bounds of my holdings Plot T-7 & T-14 in Section IV of the OCHC. The purpose of this undertaking is to provide satisfaction of my family's long-term desire for eternal rest and interment to any and all persons wishing to be memorialized on this hallowed ground.

Providers - Sunset Memorials & Stone, Ltd. of Calgary, Alberta, Canada is a leading designer and provider of monuments within North America. Their designs and levels of quality are unparalleled to include custom sourcing around the globe in order that the precise grade, color, and texture of granite finish is achieved. Their innovations include key locked aluminum niches, each protected by solid granite engraved shutters. Also, the Ascension feature on the lowest tier accommodates up to three standard size urns per niche while providing a larger niche shutter where the engraved interred names and dates are displayed. (See attached - Sunset's Ascension photo. **The onyx/black granite shutters are not specified for our columbarium**).

LEES & Associates, a leading cemetery landscape design firm from Vancouver, British Columbia, Canada was referred by Sunset to generate line drawings and renderings to be distributed as needed.

Muter Construction, LLC of Zebulon, NC has agreed to perform General Contracting services including construction plan and schedule, retaining a Professional Engineer for soil analysis and concrete specifications, public roadway right of way clearances and traffic management and any other related needs of the project. Muter is currently engaged in construction on the UNC-CH campus.

- Superior Cranes, Inc of Raleigh, NC. - Mr. Thurman Whitehead, Manager, visited the site and measured the distance from the center point of their proposed crane location on Raleigh Road to the site as 55 feet. He furnished a formal estimate to set-up, rig the loads, place the loads, and dismantle the 130-ton crane.

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Timeline – The project includes:

1) Placing my order for the columbarium structure with Sunset Memorial & Stone. Since granite is sourced around the globe to achieve the most similar grade, color, and finish when compared with most memorials found in OCHC, there is a four-month lead-time before the two units arrive on site in Chapel Hill via semi-transport truck from the Sunset assembly plant in Calgary, Canada. These two units of the same size will be permanently joined and sealed together on site by an authorized Sunset technician.

2) Muter Construction to coordinate with LEES & Associates to generate design drawings and shop drawings specifying exact methods, skills and materials to prepare the site including grading, compaction, rebar rigging, concrete form installation, concrete pouring and finishing, installation of drainage pipe and creating walking paths on either side of the columbarium filled with Chapel Hill gravel. Time required: Ten working days, two calendar weeks cumulative. See attached informal Site Plan dated July 20, 2020.

3) Muter will engage a Professional Engineering firm. The PE will be responsible for obtaining and analyzing soil samples at the site and consulting with Muter and LEES & Associates to determine the correct thickness and grade of concrete to be installed. Muter Construction is responsible for providing and supervising necessary equipment and manpower to accomplish the construction plan. No calendar or cumulative time required.

4) Construction access to the site is gained in similar fashion to that of grave diggers and their backhoe equipment that is driven over the South rock wall running parallel to Raleigh Road on plywood sheets to protect the rock structure. The entry point is at the Right of Way running N and S between the sub sections “S” and “T”.

See attached Plot Map.

Note: In the attached preceding photograph, the tree which stands directly within the Right of Way at the South end next to the rock wall. This tree is old and withering and has impeded access in this area of the OCHC for many years and I am requesting that the Town arborist be consulted as to the efficacy of its removal as a matter of sound maintenance and arboriculture.

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5) Muter will grade, and compact soil on site as specified in construction plan.

Two working days

Two weeks and two days cumulative.*

6) Muter to receive and rig rebar and concrete forms. More forms will be installed to create the parallel gravel walkways within the property boundaries adjacent to the columbarium.

One working day. Two weeks, three days cumulative.*

7) Receive and pour concrete, finish with screed and trowels. - One working day.

Ready mix concrete will be delivered to the access point and dispensed into buggies inside the rock wall and then delivered to the site. The ready mix truck will be instructed to remain on road pavement and not on the adjacent brick walkway. One lane closure of 30 minutes is estimated and Muter will post a flagman to direct traffic while this operation is accomplished. Muter is permitted access on the UNC campus. Two weeks, four days cumulative.*

8) Following initial set and cure of the concrete slab, Muter will receive and install drainage pipes and then cover over the pipes with Chapel Hill gravel. Rake to smooth gravel. One working day. Three weeks cumulative.*

8) Cover concrete and cure for specified time per plan. One week minimum.

One month cumulative.*

* Weather permitting

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Four months from inception –

9) Installation of two section columbarium using 130 ton all terrain crane positioned on roadway pavement of Raleigh (South) Road adjacent to the Access Point located at the N/S OCHC ROW. Requires blocking two West bound lanes for up to four hours. 55' reach from crane to site. Sunset technician/supervisor, in coordination with Muter, UNC and NCDOT supervision, will ensure section positioning is correct and then permanently attach the two sections together, followed by weather sealing of the two sections into one contiguous columbarium. One working day.

10) Final clean-up and landscaping completion. One working day.
Four months cumulative.

Pedestrian access - post installation - See attached LEES & Associates OCHC Map. This map shows yellow dotted lines as prepared walkways historically open to the public when walking from Country Club Road to Raleigh Road and continuing West towards the campus. With UNC approval these same walkways shall serve families and friends of the interred within the columbarium and adjacent grave sites by providing prepared Chapel Hill gravel walkways to and from street parking and the Cobb Parking Deck behind the Paul Green Playmakers Theatre.

The communities of Chapel Hill and UNC and all visitors to the OCHC would be well served if permission was granted to place a very low foot bridge, wide enough for wheelchair use, across the Eastern rock wall boundary of OCHC and UNC's Memorial Grove and adjacent to the columbarium. This rock wall is only 4-6 inches high, and a handrail shall be provided for safe ingress and egress to/ from the columbarium pathways. I intend to provide and underwrite this handicapped access footbridge and dedicate it to my parents.

Note: This pedestrian access point provides the only access that does not require pedestrians to trod upon the gravesites of neighboring plots. The juxtaposition of the columbarium in relation to the Memorial Grove is ideal for serving the joint purposes of the Town and Gown. OCHC visitors, young and old, may wish to honor and memorialize the legacies of the many within the columbarium and Memorial Grove who have gone before.

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Associated fees -I observe that most columbaria niches are serviced (opened and closed) by a Cemetery Administrator or Funeral Director. Opening and closing of this columbarium is a two-step process:

- a) The solid granite shutter is held in place by metal rosettes that respond to a special shaped wrench for removal and replacement of the shutter when opening or closing the niche.
- b) Once the shutter is removed, a keyed lock in each niche is opened and closed with a common key held securely by the Cemetery Administrator or a licensed Funeral Director. Sunset Monument & Stone provides several common keys and rosette wrenches, and they will be provided to the chosen responsible party(ies).

Further, it is customary that the original opening and closing fee would be included in the purchase price when the deed/indicia* is granted to the initial purchaser.

I am in favor of establishing a two fee schedule to be collected by me and disbursed to the Town with each of the following events:

- 1) Purchase of a niche, either initial purchaser or successor/purchaser – will pay a transfer fee of \$500.00 to the Town in return for a Town Indicia* of Ownership acknowledging the parties to the purchase and transfer of ownership. See attached Sample.
- 2) A Perpetual Care Fund fee of \$500.00/niche to be held by a fiduciary firm responsible for disbursing funds to maintain and restore gravel walkways as needed and power wash the structure annually. The Town, as usual, will remove and dispose of detritus left behind by visitors wishing to leave mementos throughout the OCHC.

*Indicia – reference Quitclaim Deed of 1989.

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- 3) Opening and closing (one event) of a niche – handled like a safety deposit lock box wherein owner is allowed privacy to place, replace or remove urns and memorialized items after niche is opened and until it is closed and locked by the responsible party. Initial event included in purchase price. Thereafter \$250.00/event. Provided by the Cemetery Administrator if employed by the Town, or designated Funeral Director(s).

-
Desecration - To the question of whether one party can inter remains over the remains of another previously interred, I offer:

NC General Statute

§ 14-149. Desecrating, plowing over or covering up graves; desecrating human remains.

(a) It is a Class I felony, without authorization of law or the consent of the surviving spouse or next of kin of the deceased, to knowingly and willfully:

(1) Open, disturb, destroy, remove, vandalize or desecrate any casket or other repository of any human remains, by any means including plowing under, tearing up, covering over or otherwise obliterating or removing any grave or any portion thereof.

(2) Take away, disturb, vandalize, destroy, tamper with, or deface any tombstone, headstone, monument, grave marker, grave ornamentation, or grave artifacts erected or placed within any cemetery to designate the place where human remains are interred or to preserve and perpetuate the memory and the name of any person. This subdivision shall not apply to the ordinary maintenance and care of a cemetery.

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Mission Statement - It is my fervent commitment to honor my vow to provide this eternal asset to this Southern Part of Heaven* that I and my parents have so loved and enjoyed since 1948. They would have been pleased to know their foresight has indeed wrought a melding of all peoples within this sacred ground and is a beacon to the world looking for Good Orderly Direction.

Finally, I am not a commercial venturer and have no plans to pursue further enterprise beyond that of receiving fair compensation and ameliorating the inherent risk associated with a capital and real estate investment of this magnitude.

Please allow me to respond to any further questions and concerns and thank you for the opportunity to approach you and your colleagues for the purpose of serving the greater good.

Sincerely yours,

John Andrew Shearer

Son of Andrew Clyde and Edna Starrett Shearer (RIP)

Owner of Plots T7 & T14

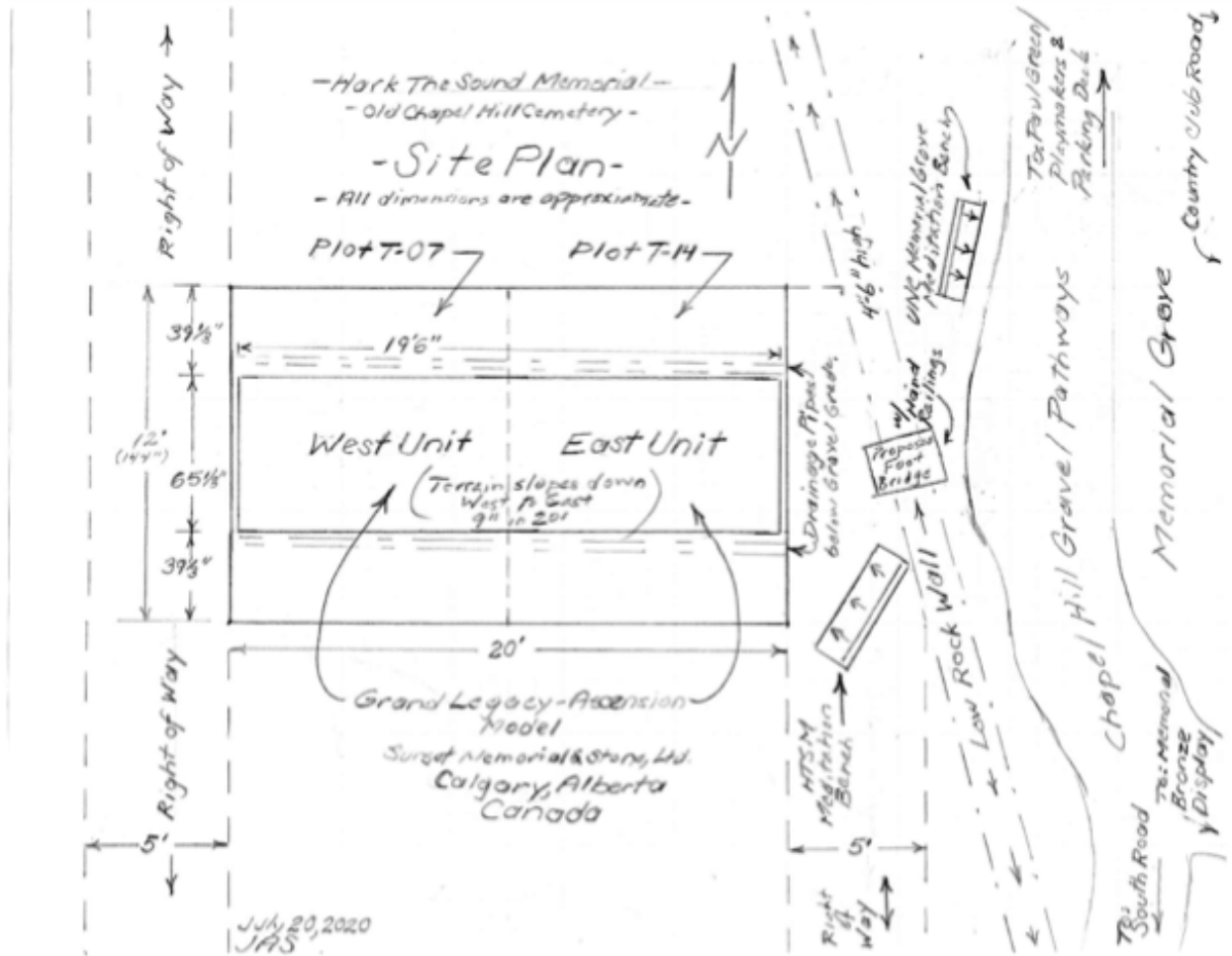
* Title of book written by William Meade Prince in 1950. Mr. Prince grew up in Chapel Hill and was a noted illustrator and author. He created the drawings of the UNC Circus Parade, then carved by Carl Boettcher, and now kept safely on exhibit in the Hill Alumni Center adjacent to the Carolina Club on the UNC campus.

Sample *Sunset Memorial & Stone, Ltd.* columbarium
featuring
Ascension base tier housing 2-3 standard urns/ niche

*Onyx shutters are not representative of
our choice of Imperial Grey on all granite surfaces.
See Slide Show Tour for exact finishes and colors.*



Informal Site Plan





View of Right of Way (ROW) from Raleigh Road looking North towards Columbarium site in red. Note large tree in ROW impeding access for grave digging, funeral arrangements, and landscaping efforts.

Note: Suggest Town Arborist be consulted for removal decision.

Section IV of OCHC with Slide Show Tour denoted.
See Slide Show Tour attached to this Presentation.

Old Chapel Hill Cemetery Map

LEFS
ASSOCIATES





Plot Map

Note: Tree location at South end of Right of Way.

Request Town Arborist be consulted regarding removal in order to improve accessibility of grave digging equipment.

October 20, 2021

Reply and Rebuttal to opposition email, dated April 21, 2021 to:

Town Council<mayorandcouncil@townofchapelhill.org>

Re: Council Petition of April 14, 2021

Subject: Columbarium in Old Chapel Hill Cemetery (OCHC)

To the Mayor and Town of Chapel Hill Council Members and all interested parties:

It has come to my attention, at long last, that an opposition letter was circulated via email to the Town Mayor and Council regarding a petition to provide a columbarium on my plots T-07 & T-14 in Section IV of the OCHC. While it is my responsibility to keep informed regarding this matter, I remained uninformed of Mr. Moore's letter until I found it on September 22, 2021.

I respectfully wish to Reply and Rebut at this time while revising the petition as a way of answering any and all questions and concerns from this opposing response as well as others that may appear in the future. I shall end this letter with a Summary Statement of Intent and Purpose.

I would like to recognize Mr. Moore, submitter of opposition, and acknowledge his contributions to the OCHC through his service as a member of the now defunct Cemetery Advisory Committee, current member of the Friends of Old Chapel Hill Cemetery and fellow owner of property in the OCHC.

However, on each of his points, my opinion diverges and I offer the following rebuttal:

First, regarding the need for columbarium space, the Mr. Moore recognizes the existence of a 90 niche columbarium located in the Chapel Hill Memorial Cemetery (CHMC), and I acknowledge that future plans allow for additional niches to be built. There are no available burial plots available in the OCHC or the CHMC. In fact, with the exception of columbarium niches owned and leased by the TCH and available in CHMC, there are no burial or interment spaces available within the Town of Chapel Hill (TCH). If the average Town citizen were asked which cemetery he would prefer to be interred, I wager the OCHC would win handily. Both for its historical significance and its natural beauty and serene setting within earshot of the Bell Tower and the roar of crowds gathered in a number of nearby UNC sporting stadiums.

Second, the opposing statement supports the premise of fee simple rights of ownership as do I. However, the objection that my project is a commercial development flies in the face of practically all human endeavors wherein one party provides goods and/or services in return for compensation, thereby supporting an economic commercial engine which we are all willing parties to. Professionals including doctors, lawyers, dentists, truck drivers, nurses, professors, police, fire fighters, et al, offer themselves commercially in order to provide for themselves and their families. It is the way of the world. To say that my project must not be commercially compensated is absurd.

Page Two

In fact, I am not a developer of cemeteries or anything else, rather a private citizen/owner who remembers wishes expressed by his parents to provide a much desired and long-awaited solution for those community members who might wish to be interred eternally in the OCHC. For the record, cremated remains now make up more than 70% of all global interments and are recognized as the preferred green method of interment. Inurnments allow for a secure, discrete, yet informative method of memorializing those who choose to be sensitive to the future environment while resting in the company of others who have lived within this wonderful family and community.

Additionally, we do have a third institution distinct from commercial and government enterprise known as the “not for profit” sector. While this project aims to provide for the greater good of our integral community, it will also benefit those less economically fortunate with a sliding scale of pricing whereby the more economically fortunate will be asked to pay higher than market prices thereby equalizing the opportunity for all peoples to be interred and memorialized on this hallowed ground.

Thirdly, regarding the possible threat to the OCHC listing on the National Park Service’s National Registry of Historic Places (NRHP), this status is granted through satisfaction of a variety of contributing and non-contributing structures and objects already in place. As long as the TCH continues to honor its commitment of “The TCH shall maintain the OCHC in a suitable condition in perpetuity” as per Condition #1 found in the quitclaim deed from the State of NC to the TCH in February 1989, the NPS status will remain intact and the columbarium will serve to preserve and protect the legacies of future generations. Several other buildings and areas of Chapel Hill are in the NRHP including Chapel of the Cross, CH Historic District, Playmakers Theatre, Carolina Inn, and Meadowmont.

Looking forward, the columbarium will support a website and data base wherein each interred individual may choose to have a discrete folder containing personal history and remembrances posted prior to or posthumously and available for visitors wishing to be informed via personal smartphones or tablets on site or elsewhere. It may be said that the future is now and technology can play a positive role in bringing the past into the present and future for all.

Fourth, our original petition submittal unfortunately contained images of earlier larger versions of columbarium design. The Vancouver firm of LEES & Associates, a preeminent cemetery landscape design firm, was retained and we produced a series of renderings showing three sizes: a large seven-tiered model of 224 niches, a medium six-tiered model of 192 niches and to five-tiered model of 160 niches.

Page Three

With the revision of the petition, I am presenting the smaller five-tiered version with 160 niches affording a presence and profile that allows the complimentary coloring and size of the granite structure to blend in with the surrounding memorial stones. From a distance upslope towards the West at the paved pathway between Sections III & IV, the columbarium is hardly noticeable and does not break any sight lines from any direction. I have provided this rendered view from the cross monument to prove my point.

In addition, we are providing a materials photo/rendering showing the style and architectural features of the sole, above ground, mausoleum in OCHC to be the guide for our design using similar features.

As far as impacting the value of other plots within OCHC, it would seem obvious that more utility and service to the community greater good only increases value throughout the cemetery. A rising tide lifts all boats.

Fifth, regarding ongoing maintenance of the columbarium, it is simple. The columbarium design includes Chapel Hill gravel walkways held secure by boundary inserts flush with the ground on either side of the granite structure. These walkways will allow close inspection of the engraved names and dates of the interred without stepping on adjacent gravesites. Since the Right of Ways are not clearly marked within OCHC it is quite difficult to avoid stepping upon gravesites in an attempt to move closer to most desired monuments' point of view.

Perforated drainage pipes will be installed beneath the walkways and all water runoff will occur naturally and not impinge upon the structure or surrounding gravesites and monuments. There has been no erosion on these plots for over fifty years despite the lack of grass from growing due to lack of sunlight. Water runoff finds its way further downslope to catch basins within the UNC Memorial Grove and flooding and standing water have not occurred.

The TCH has removed several large mature trees in the area to improve the growth of grass. However, our plots will not require any maintenance other than an occasional and optional pressure washing and the usual removal of expired flowers and occasional mementos left behind by friends, families and visitors to the cemetery. The TCH provides detritus removal on an ongoing basis.

I shall provide a three-person meditation bench to be placed adjacent to the Southeast corner of Plot T-14. Also, a foot bridge over the 4 inch high boundary rock wall capable of allowing handicapped visitors access to the columbarium from the pathways in the Memorial Grove (with UNC approval of course). These improvements will be dedicated to my parents who are the responsible visionaries of the project.

Page Four

Finally, and sixth, the combined plots T-07 & T-14 comprise the only remaining contiguous double plots in Section IV. This is a critical feature which I have protected from many offers received over the years to sell off one or both plots or any number of the six subplots contained within. This would have been contrary to my parents' wishes that the plots benefit the community in the same spirit of when they gifted the land for Airport Gardens public housing on MLK, Jr Blvd just North of Bolin Creek.

My father served on the TCH Planning Board and was a founding Director of the YMCA while my mother was a Grey Lady at Memorial Hospital and an active member of the CH Garden Club for many years. They and I have always supported our lovely community. We wish to do so again.

This objection is also rooted in the fear that other columbaria might appear within the OCHC. Legally, no existing grave site may be tampered with, opened or desecrated on penalty of a Class I felony within the State of NC. If other plot owners wish to provide smaller columbaria, it would only serve an ongoing demand for low impact interments that even our project will not assuage over time.

Summary of Intent and Purpose: I am risking a substantial amount of money up front to create this facility with no guarantee of a return adequate to repay the capital investment. Also, I will forfeit the value of the land itself since it will not allow for burial use unless the structure is demolished and removed. To my knowledge no one else has the willingness, ability and capacity to see this project into fruition and serve the community at large. Substantial prices were paid within the past five years for five contiguous subplots which were sold separately and one separate subplot. No others have come to market since then and a waiting list has lingered since the 1950's.

In closing and as a matter of context, I quote a paragraph lifted from the US National Park Service Form 10-900 wherein the OCHC appears in the National Registry of Historic Places:

"Because of the University's preeminent position as the first public university opened in the United States and the major public institution of higher learning in North Carolina, the Old Chapel Hill Cemetery has one of the most distinguished groups of individuals of statewide and local significance of any cemetery in North Carolina.

Among those buried there are eminent educators, mathematicians, physicians, engineers, geologists, philosophers, literary figures, and dramatists. Burials of much-beloved Chapel Hill townspeople, men and women, white and black, who operated popular hotels, boarding houses, restaurants, served in town government, and were public policy crusaders, are present there also, and have local significance."

Page Five

This statement brings to light the legacy of notables from the past who have done great service and brought honor to our greater community. If a respectful, non-obtrusive, compatible solution could be brought forward, why would we, as a living breathing society of this Southern Part of Heaven*, not wish to continue the practice of memorializing all peoples who have contributed to the eminence of our domain?

We, in fact, have the opportunity to continue the legacy, but from this time forward to include everyone, rather than a select few as found in Sections I, II, III, & IV. The arc drawn from Sections A & B in the West, filled with unmarked graves of the very people who physically built this community to the proposed columbarium in Section IV in the East is remarkable. This arc will serve as a beacon for future generations to be guided by the long awaited inclusion of all notable contributors who wish to rest eternally upon the hallowed ground of OCHC.

With deep respect and sense of community pride for the greater good, I remain

Very sincerely,

John Andrew Shearer

Son of Andrew Clyde and Edna Starrett Shearer (RIP)
Owners of OCHC Plots T-7 & T14.

Southern Part of Heaven (1950), book title written by William Meade Prince.

Mr. Prince grew up in Chapel Hill and was a noted illustrator and author.

He created the drawings of the UNC Circus Parade, then carved by Carl Boettcher, and now kept safely on exhibit in the Hill Alumni Center adjacent to the Carolina Club on the UNC campus.

Addendum:

Q. What is **Title in Fee Simple**?

A. The unconditional and complete and total ownership of property.

<https://thelawdictionary.org/title-in-fee-simple/>

To illustrate the sanctity of fee simple ownership within the OCHC, it might be helpful to read the following OCHC historical description found in the National Park Service's National Registry of Historic Places application and designation:

"Five years later, on June 11, 1928, the aldermen submitted a written petition to the trustees describing crowded conditions in the cemetery and asking for additional land. In what seems to have been a mutually beneficial exchange at the time, the trustees granted three acres, two on the east side (apparently Sections III and IV), and one on the south side (apparently a southern expansion of Sections A & B).¹⁶ Receipts from the sale of lots [burial permits] were to be placed in a maintenance fund, and oversight of the entire project was assigned to a committee of five members, appointed by the aldermen and the faculty buildings and grounds committee.

This arrangement apparently worked satisfactorily and many burials of prominent educators and townspeople took place in the cemetery during the 1930s and 1940s. Then in the late 1940s, the town record reflected concerns about the appearance of the cemetery. Complaints about weeds, sunken graves, and overturned monuments prompted debate as to whether the responsibility for upkeep of grave sites lay with individuals whose family members were interred in the cemetery or with the town.

The town took the position that burial sites were private property and that the rights of owners would be infringed on if it assumed responsibility for the maintenance of individual graves."

I construe that a grave plot and a columbarium niche are of the same cloth and are identified and quantified parcels of property. I shall contribute \$500.00/ niche to the TCH in return for their honoring the quitclaim deed condition #2 – "The TCH will grant some indicia of ownership (cemetery deed or other) of grave plots assigned to or belonging to individuals, families, or certain organizations . . .

In addition, I shall contribute \$500.00/niche to a Perpetual Care Fund administered by a fiduciary firm acceptable to the TCH. This fund will be drawn upon to fund any and all expenses associated with the columbarium on an ongoing perpetual basis. I urge the extension of this per niche PCF contribution to all future exchanges of ownership that shall occur. Interest on a nominal sum of \$80,000.00 should pay for pressure washing and detritus collection in perpetuity. JAS

October 20, 2021

VIA EMAIL

LEGAL ASPECTS -

RE: Old Chapel Hill Cemetery, Proposed Columbarium, Section IV, Plots 7 and 14.
 ("Property")

Town Authorization:

The Town of Chapel Hill ("TCH") owns the Old Chapel Hill Cemetery (OCHC) common ground property described in the 1989 Quitclaim Deed (see attachments). This holding is **exclusive** of all of the identified burial plots in OCHC. These plots are "owned by individuals, families and certain organizations" not including the TCH. The TCH is required to maintain and administer/regulate the cemetery common grounds in compliance with Conditions #1-5 of the said Quitclaim Deed.

Condition #1 – "The TCH shall maintain the cemetery in a suitable condition in perpetuity."

Comment: I observe the Town has honored this condition to include the removal of several trees in Section IV that will improve the growing of grass and improve the daily lighting of the area.

Condition #2 – "The TCH grant some indicia of ownership (**cemetery deed** or other) of grave plots assigned to, or **belonging to individuals, families and certain organizations** such as the Dialectic and Philanthropic Literary Society . . ."

Unlike many cemeteries in the state of North Carolina, OCHC is not recognized or governed by the NC Cemetery Commission. Please note the link showing the Scope Clause of the N.C. Cemetery Act:

https://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByArticle/Chapter_65/Article_9.html

which states:

§ 65-47. *Scope.*

*"The provisions of this Article shall apply to all persons engaged in the business of operating a cemetery as defined herein, **except cemeteries owned and operated by governmental agencies** or churches."*

In the alternative, the Town is responsible for OCHC oversight through its own Parks and Recreation Department.

Page 2

Comment: While OCHC is exempt from NC Cemetery Commission regulation, I intend to honor the spirit of the Act by establishing a Perpetual Care Fund as mentioned herein and to conduct all business affairs as if regulated by the NCCC.

No listing of OCHC within the TCH Code of Ordinances:

Since the OCHC and Barbee – Hargraves Cemetery are not listed or mentioned within the Town Code of Ordinances, they are exempt from all provisions that apply to the other two listed cemeteries owned by the Town of Chapel Hill, except in: Chapter 6.

Article I. - In General. (All TCH cemeteries*)

Article II. - Chapel Hill Memorial Cemetery

Article III. - West Chapel Hill (Jay Street) Cemetery

These three Articles comprise the entire Chapter 6 entitled CEMETERIES.

Article I. – “In General” pertains to below ground graves, grave liners and vaults, peace and good order, traffic, animals, hours of operation, disturbing/defacing of graves, and artificial flowers.

No mention is made regarding above ground interments.

Regarding above ground interments, Article II of the Code exclusively recognizes and covers Chapel Hill Memorial Cemetery (CHMC) where the Town owns fee simple and maintains an above ground 96-niche columbarium.

Further in Article II, Section 6-22 entitled “*No conveyance of title of grave space. – Fee simple title to the property included in the CHMC governed by this article shall remain vested in the Town of Chapel Hill.*” This Section specifically distinguishes between the holders of Rights of Interment without fee simple rights within the CHMC and the owners of OCHC plots that have the right to buy, sell, trade or exchange their fee simple deeded plots or subplots on the open market for cash or other instruments of value.

OCHC precedent was established in 1798 and codified in 1922 when UNC and the TCH agreed that TCH would maintain OCHC and administer sale of plots. Further precedence was set through the language found in the Quitclaim Deed of 1989 when Title was officially ceded to the TCH.

*TCH owned cemeteries:

- OCHC – Old Chapel Hill Cemetery (listed in website but not in Code)
- CHMC – Chapel Hill Memorial Cemetery
- West Chapel Hill (Jay Street) Cemetery
- Barbee – Hargraves Cemetery (listed in website but not in Code)

Page 3

A Cemetery Advisory Board was declared **inactive** in 2008 while a Parks, Greenways & Recreation Commission, with no authority to govern, consults with and “advises the Council on matters affecting the overall recreational policies of the Town, the acquisition and use of lands and properties related to the total community recreation program, and its long-range projected programs for recreation, parks, and playgrounds.” **No mention is made of cemeteries.**

The Property in question: The owner possesses Plots T-7 & T-14 in Section IV of OCHC. As in all plots in Section IV, each plot is divided into three subplots. Each plot measures 12’X10’ and each subplot measures 4’ X 10’. The two plots are to be the home of the columbarium and they measure 12’ X 20’combined. They are adjacent to the Eastern boundary rock wall between OCHC and the UNC Memorial Grove cremated remains scattering ground, walkways and memorial register.

Owner’s rights regarding the Property:

The owner’s interest in the Property is further defined and affirmed through a variety of references including the Town’s website: *“Chapel Hill Parks and Recreation manages cemetery plot and columbarium sales for Chapel Hill Memorial Cemetery, only. Cemetery plots in the West Chapel Hill Cemetery and **the Old Chapel Hill Cemetery are no longer sold by the Town but may be available from private owners.**”*

Finally, the owner has provided records affirming the purchase date, amount and plot locations and other corroborating information. These are shown in Exhibit A of this Analysis and include:

- a. Last Wills and Death Certificates of the Owner’s mother and father, Edna Starrett Shearer and Andrew Clyde Shearer, transferring the Property to the owner. (Previously inserted in Town of Chapel Hill Attorney’s file.)
- b. Ledger entry from the “Town of Chapel Hill, N.C. Old C.H. Cemetery Record” indicating Section IV, plots T7 and T14 as owned by A. C. Shearer, owner’s father.
- c. Map of the Old Chapel Hill Cemetery highlighting Section 4 (Rows Q, R, S, T) indicating ownership of plots T7 and T14 by A. C. Shearer, owner’s father.
- d. Pages 15 and 16 of spreadsheet with header “Old Chapel Hill Cemetery Section 4 – By Plot”, dated December 6, 1990, indicating ownership of plots T7 and T14 by A. C. Shearer, owner’s father.

Page 4

- e. Sample Release on Town of Chapel Hill, Parks and Recreation letterhead, signed by Ms. Debra Lane, Cemetery Administrator – August 9, 2009.
- f. Copy of Bill of Sale between playwright Paul Green and Professor Dr. Hugh T. Lefler, Sr. for Plot T15 – October 3, 1977.
- g. Handwritten diagram by A. C. Shearer, owner's father, on father's company letterhead dated August 8, 1968.
- h. Grave Search from Find-A-Grave database, a commercial grave location company.

Items b., c., d., e., & f. above were provided by the Cemetery Administrator, Ms. Debra Lane and she has provided consistent and helpful service including the magnetic marking of the plots over the years since the owner has been pursuing a plan for the betterment and greater good of the Town and UNC communities. Her contact information is:

Ms. Debra Lane
 6850 Millhouse Road
 Chapel Hill, NC 27516-8173
 Phone: (919) 968-2738
 Email: dlane@townofchapelhill.org

-
 -

Owner's responsibility / documentation:

The owner is aware that the provision of this columbarium must be supported and managed in the spirit of the Quitclaim Deed of 1989. Therefore, the owner shall:

- a. Establish a Perpetual Care Fund (PCF) in the amount of a transfer fee of \$500.00 per niche at the time of initial transfer of each niche. \$500.00 per transfer shall be placed in a fiduciary escrow account used solely for the care and management of the columbarium/niches to include an ongoing wind and hail insurance policy. The owner agrees to pay an "Indicia Fee" of \$500.00 to the TCH upon receipt of each \$500.00 transfer fee. In return, the Town will grant a Cemetery Deed of Transfer acknowledging the parties to the purchase and transfer of niche properties as per the Quitclaim Deed.
- b. Suggest that all future transfers of niche property, after current owner initially transfers all available niches to purchasers, shall be subject to the same \$500.00 transfer fee payable to the PCF and \$500.00 Indicia fee payable to the TCH in return for the granting of a Cemetery Deed of Transfer from seller to buyer of each niche.

Page 5

b. provide to the new purchaser, during the initial transfer phase, two niche opening and closing events. After the initial transfer phase, the owner shall appoint several local funeral homes to offer the opening and closing of niches and provide them with special wrenches and master keys for this purpose. These cooperating funeral homes will be listed on the HTSM website. A \$250.00 fee per each opening/closing event may be charged and payable to that funeral home for that service.

c. maintain all records relating to 1) sale/transfer of niches during the initial transfer phase, 2) the Perpetual Care Fund, and 3) accounting at the owner's expense, to be held at the owner's principal place of business in North Carolina (or suitable fiduciary) and will hand over those records, after all niches have been initially transferred, to a fiduciary firm hired to provide perpetual management of the PCF.

d. retain the right to give, by deeded transfer, niche properties to any entity he so chooses and close the initial transfer phase at that time. Such gifts will not be subject to the PCF or transfer fees.

e. cause all granite shutter engravings to be of same size and font until initial transfer of niches is complete, and such engravings will be limited to: Full name, dates of birth and death (example - September 25, 1944 = October 20, 2021) of the interred. The fiduciary agrees to maintain this standardization of size, font, and content of engravings onto all granite shutters on the columbarium by way of having each transferee sign an agreement to abide by this specification and all rules and regulations in Chapter 6, Article I of the TCH Code of Ordinances.

f. promulgate a document to be received and agreed to by transferees regarding rules pertaining specifically to the columbarium to protect the interests of all stakeholders involved. The rules will be created by the owner and approved by the Town. A complete set of engraving specifications, general rules and columbarium rules will be provided to each niche purchaser at time of closing.

Page 6

Summation: The owner holds the right of use or to sell the property, meaning he has the right to be buried in or interred in/on the Property or to transfer/sell his fee simple deeded property on the open market. By indicating that plots and columbarium niches in OCHC may be available for transfer/sale “from private owners” the Town acknowledges the owner’s right to sell the Property in whole or any portion thereof.

Therefore, while the owner agrees to inform and advise the Town in all matters associated with this facility, the owner is free to cause the construction and installation of a columbarium on his property without consent from the TCH since precedent is established that has allowed property owners to erect columbaria, monuments, obelisks, wrought iron fences, stone boundary markers, meditation benches and gardens, and multi-crypt mausoleums without limitation within the OCHC.

Finally, the community served by OCHC is comprised of Chapel Hill, UNC, Orange County, the State of North Carolina and beyond. Those people who associate themselves with the highly valued and rich cultural heritage of these revered communities and institutions have not enjoyed access to after-life memorialization within the OCHC since the last remaining plots were sold in 1956. As an alternative, the Chapel Hill Memorial Cemetery has sold out in recent years with only a few columbarium niches remaining available for interment. There are no announced plans or initiatives currently being contemplated by the TCH for additional cemeteries to be provided to the community.

This columbarium facility shall provide the community with the opportunity for some 352 urns to be interred within some 160 niches and to be contained and protected in a grey granite structure with granite shutters sealing off key - locked niche doors. These niches will be housed in a tasteful appropriately sized traditional columbarium designed by cemetery architects LEES Associates of Vancouver, British Columbia, Canada and manufactured by world leaders, Sunset Memorial & Stone, Ltd. of Calgary, Alberta, Canada.

Particular care has been used to create a structure of similar classic appearance, shape, and size to those monuments found within the OCHC. Of particular emphasis is in providing unprecedented access to the facility including foot traffic without stepping on any adjacent grave sites. Assuming UNC approval, nearby parking decks and street parking are accessed by the lovely gravel pathways within the UNC Memorial Grove. In addition, a foot bridge will afford handicapped access over the old stone wall on the East boundary of OCHC. A meditation bench is contemplated to be placed next to the bridge.

The facility will be served by a discrete website accessed by an on-site QR coded URL for the edification of the friends and families of the deceased with curriculum vitae and other pertinent remembrances provided through visitor smart phones and tablets.

Page 7

Mission Statement – The interment of cremated remains is now the global green/gold standard for minimal environmental impact and now is practiced in over 70% of all interments worldwide. The owner is not a commercial cemetery operator and only wishes to exercise his right to provide a long sought, eternal rest facility to the community and to fulfill the wishes of his departed parents. He has no plans to pursue further business beyond that of receiving fair compensation for his labors and ameliorating the inherent risk associated with a capital and real estate investment of this magnitude.

I hope this answers your questions and responds to concerns regarding the owner and proposed columbarium to be located in the OCHC. Please advise if you need further information or documentation, and feel free to contact me with any questions.

Looking forward,

John A. Shearer

(919)612-8646

johnashearer@me.com

Exhibit A
Old Chapel Hill Cemetery
Chapel Hill, NC
Property Records

- a. Last Wills and Death Certificates of the Owner's mother and father, Edna Starrett Shearer and Andrew Clyde Shearer, transferring the Property to the Owner. (Previously inserted in Town of Chapel Hill Attorney's file.)
- b. Ledger entry from the "Town of Chapel Hill, N.C. Old C.H. Cemetery Record" indicating Section IV, plots T7 and T14 as owned by A. C. Shearer, Owner's father.
- c. Map of the Old Chapel Hill Cemetery highlighting Section 4 (Rows Q, R, S, T) indicating ownership of plots T7 and T14 by A. C. Shearer, Owner's father.
- d. Pages 15 and 16 of spreadsheet with header "Old Chapel Hill Cemetery Section 4 – By Plot", dated December 6, 1990, indicating ownership of plots T7 and T14 by A. C. Shearer, Owner's father.
- e. Sample Release on Town of Chapel Hill, Parks and Recreation letterhead, signed by Ms. Debra Lane, Cemetery Administrator – August 9, 2009.
- f. Copy of Bill of Sale between playwright Paul Green and Professor Dr. Hugh T. Lefler, Sr. for Plot T15 – October 3, 1977.
- g. Handwritten diagram by A. C. Shearer, Owner's father, on father's company letterhead dated August 8, 1968.
- h. Grave Search from Find-A-Grave database, a commercial grave location company. Page 2 indicates Plot T07 to be occupied by Edna Starrett Shearer and Andrew Clyde Shearer and T14 owned by Shearer and labeled "(Empty)".
- i. Quit Claim Deed dated February 22, 1989 by the State of North Carolina to the Town of Chapel Hill, North Carolina regarding the Old Chapel Hill Cemetery. Page Two shows conditions to be met by the Town.

CONTEXTUAL INFORMATION

- OCHC established 1798.
- 1922 – UNC & TCH agree that TCH shall maintain OCHC and administer sale of plots.
- 1989 - State of North Carolina grants quit claim deed of OCHC to TCH for purpose of landscape improvements, stone wall repairs, grave marker repairs, walkway improvements and signage. The land is conveyed subject to certain conditions which are expressly assented to by the second party (TCH) in accepting their deed, said conditions being as follows:
 - 1) TCH will maintain the OCHC in suitable condition in perpetuity.
 - 2) TCH will grant some indicia of **ownership (cemetery deed** or other) of grave plots assigned to or **belonging to individuals, families**, and certain organizations. . . .
 - 3) UNC shall be presented with, and shall concur in, the master plan of improvements and restoration prepared by the TCH prior to commencement of any work in the cemetery.
 - 4) The TCH shall now and forever more be sensitive to preservation issues in its restoration, improvement, and maintenance of the cemetery.
 - 5) Should the TCH fail to perform any of these conditions, the land shall revert to the State of North Carolina.
- The quitclaim deed provides **modern precedence supporting original precedence of fee simple ownership** of all grave plots within OCHC.
- OCHC is regulated by TCH, a governmental agency, and **is exempt** from NC Cemetery Act. Ref: Section 65-47. A. Scope.
- **OCHC is not mentioned or named in the TCH Code of Ordinances.**
- OCHC may be included in TCH within Chapter 6, Article I. – In General. This section refers to **below ground** graves, grave liners and vaults, peace and good order, traffic, animals, hours of operation, disturbing/defacing of graves, and artificial flowers.
- **Above ground** interments are dealt with **only** in Article II. – regarding Chapel Hill Memorial Cemetery (CHMC). Further, the code states “No conveyance of title of grave space. Fee simple title for property in CHMC shall remain vested in the TCH.
- This statement clearly is intended to delineate free flowing Fee Simple rights of private ownership in OCHC from restricted ownership rights in favor of the TCH in the CHMC.
- Article III pertains to West Chapel Hill Cemetery and concludes the extent of Chapter 6. – Cemeteries of the Town Code of Ordinances.
- **Research reveals the presence of two above ground level columbaria and one mausoleum in the OCHC.**

END

Old Chapel Hill Cemetery - Columbarium Proposal



LEES
+
ASSOCIATES

509 - 318 Homer Street
Vancouver, BC, Canada
V6B 2V2

October 2021

Contact:
Richard Cook, Principal
phone: 604-899-3806
email: rcook@elac.ca
website: www.elac.ca

Old Chapel Hill Cemetery Map

40

LEES
ASSOCIATES

Legend

↖ Views

† Memorial Cross

■ Proposed columbarium site.

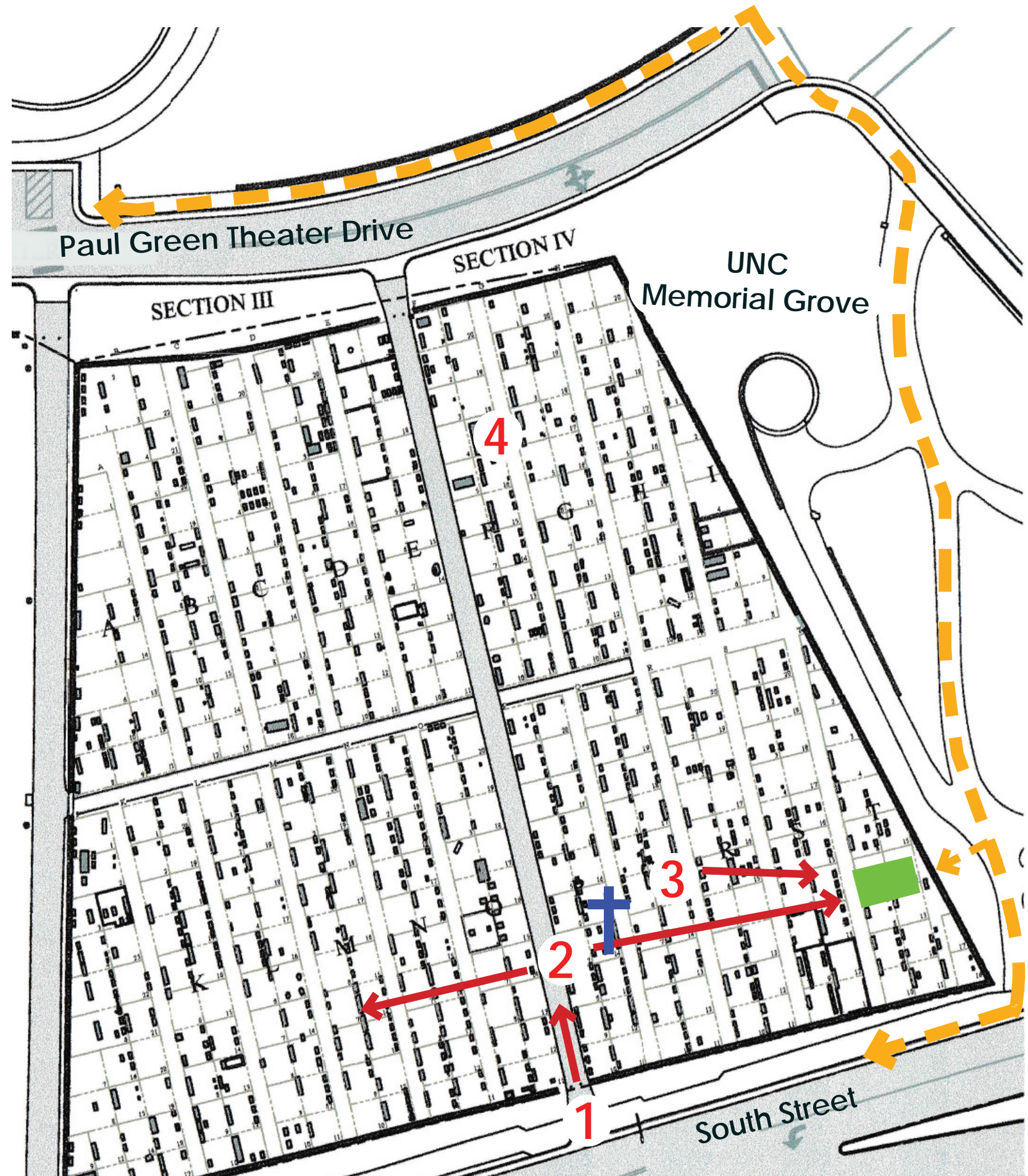
1 Tour starting point looking north.

2 Turn left to look west up the slope before turning 180° to the east to view the cross.

3 Closer view of proposed columbarium location.

4 Mausoleum.

— Pedestrian route though UNC Memorial Grove leading to Cobb Parking Deck and street parking on South Road.



Old Chapel Hill Cemetery - Location 1 and 2

41



Location 1, View 1
Starting point: View looking North along pathway



Location 2, View 1
View upslope to the West

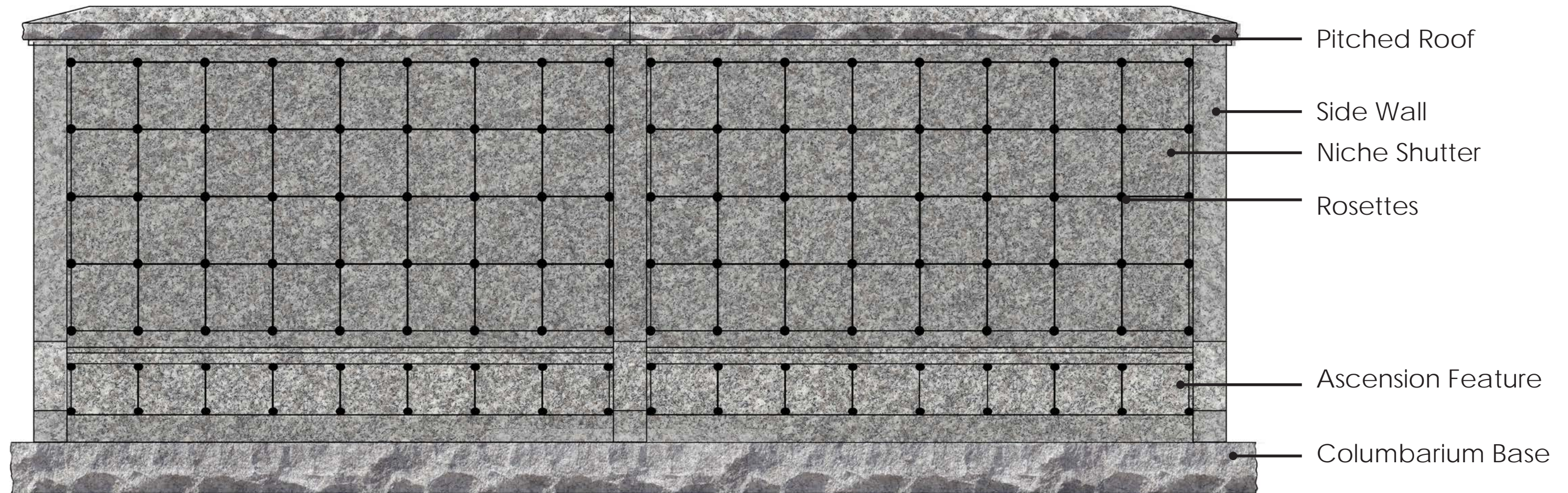


View downslope to the East from the memorial cross towards the proposed columbarium location.

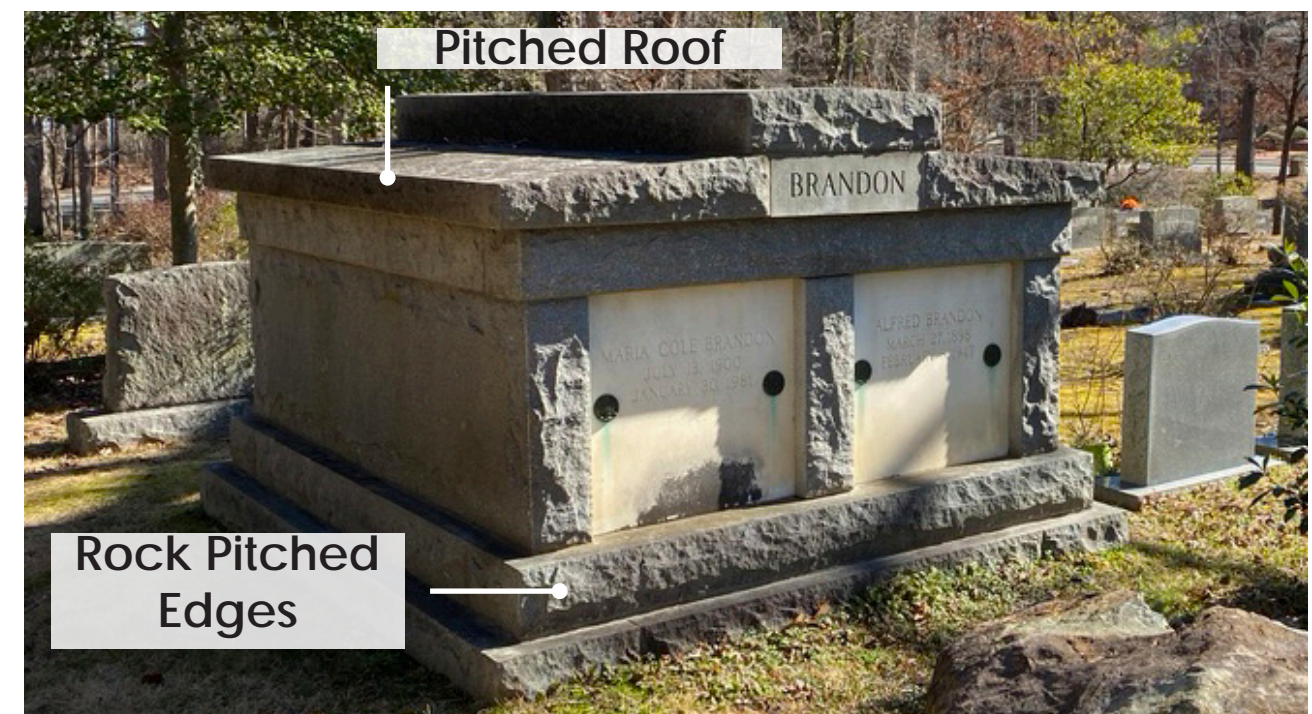


Closer view of the proposed columbarium location

Proposed Columbarium - Colors, Materials and Finishes

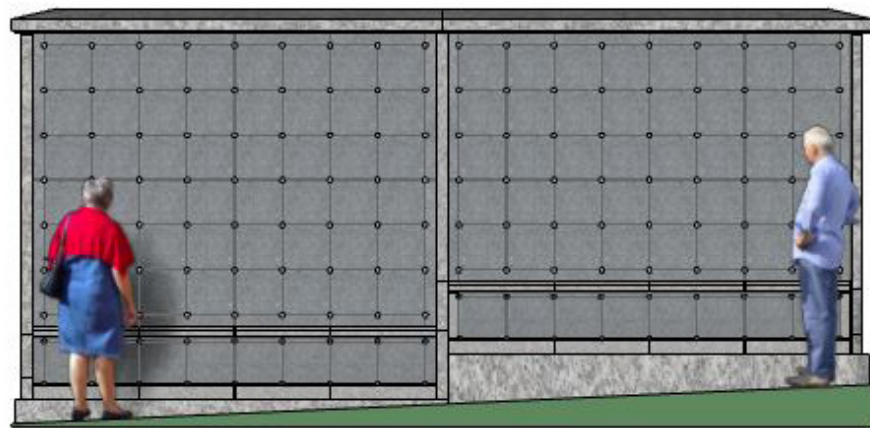


Item	Material	Color	Finish
Pitched Roof	Granite	Gray	Rock pitch sides
Side Wall	Granite	Gray	Honed
Base	Granite	Gray	Rock pitch sides
Shutters	Granite	Gray	Honed

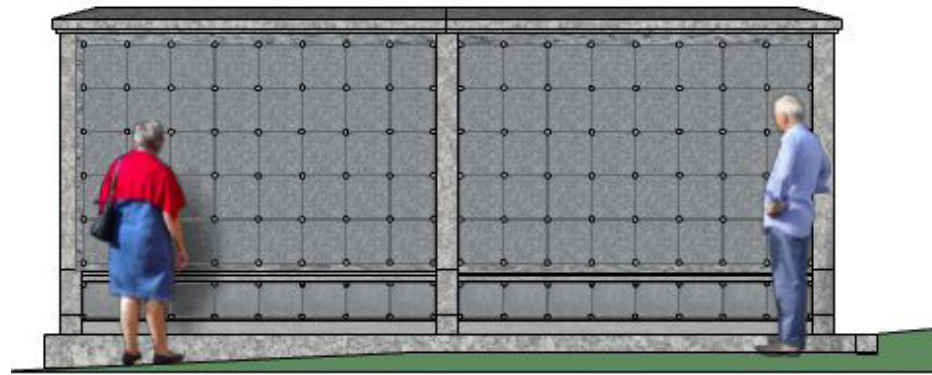


Existing mausoleum in the Old Chapel Hill Cemetery. (Refer to cemetery map location 4)

Original Design

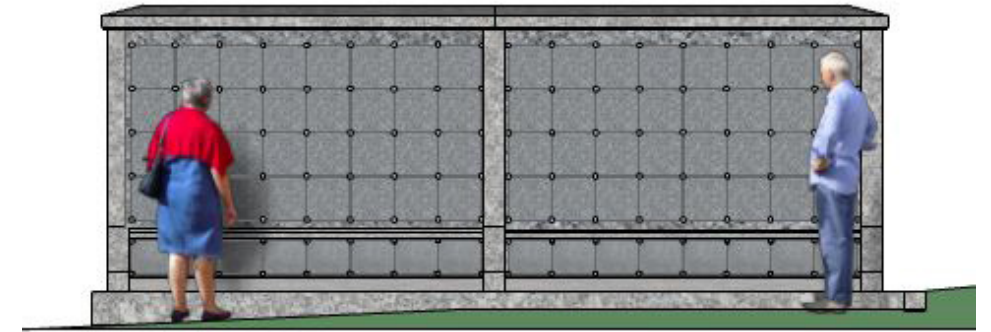


Revised Design #1



Revised Design #2

Preferred Choice



Thank you

Questions?





TOWN OF CHAPEL HILL

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

Item Overview

Item #: 2., **File #:** [21-0812], **Version:** 1

Meeting Date: 10/27/2021

Joseph Patterson III Request to Ban Through Traffic by Trucks and Buses on Henderson Street and North Street.

Staff:

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

Department:

Communications and Public Affairs

Overview: 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 <https://www.townofchapelhill.org/government/mayor-and-council/how-to-submit-a-petition/petition-status>](https://www.townofchapelhill.org/government/mayor-and-council/how-to-submit-a-petition/petition-status) webpage to track the petition. Receiving or referring of a petition does not constitute approval, agreement, or consent.



Recommendation(s):

That the Council consider the petition.



Attachments:

- Joseph Patterson III Request

Amy Harvey

From: Jeanette Coffin
Sent: Thursday, October 14, 2021 11:18 AM
To: Joseph Patterson III
Cc: Adam Searing; Allen Buansi; Amy Ryan; Andrew Creech; Camille Berry; Hongbin Gu; Jeanne Brown; Jeffrey Hoagland; Jess Anderson; Karen Stegman; Michael Parker; Pam Hemminger; Paris Miller-Foushee; Robert Beasley; Tai Huynh; Vimala Rajendran; Zachary Boyce; Amy Harvey; Ann Anderson; Carolyn Worsley; Laura Selmer; Loryn Clark; Mary Jane Nirdlinger; Maurice Jones; Rae Buckley; Ran Northam; Ross Tompkins; Sabrina Oliver
Subject: RE: Petition to ban through traffic by trucks and buses on Henderson St/North St

Thank you for your correspondence with the Town of Chapel Hill. The Mayor and Town Council are interested in what you have to say. By way of this email, I am forwarding your message to the Mayor and each of the Council Members, as well as to the appropriate staff person who may be able to assist in providing additional information or otherwise addressing your concerns.

Again, thank you for your message.

Sincerely,

Jeanette Coffin



Jeanette Coffin
 Office Assistant
[Town of Chapel Hill Manager's Office](#)
[405 Martin Luther King Jr. Blvd.](#)
[Chapel Hill, NC 27514](#)
 (o) 919-968-2743 | (f) 919-969-2063

From: Joseph Patterson III [mailto:joepatterson@me.com]
Sent: Thursday, October 14, 2021 11:14 AM
To: Town Council <mayorandcouncil@townofchapelhill.org>
Cc: Mary Jane Nirdlinger <mnirdlinger@townofchapelhill.org>; Mr. Chris Belcher <jchrisbelcher@live.com>; Carmen Cooley <carbell@aol.com>; Jane Little <little002@juno.com>; Melissa McCollough <melissamccnc@gmail.com>; John Norwood <johnhnorwood@gmail.com>; Katherine Polk <katherine.polk@unc.edu>; Iris Schwintzer <earissch@gmail.com>; Regina Wheeler <reginajaywheeler@gmail.com>; John Wilson <jfwmanteo@mac.com>; Wade Dansby, Jr <wfdansby@gmail.com>; zmunger@nc.rr.com
Subject: Petition to ban through traffic by trucks and buses on Henderson St/North St

External email: Don't click links or attachments from unknown senders. To check or report forward to reportspam@townofchapelhill.org

Madame Mayor and Town Council members,

As you should be aware from recent correspondence, the sections of North St east of MLKB and Henderson St. north of Rosemary are the only access roads to Cobb Terrace for emergency equipment. They are both so narrow as to prevent two way traffic by vehicles any larger than compact cars. A lack of sidewalks on North St. forces residents to walk in the street to reach their homes. Shuttle buses from luxury student apartment complexes, vans, and trucks are using these roads as a cut through and present a substantial impediment to emergency vehicles reaching our homes in the case of an emergency, a hazard to residents' cars which must pull out of their lanes to avoid a collision, and an ongoing risk to pedestrians in the area. This is in addition to the negative impact of this disruptive traffic on the quality of life in our neighborhood .

These problems have been exacerbated by the traffic generated by the parking deck construction activities, but they existed before that project and will continue to exist once it is completed.

To address these problems, we hereby petition the Town Council to make it unlawful for buses and trucks to use these streets as a cut through, as it has in numerous other streets in Town.

Under the Town Ordinances (Sec. 21-6.1 - Bus and truck through traffic), it is "unlawful to operate a bus or truck on South Graham Street except for local service vehicles and delivery trucks making deliveries and/or pickups to houses and businesses on the street; and for buses stopping for receiving or discharging passengers on the street." We ask the Town to apply exactly the same restrictions under Sec. 21-6.1 to Henderson St. between Rosemary and North Streets, and North St. between Henderson St. and MLKB.

Legal prohibitions (Sect. 21-6) apply to truck traffic on 23 streets in Town, many of which are in close proximity to our neighborhood, so we are simply asking for similar protections provided to other Town residents.

We also ask that the Town act with urgency to modify the Ordinance and implement its enforcement. Our neighborhood will be under severe stress from additional traffic during the construction of the parking deck project and we need immediate protection. The Town staff is not set up to address these problems as they happen. Only the CHPD enforcing Town ordinances 24/7 can do that.

On behalf of our neighborhood,

John Wilson, John Norwood, and Joe Patterson
Cobb Terrace residents



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 3., File #: [21-0813], Version: 1

Meeting Date: 10/27/2021

Mayor Hemminger and the Chapel Hill Downtown Partnership Request that the Town Explore Taking Over the Downtown Portion of Franklin Street.

Staff:

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

Department:

Communications and Public Affairs

Overview: 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 <https://www.townofchapelhill.org/government/mayor-and-council/how-to-submit-a-petition/petition-status>](https://www.townofchapelhill.org/government/mayor-and-council/how-to-submit-a-petition/petition-status) webpage to track the petition. Receiving or referring of a petition does not constitute approval, agreement, or consent.



Recommendation(s):

That the Council consider the petition.



Attachments:

- Mayor Hemminger 2021 October 22 Memo Downtown Franklin Street
- Chapel Hill Downtown Partnership Petition



Office of Mayor Pam Hemminger
Town of Chapel Hill
415 Martin Luther King Jr Blvd
Chapel Hill, NC 27514
919-968-2714

October 22, 2021

Council Colleagues,

Attached please find a petition from Matt Gladdek on behalf of the Downtown Partnership board asking that the Town explore taking over the downtown portion of Franklin Street.

This request builds on work the Town, Downtown Partnership and university have been doing to bring new energy to downtown and to support local businesses. The North Carolina Department of Transportation (NCDOT), which currently controls the road, has already signaled that, should an agreement be reached, their agency would continue to maintain the portion of Franklin Street from downtown to I-40.

Having local control of this very important street in our downtown would make a tremendous difference for our entire community. Currently, the Town must ask NCDOT for approval to do most things including closing the street temporarily, expanding sidewalk dining and installing temporary art or permanent markers on sidewalks.

Local control would open up more options for designing bicycle and pedestrian facilities to make Franklin Street safer and more enjoyable for bicyclists and pedestrians. Additionally, it would allow the Town to mitigate flooding that occurs in the area by improving stormwater management in the area.

I am excited by the opportunity for Chapel Hill to own our main street and would greatly appreciate your support for having our staff begin investigating this quickly.

Sincerely,

A handwritten signature in blue ink that reads "Pam Hemminger". The signature is fluid and cursive, with the first name "Pam" being more prominent than the last name "Hemminger".

Pam Hemminger



TO: Mayor & Town Council

FROM: Matt Gladdek, Executive Director

SUBJECT: Study Town taking ownership of Franklin Street

DATE: October 22, 2021

On behalf of the Chapel Hill Downtown Partnership Board, I present the following petition to the Town Council concerning Franklin Street.

The board unanimously voted this month to ask the town to explore taking over ownership of Franklin Street, from at least Henderson Pritchard or Henderson Street to Merritt Mill, from the North Carolina Department of Transportation.

The pandemic has been an extremely difficult time for all community members, including the businesses in downtown. A silver lining of the pandemic has been the prolonged pilot of expanded sidewalks and expanded outdoor dining. We've learned many lessons about the benefit of making it easier to cross lanes of traffic, the needs of loading zones on West Franklin St., and how crucial the public space is between our building fronts on Franklin Street.

Under the current NCDOT rules restaurants will lose these expanded sidewalks in May unless the town takes over this space.

The downtown businesses and the Partnership Board are incredibly grateful to the town for purchasing the barriers that have allowed these new loading zones, parking spots, and expanded sidewalks. We hope the town takes over Franklin Street so that businesses can keep these spaces and can bring private investment to improving these spaces and make the village main street the reality we all desire.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Matt Gladdek".

Matt Gladdek

Executive Director



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 4., **File #:** [21-0814], **Version:** 1

Meeting Date: 10/27/2021

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
(2021-10-27/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:

5. Approve the Miscellaneous Budget Ordinance Amendment to Adjust Various Fund Budgets for FY 2021-22. (R-2)(R-3)(R-4)(O-1)(O-2)(O-3)(O-4)(O-5)(O-6)
6. Increase the Town's Micro-Purchase Threshold. (R-5)
7. Approve an Additional \$100,000 for Performance Agreements with Human Services Agencies Recommended by the Human Services Advisory Board. (R-6)
8. Approve the Town Attorney's Employment Contract Extension. (R-7)
9. Award the Same Pay Increase Approved for all Employees to the Town Attorney and Award Additional Pay Increase to Town Attorney. (R-8)
10. Adopt a Local Resolution to Support the Installation of Art in the North Carolina Department of Transportation Right-of-way. (R-9)
11. Adopt Minutes from January 6, 13 and 27, 2021 and February 17 and 24, 2021 and March 10, 17, 24, and 31, 2021 Meetings. (R-10)

This the 27th 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.
Boulevard
Chapel Hill, NC 27514

Item Overview

Item #: 5., File #: [21-0815], Version: 1

Meeting Date: 10/27/2021

Approve the Miscellaneous Budget Ordinance Amendment to Adjust Various Fund Budgets for FY 2021-22.

Staff:

Amy Oland, Director
Matt Brinkley, Assistant Director

Department:

Business Management

Overview: After the Council approves the annual budget, periodic changes require the Town to amend the current budget.



Recommendation(s):

That the Council:

- Enact the attached budget ordinance amendment to adjust the General Fund, Library Gift Fund, Grants Fund, Transit Fund and Climate Action Fund; and
- Enact the attached project ordinance amendments to adjust the Capital Projects Ordinance Fund, Housing Capital Grants Fund, Transit Capital Grants Fund, Affordable Housing Fund, and the Transitional Housing Fund; and
- Adopt the attached resolution to accept the Alcohol Beverage Control (ABC) Grant, Project Safe Neighborhood Grant, and Governor's Highway Safety Grant.

Key Issues:

• General Fund

Eva Metzger Donation - On August 26, 2021, the Metzger Family made a donation of \$5,564 to the Town of Chapel Hill to fund the creation of an artistic memorial bench in honor of Eva Metzger, who was an early supporter of the greenways and pedestrian access in Chapel Hill. Metzger served on the first Greenways Commission in 1987 and the first Bike and Pedestrian Board in 2001. Enactment of the attached budget ordinance amendment would recognize and appropriate the \$5,564 for the purchase of the memorial bench.

Hargraves Donation - On August 31, 2021, UNC made a \$5,000 donation to the Town to be used at the Hargraves Center. These funds will be used to purchase furniture for the new teen lounge. Enactment of the attached budget ordinance amendment would recognize and appropriate the \$5,000 for use at the Hargraves Center.

Virtual Meetings Host Support - During the COVID-19 pandemic, hosting virtual meetings has become a heavy burden for Town staff. The Town has received a quote for a video meeting operator. This support would provide technical operation of virtual board and commission meetings using Zoom. The operator would create the meeting and invite members and guests as well as facilitate technical support to participants. The cost is \$400 per meeting. At 19 meetings per month for the next 10 months, the cost would be \$76,000 if used for the remainder of FY22. Enactment of the attached budget ordinance amendment would appropriate \$76,000 in General

Fund fund balance towards virtual meetings support.

- **Library Gift Fund**

FY22 Friends Annual Gift - The Friends of Chapel Hill Public Library have pledged \$100,000 in support of Chapel Hill Public Library in FY22. Their pledge is \$25,000 higher than the amount indicated in the FY22 Library Gift fund budget approved by Council on June 9, 2021. Enactment of the attached budget ordinance amendment would recognize and appropriate the additional \$25,000 towards Library operations.

Diverse Books for Diverse Community - In support of the Town's commitment to a vibrant and inclusive community and the Library's commitment to library collections that reflect the diversity of our community and the world, the Friends of Chapel Hill Public Library launched a *Diverse Books for Diverse Community* fundraising campaign in Summer 2021. At the close of the campaign, the Friends fundraising exceeded their goal and raised a total of \$16,000 for the benefit of the Library.

Funds are restricted to the purchase of library materials that reflect diverse lived experiences and historically marginalized voices, including materials in the four key world languages spoken in Chapel Hill: Spanish, Chinese, Karen, and Burmese. Enactment of the attached budget ordinance amendment would recognize and appropriate \$16,000 towards the purchase of library materials that meet the mission of the fundraising campaign.

NC Humanities COVID Oral History - Chapel Hill Public Library has been awarded \$18,870 of competitive grant funding by North Carolina Humanities, a statewide nonprofit and affiliate of the National Endowment for the Humanities (NEH). There is no local match. The funds will be used in FY22 to execute *COVID-19 from the Bottom Up and the Inside Out: A Community Oral History Project*. This project will be executed by the Library's Community History Program. Enactment of the attached budget ordinance amendment would recognize and appropriate \$18,870 towards the NC Humanities COVID Oral History Project.

- **Grants Fund**

Mobility and Connectivity Grant - In November 2015, the Town received \$105,600 in Surface Transportation Program Direct Allocation (STPDA) funds from the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization for the preparation of the Chapel Hill Mobility and Connectivity Plan. The total project was \$132,000 which included a Town match of \$26,400. Funds were not drawn through the MPO timely and therefore the Town must provide an additional \$48,312 match to close out the grant. Enactment of the attached budget ordinance amendment would recognize a \$48,312 transfer from the General Fund to provide the needed funds to close the grant.

Alcohol Beverage Control (ABC) Board Grant - The Orange County ABC Board awarded the Town of Chapel Hill \$35,000 to continue supporting the Police Department's alcohol law enforcement efforts. These funds will be used for overtime salaries and special use funds for alcohol operations, equipment and supplies relating to those operations, and fuel and maintenance for the Town's designated vehicle used during those operations. There are no matching requirements for this grant. Adopting the resolution authorizes acceptance of the ABC Grant, and enactment of the attached budget ordinance amendment establishes the grant budget of \$35,000.

Project Safe Neighborhood Grant - In May 2021, the Chapel Hill Police Department was awarded the Project Safe Neighborhood Grant in the amount of \$20,000. Grant funding will be used to pay a part-time Resource Coordinator whose job will be to help assist those who have had significant involvement with violent crime in their past. The Resource Coordinator will be responsible for leveraging community resource providers and law enforcement to assist those who want to change their lifestyle by connecting them with available resources. Enactment of the attached budget ordinance amendment establishes the grant budget of \$20,000.

Governor's Highway Safety Program Grant - The Town received a grant from the Governor's Highway Safety Program to work on pedestrian safety initiatives outlined in the Pedestrian Safety Action Plan, which was completed in 2019. The grant includes \$21,000 for a program support position, the GIS/Complete Streets Specialist, whose primary responsibility will be to implement the recommendations from the Pedestrian Safety Action Plan. This includes creating an inter-agency pedestrian safety task force, classifying the Town's roads by crash risk, and conducting outreach and education around pedestrian safety. The grant also includes \$25,450 for high-visibility pedestrian safety activities. Finally, the grant includes \$18,000 for operating expenses related to the project. All of the pedestrian safety initiatives funded with the Governor's Highway Safety Program Grant are needed to establish the Vision Zero framework in Chapel Hill. Adopting the resolution authorizes acceptance of the Governor's Highway Safety Grant, and enacting the budget ordinance amendment establishes the grant budget of \$64,450.

- **Transit Fund**

CARES Act Section 5307 Funding for Operations - The Town of Chapel Hill Transit system was awarded \$8,729,446 in CARES Act funding to help respond to and recover from the COVID-19 pandemic. The funds are intended for Fixed Route operational assistance and ADA Paratransit operating expenses, including operator and administrative salaries, cleaning and sanitation supplies required in response to the pandemic and fuel costs. The grant is set up for \$3,928,250 in Paratransit/EZ Rider and \$4,801,196 in Fixed Route. Enactment of the budget ordinance amendment recognizes and appropriates the CARES Act Funds.

Transit Oriented Development Grant - The Town of Chapel Hill Transit system was awarded the Transit Oriented Development Grant in the amount of \$592,500 by the Federal Transit Administration. Funding will be used to promote a holistic understanding of Transit Oriented Development to prospective partners and the community. These funds will require a local match of \$152,500, which will come from existing funding in the Transit Fund. Enactment of the budget ordinance amendment recognizes and appropriates the grant budget of \$745,000.

- **Climate Action Fund**

Electric Vehicle Charging Stations Grant - The Town received two VW Settlement Grant awards from the NC Department of Environmental Quality for the installation and five-year data reporting/maintenance of two level 2, dual port electric vehicle (EV) charging stations at Town Hall (4 units in total). One award is for up to \$10,000 for one level 2, dual port EV charging station that is available to the public. The other award is for up to \$8,000 for one level 2, dual port EV charging station that is available to Town employees and fleet vehicles. Total project costs exceed the maximum award amounts, meaning the Town is sharing the cost of the projects. For this reason, we anticipate receiving the full award of \$18,000. Enactment of the attached budget ordinance amendment would recognize and appropriate the \$18,000 for the purchase of electric vehicle charging stations.

Tree Planting Grant - The Town received a grant award from the Orange County Community Climate Action Grant Program to purchase, plant, and maintain 40 large, native trees-principally within and around two of the Town's census block groups that rank highest in our tree planting suitability analysis. The criteria for our analysis includes a variety of factors such as the CDC's Social Vulnerability Index (SVI), existing canopy density, proximity to transit stops, transit use, proximity to affordable housing, and affordable housing vulnerability to extreme heat. Enactment of the attached budget ordinance amendment would recognize and appropriate \$40,000 for the tree planting initiative.

Electric Vehicle Charging Station, Eubanks Park & Ride - The Town received a grant award from the Orange County Community Climate Action Grant Program to purchase and install an EV charging station at the Eubanks Road Park & Ride lot, located near the Carraway Village development. In addition to providing free public charging, the station will also have a dedicated port to power Orange County Mobility On-Demand transit vehicles. Enactment of the attached budget ordinance amendment would recognize and appropriate the \$18,500 for the purchase of an electric vehicle charging station.

LED Ballfield Lighting Upgrade, Cedar Falls Park - The Town received a grant award from the Orange County Community Climate Action Grant Program to replace 48 metal halide light fixtures at the Cedar Falls Park multipurpose fields with 40 LED fixtures. Enactment of the attached budget ordinance amendment would recognize and appropriate the \$128,057 for the lighting upgrade at Cedar Falls Park.

- **Housing Capital Grants Fund**

The Town has received \$2,971 in sales tax refund for the Housing Department in relation to the capital fund projects completed in FY19-FY21. Enactment of the attached project ordinance amendment recognizes the receipt and appropriates the refund to provide plumbing services to Public Housing apartments.

- **Capital Projects Ordinance Fund**

In December 2017, the Town received \$1,265,261 from the North Carolina Department of Transportation (NCDOT) as the first reimbursement for work completed on Phase I of the Ephesus-Fordham Road Improvement Project. In February 2018 the Town was reimbursed \$195,961 and an additional \$465,863 was reimbursed in December 2020. This \$661,824 will be used towards Phase II of the project. Enactment of the attached project ordinance amendment would recognize and appropriate the \$661,824 for the Ephesus-Fordham Project.

- **Transit Capital Grants Fund**

Bus and Bus Facilities Grant - The Town has been awarded \$5.6 million in "Bus and Bus Facilities" grant funding from the Federal Transit Administration (FTA) to purchase seven new zero-admission electric buses and related charging infrastructure. The total grant award is \$7 million with the 20% match of \$1.4 million coming from the state of North Carolina. Approval of the attached project ordinance amendment would recognize the \$5.6 million FTA grant and \$1.4 million in funding from NC and appropriate the \$7 million for the purchase of electric buses and charging infrastructure.

FTA Grant for Various Transit Projects - The Town of Chapel Hill was awarded a Federal Transit Administration (FTA) grant in the amount \$657,654 (Federal share at \$526,123).

The grant is for the following projects:

- Automatic Vehicle Locator (AVL) Upgrades: \$250,000 needed to integrate computer-aided dispatch (CAD) and automated vehicle locating systems to upgrade Chapel Hill Transit's 20-year-old system.
- Automatic Passenger Counter (APC) Upgrades: \$120,000 needed to upgrade outdated APC equipment on 21 of Chapel Hill Transit's revenue vehicles would allow us to have better data to inform our planning decisions, state and federal requirements.
- Radio upgrades: \$267,654 will be utilized to study upgrades to our outdated bus and demand response radio system to address operational and safety challenges.
- Plotter Printer: \$20,000 for professional scale printer/blueprint/plotter machine to reduce Chapel Hill Transit's reliance on outside printing firms for displays/site plan reviews and other large format printing needs.

Enactment of the attached project ordinance amendment establishes the grant budget of \$657,654 and transfers \$131,531 from the Transit Fund for the local match.

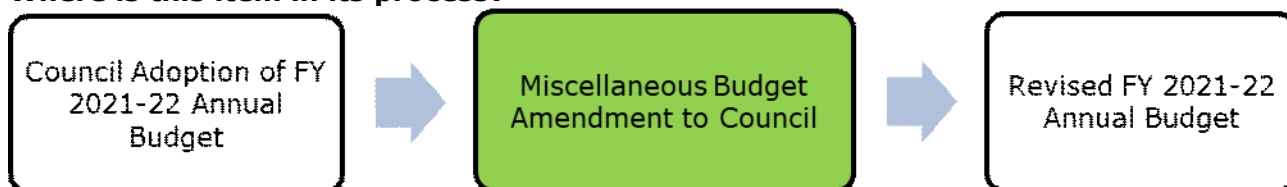
- **Affordable Housing Fund**

On July 7, 2021, the Town received \$1,250,000 in revenue in lieu of affordable housing for the Park Apartments Project. This funding is used to support affordable housing development and preservation projects that serve households earning less than 80% of the area median income. There are no specific projects identified at this time for use of these funds, and the Council approved guidelines for this fund authorizes the Manager to approve specific projects. Enactment of the attached project ordinance amendment would recognize the revenue in lieu and allocate the funds towards affordable housing efforts.

- **Transitional Housing Fund**

The Town manages a Transitional Housing program that provides opportunities for families to move from public housing to the private housing market. The four transitional units are located at 702 Merritt Mill Road, 176 St. Andrews Lane, 110 Weatherstone Drive, and 501 Sykes Street. Approval of the attached project ordinance amendment would recognize program income of \$28,531 and appropriate it for use to maintain the properties.

Where is this item in its process?



Attachments:

- Resolution - ABC Grant
- Resolution - Governor's Highway Safety Grant
- Resolution - Project Safe Neighborhood Grant
- Budget Ordinance
- Project Ordinance - Capital Projects Ordinance Fund
- Project Ordinance - Housing Capital Grants Fund
- Project Ordinance - Transit Capital Grants Fund
- Project Ordinance - Affordable Housing Fund
- Project Ordinance - Transitional Housing Fund

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE ORANGE COUNTY ALCOHOLIC BEVERAGE CONTROL BOARD FUNDS (2021-10-27/R-2)

WHEREAS, the Orange County Alcoholic Beverage Control (ABC) Board Funds through the ABC Board has made funds available for Alcohol Law Enforcement for the Town of Chapel Hill; and

WHEREAS, the ABC Board has awarded funds in the total for the amount of \$34,480; and

WHEREAS, the funds would be used for overtime salaries and special use funds for alcohol operations, equipment and supplies relating to those operations, and fuel and maintenance for the Town's designated vehicle used during those operations.

NOW, THEREFORE, BE IT RESOVLED by the Council of the Town of Chapel Hill that the Council authorizes the Manger to accept the ABC Board Funds and to make all necessary assurances.

This is the 27th day of October, 2021.

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE GOVERNOR'S HIGHWAY SAFETY PROGRAM FUNDS (2021-10-27/R-3)

WHEREAS, the Governor's Highway Safety Program has made funds available for pedestrian safety initiatives for the Town of Chapel Hill; and

WHEREAS, the Governor's Highway Safety Program has awarded funds for a total amount of \$64,450; and

WHEREAS, the funds would be used for a program support position, police overtime, and supplies relating to the project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Manager to accept the Governor's Highway Safety Grant and to make all necessary assurances.

This the 27th day of October, 2021.

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE PROJECT SAFE NEIGHBORHOOD FUNDS (2021-10-27/R-4)

WHEREAS, the Project Safe Neighborhood Program has made funds available to assist those who have had significant involvement with violent crime in their past; and

WHEREAS, the Project Safe Neighborhood Program has awarded funds for a total amount of \$20,000; and

WHEREAS, the funds would be used for leveraging community, resource providers and law enforcement to assist those who want to change their lifestyle by connecting them with available resources.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Manager to accept the Project Safe Neighborhood Grant and to make all necessary assurances.

This the 27th day of October, 2021.

AN ORDINANCE TO AMEND "THE ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 2021" (2021-10-27/O-1)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Budget Ordinance entitled "An Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 2021" as duly adopted on June 9, 2021, be and the same is hereby amended as follows:

ARTICLE I

APPROPRIATIONS	Current Budget	Increase	Decrease	Revised Budget
GENERAL FUND				
Mayor/Council	\$ 492,520	\$ -	\$ -	\$ 492,520
Town Manager/CaPA	3,193,278	76,000	-	3,269,278
Human Resource Dev't	2,009,707	-	-	2,009,707
Business Management	2,460,541	-	-	2,460,541
Technology Solutions	2,547,572	-	-	2,547,572
Attorney	577,687	-	-	577,687
Planning & Sustainability	2,353,422	-	-	2,353,422
Building and Development Services	2,518,666	-	-	2,518,666
Housing and Community	843,694	-	-	843,694
Public Works	13,027,106	-	-	13,027,106
Police	13,432,173	-	-	13,432,173
Fire	10,203,486	-	-	10,203,486
Parks and Recreation	7,490,026	10,564	-	7,500,590
Library	3,879,500	-	-	3,879,500
Non-Departmental	7,824,324	48,312	-	7,872,636
	<u>\$ 72,853,702</u>	<u>\$ 134,876</u>	<u>\$ -</u>	<u>\$ 72,988,578</u>
LIBRARY GIFT FUND				
Other Expenses	\$ 408,665	\$ 25,000	\$ -	\$ 433,665
Diverse Books for Diverse Community	-	16,000	-	16,000
NC Humanities COVID Oral History	-	18,870	-	18,870
	<u>\$ 408,665</u>	<u>\$ 59,870</u>	<u>\$ -</u>	<u>\$ 468,535</u>
GRANTS FUND				
Other Expenses	\$ 488,146	\$ -	\$ -	\$ 488,146
Mobility and Connectivity Grant	-	48,312	-	48,312
ABC Grant	-	35,000	-	35,000
Gov's Highway Safety Grant	-	64,450	-	64,450
Project Safe Neighborhood Grant	-	20,000	-	20,000
	<u>\$ 488,146</u>	<u>\$ 167,762</u>	<u>\$ -</u>	<u>\$ 655,908</u>

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TRANSIT FUND

Other Expenses	\$ 29,507,747	\$ -	\$ 284,031	\$ 29,223,716
Contribution to Reserve	-	8,729,446	-	8,729,446
Transit Oriented Dev. Grant	-	745,000	-	745,000
Transfer to Transit Capital Grants Fund	-	131,531	-	131,531
	<u>\$ 29,507,747</u>	<u>\$ 9,605,977</u>	<u>\$ 284,031</u>	<u>\$ 38,829,693</u>

CLIMATE ACTION FUND

Other Expenses	\$ 470,000	\$ -	\$ -	\$ 470,000
Electric Charging Stations	-	18,000	-	18,000
Tree Planting	-	40,000	-	40,000
Electric Charging Stations (Park & Ride)	-	18,500	-	18,500
LED Ballfield Lighting Upgrade	-	128,057	-	128,057
	<u>\$ 470,000</u>	<u>\$ 204,557</u>	<u>\$ -</u>	<u>\$ 674,557</u>

ARTICLE II

	Current Budget	Increase	Decrease	Revised Budget
REVENUES				
GENERAL FUND				
Other Revenues	\$ 68,509,779	\$ -	\$ -	\$ 68,509,779
Eva Metzger Donation	-	5,564	-	5,564
Hargraves Donation	-	5,000	-	5,000
Fund Balance Appropriated	4,343,923	124,312	-	4,468,235
	<u>\$ 72,853,702</u>	<u>\$ 134,876</u>	<u>\$ -</u>	<u>\$ 72,988,578</u>
LIBRARY GIFT FUND				
Other Expenses	\$ 333,665	\$ -	\$ -	\$ 333,665
Donations - Friends of the Library	75,000	41,000	-	116,000
NC Humanities COVID Oral History	-	18,870	-	18,870
	<u>\$ 408,665</u>	<u>\$ 59,870</u>	<u>\$ -</u>	<u>\$ 468,535</u>
GRANTS FUND				
Other Revenues	\$ 400,696	\$ -	\$ -	\$ 400,696
Transfer from General Fund	87,450	48,312	-	135,762
ABC Grant	-	35,000	-	35,000
Gov's Highway Safety Grant	-	64,450	-	64,450
Project Safe Neighborhood Grant	-	20,000	-	20,000
	<u>\$ 488,146</u>	<u>\$ 167,762</u>	<u>\$ -</u>	<u>\$ 655,908</u>
TRANSIT FUND				
Other Revenues	\$ 29,507,747	\$ -	\$ -	\$ 29,507,747
CARES Act Section 5307 Funding	-	8,729,446	-	8,729,446
Transit Oriented Dev. Grant	-	592,500	-	592,500
	<u>\$ 29,507,747</u>	<u>\$ 9,321,946</u>	<u>\$ -</u>	<u>\$ 38,829,693</u>

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CLIMATE ACTION FUND

Other Revenues	\$ 470,000	\$ -	\$ -	\$ 470,000
NC Dept. of Environmental Quality Grant	-	18,000	-	18,000
OC Community Climate Action Grant	-	186,557	-	186,557
	<u>\$ 470,000</u>	<u>\$ 204,557</u>	<u>\$ -</u>	<u>\$ 674,557</u>

This the 27th of October, 2021.

AN ORDINANCE TO AMEND THE CAPITAL PROJECT ORDINANCE FOR VARIOUS CAPITAL PROJECTS (2021-10-27/O-2)

BE IT ORDAINED by the Council of the Town of Chapel Hill that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the capital project ordinance for various capital projects funded from a variety of sources is hereby amended to read as follows:

"SECTION I

The capital projects as authorized by the Town Council include various capital projects funded from grants, the Capital Improvements Program funds, and other miscellaneous sources of revenues for a variety of projects extending beyond one year.

SECTION II

The Manager of the Town of Chapel Hill is hereby directed to proceed with implementation of these projects within terms of funds appropriated here.

SECTION III

Revenues anticipated to be available to the Town to complete the project are hereby amended as follows:

	Current Budget	Revised Budget
Other Revenues	\$ 38,751,993	\$ 38,751,993
NCDOT Reimbursement	<u>1,265,261</u>	<u>1,927,085</u>
Total Revenues	\$ 40,017,254	\$ 40,679,078

SECTION IV

Amounts appropriated for capital projects are hereby amended as follows:

	Current Budget	Revised Budget
Other Projects	\$ 38,552,732	\$ 38,552,732
Ephesus Fordham Phase II	<u>1,464,522</u>	<u>2,126,346</u>
Total Expenditures	\$ 40,017,254	\$ 40,679,078

SECTION V

The Manager is directed to report annually on the financial status of the project in an informational section to be included in the Annual Budget, and shall keep the council informed of any unusual occurrences.

SECTION VI

Copies of this amended projects ordinance shall be entered into the minutes of the Council and copies shall be filed within five days of adoption with the Manager, Business Management Director and Town Clerk."

This the 27th day of October, 2021.

AN ORDINANCE TO AMEND A CAPITAL FUND PROGRAM (CFP) PROJECT ORDINANCE (2021-10-27/O-3)

BE IT ORDAINED by the Council of the Town of Chapel Hill that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following project ordinance is hereby amended as follows:

"SECTION I

The project authorized is the Housing Capital Fund Project budget as approved by the Council on September 5, 2018.

SECTION II

The Manager of the Town of Chapel Hill is hereby directed to proceed with implementation with the project within the terms of the Contract document(s), the rules and regulations of the U.S. Department of Housing and Urban Development, and budget contained herein.

SECTION III

The following revenue is available to complete the project:

	Current Budget	Revised Budget
Sales Tax Refund	<u>\$ 133,182</u>	<u>\$ 136,153</u>
Total Revenues	\$ 133,182	\$ 136,153

SECTION IV

The amounts appropriated for the project are amended as follows:

	Current Budget	Revised Budget
Administration	\$ 6,293	\$ 6,293
Building Improvements	46,855	46,855
Housing Software	22,601	22,601
Preventative Maintenance	30,497	33,468
Appliances Replacement	<u>26,936</u>	<u>26,936</u>
Total Expenditures	\$ 133,182	\$ 136,153

SECTION V

The Finance Officer of the Town of Chapel Hill is hereby directed to maintain within the Project Fund sufficient specific detailed accounting records to provide the accounting to the U.S. Department of Housing and Urban Development as required by the Annual Contributions Contract and federal regulations.

SECTION VI

Funds may be advanced from General funds for the purpose of making payments as due. Reimbursement requests should be made to HUD in an orderly and timely manner.

SECTION VII

The Manager is directed to report annually on the financial status of each project in Section IV and on the total revenues received."

This the 27th day of October, 2021.

AN ORDINANCE TO AMEND A TRANSIT CAPITAL PROJECT ORDINANCE (2021-10-27/O-4)

BE IT ORDAINED by the Council of the Town of Chapel Hill that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, that the transit capital projects ordinance for various capital projects funded from a variety of sources is hereby amended to read as follows:

"SECTION I

Transit capital projects as authorized by the Town Council are capital projects funded from Federal Transit Administration (FTA) grants and grants from the State of North Carolina.

SECTION II

The Manager of the Town of Chapel Hill is hereby directed to proceed with implementation of these transit capital projects within terms of funds appropriated here.

SECTION III

Revenues anticipated to be available to the Town to complete the project are hereby amended as follows:

	Current Budget	Revised Budget
Federal Transit Administration	\$ 7,980,977	\$ 14,107,100
North Carolina Department of Transportation	545,215	1,945,215
UNC Renewable Energy Special Projects	390,000	390,000
Active Living By Design Grant	260,000	260,000
GO Triangle	2,290,000	2,290,000
UNC Contributions	4,535	4,535
Program Income	606	606
Transfer from Transit Fund	680,129	811,660
Transfer from Capital Reserve	<u>2,702,918</u>	<u>2,702,918</u>
Total Revenues	\$ 14,854,380	\$ 22,512,034

SECTION IV

Amounts appropriated for capital projects are hereby amended as follows:

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	Current Budget	Revised Budget
Active Living By Design Grant	265,141	265,141
FY11 Section 5307 Radio System Grant	1,505,000	1,505,000
FY17 STP-DA Flex Fund Grant	1,376,832	1,376,832
FY17 CMAQ Bus Grant	1,376,832	1,376,832
FY18 GO Triangle Grant	2,838,894	2,838,894
FY16 Section 5339 Grant	534,037	534,037
FY18 Section 5339 Grant	592,708	592,708
FY18 STP-DA Flex Fund Grant	917,910	917,910
FY18 CMAQ Bus Grant	1,366,271	1,366,271
FY20 Section 5339 Grant	3,130,755	3,130,755
FY21 CMAQ Bus Grant	950,000	950,000
FY22 Section 5339 Grant	-	7,000,000
FY22 Section 5339 Grant	-	657,654
Total Expenditures	\$ 14,854,380	\$ 22,512,034

SECTION V

The Manager is directed to report annually on the financial status of the project in an informational section to be included in the Annual Budget, and shall keep the council informed of any unusual occurrences.

SECTION VI

Funds may be advanced from General funds for the purpose of making payments as due. Reimbursement requests should be made to FTA in an orderly and timely manner.

SECTION VII

Copies of this amended projects ordinance shall be entered into the minutes of the Council and copies shall be filed within five days of adoption with the Manager, Business Management Director and Town Clerk."

This the 27th day of October, 2021.

AN ORDINANCE TO AMEND THE AFFORDABLE HOUSING FUND ORDINANCE (2021-10-27/O-5)

BE IT ORDAINED by the Council of the Town of Chapel Hill that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the Affordable Housing Fund Ordinance to provide funds to support affordable homeownership opportunities is hereby amended as follows:

"SECTION I

The Affordable Housing Fund Ordinance as authorized by the Town Council provides funds to purchase properties to create permanently affordable homeownership opportunities.

SECTION II

The Manager of the Town of Chapel Hill is hereby directed to proceed with implementation of these projects within terms of funds appropriated here.

SECTION III

Revenues anticipated to be available to the Town are hereby amended as follows:

	Current Budget	Revised Budget
Transfer from Housing Loan Trust Fund	\$ 155,778	\$ 155,778
Loan Repayment	650,799	650,799
Payment in lieu - Affordable Housing	3,552,576	4,802,576
Donations - Rental Assistance	52,607	52,607
Interest Income	54,612	54,612
	<hr/>	<hr/>
Total Revenues	\$ 4,466,372	\$ 5,716,372

SECTION IV

Amounts appropriated to create permanently affordable homeownership opportunities are hereby amended as follows:

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Meeting Date: 10/27/2021

	Current Budget	Revised Budget
Grants/Deferred Loans	\$ 1,492,601	\$ 2,742,601
Revolving Loan Fund	650,800	650,800
Rehabilitation & Refurbishment	106,511	106,511
Contributions to HOME Program	338,974	338,974
Contributions to Affordable Housing agencies	165,000	165,000
Contributions to Community Home Trust	394,242	394,242
Contributions to Affordable Housing	632,100	632,100
Rental Assistance	77,147	77,147
Homestead Road project	100,000	100,000
Professional Services	50,000	50,000
Miscellaneous Contracted Services	75,000	75,000
Legal Fees	380,000	380,000
Other Expenditures	3,997	3,997
	<hr/>	<hr/>
Total Expenditures	\$ 4,466,372	\$ 5,716,372

SECTION V

The Manager is directed to report annually on the financial status of the project in an informational section to be included in the Annual Budget, and shall keep the council informed of any unusual occurrences.

SECTION VI

Copies of this amended projects ordinance shall be entered into the minutes of the Council and copies shall be filed within five days of adoption with the Manager, Business Management Director and Town Clerk."

This the 27th day of October, 2021.

AN ORDINANCE TO AMEND THE TRANSITIONAL HOUSING PROGRAM PROJECT ORDINANCE (2021-10-27/O-6)

BE IT ORDAINED by the Council of the Town of Chapel Hill that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the Transitional Housing Program Projects Ordinance for various capital projects funded from a variety of sources is hereby amended to read as follows:

"SECTION I

The project authorized is the Transitional Housing Program for Public Housing Families as approved by the Town Council on April 23, 2001.

SECTION II

The Manager of the Town of Chapel Hill is hereby directed to proceed with the project within the rules and regulations of the program, and the budget contained herein.

SECTION III

The following revenue is available to complete the project:

	Current Budget	Revised Budget
HOME Program	\$ 165,776	\$ 165,776
Orange County Contribution	75,000	75,000
Program Rental Income	219,740	248,271
Return of Program Income	(60,363)	(60,363)
Interest Income	853	853
Rent Revenue	590	590
Miscellaneous Revenue	393	393
Transfer from Housing Loan Trust Fund	17,500	17,500
Community Development Program Income	4,387	4,387
	<hr/>	<hr/>
Total Revenues	\$ 423,876	\$ 452,407

SECTION IV

The following amounts are appropriated for the project:

	Current Budget	Revised Budget
Operations	\$ 170,953	\$ 199,484
Acquisitions	252,923	252,923
	<hr/>	<hr/>
Total Expenditures	\$ 423,876	\$ 452,407

SECTION V

The Business Management Director of the Town of Chapel Hill is hereby directed to maintain within the Project Fund sufficient detailed accounting records to provide the accounting to Orange County as

required by the HOME Program.

SECTION VI

The Town Manager is directed to report annually on the financial status of the project in the Section IV and on the total revenues received.”

This the 27th day of October, 2021.

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

By enacting the budget ordinance amendment, the Council adjusts the General Fund, Library Gift Fund, Grants Fund, Transit Fund, and Climate Action Fund. By enacting the project ordinance amendments, the Council adjusts the Capital Projects Ordinance Fund, Housing Capital Grants Fund, Transit Capital Grants Fund, Affordable Housing Fund, and the Transitional Housing Fund. By adopting the resolution, the Council accepts funding from the Orange County ABC Board.



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 6., **File #:** [21-0816], **Version:** 1

Meeting Date: 10/27/2021

Increase the Town's Micro-Purchase Threshold.

Staff:

Amy Oland, Director
Zakia Alam, Purchasing & Contracts Manager

Department:

Business Management

Overview: The purpose of this item is to provide background information on the Town's procurement practices related to the expenditure of federal funds, to discuss changes in the federal procurement thresholds, and to offer a recommendation to increase the Town's micro-purchase thresholds (informal and non-competitive procurement method).



Recommendation(s):

That the Council adopt the resolution authorizing an increase in the Town's micro-purchase thresholds related to the expenditure of federal funds.

Key Issues:

On August 13, 2020, the Office of Management and Budget (OMB) published revisions to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (the "Uniform Guidance"). Among other things, the revisions to the Uniform Guidance allow non-Federal entities to raise, via annual self-certification, the micro-purchase threshold to a "higher threshold consistent with State law".

Many units of local government in North Carolina receive federal funding subject to the procurement standards in Subpart D of the Uniform Guidance. Those procurement standards follow three categories of procurement methods:

- 1) Informal procurement -goods or services that cost up to \$250,000
- 2) Formal procurement -goods or services that cost \$250,000 or more
- 3) Noncompetitive procurement - micro-purchase, single source, emergency, express approval by federal awarding agency, or inadequate competition after solicitation

A "micro-purchase" is both an informal procurement method and a noncompetitive procurement method. When spending federal funds subject to Subpart D, a non-federal entity may, on a noncompetitive basis, acquire supplies or services, the aggregate dollar amount of which does not exceed the "micro-purchase threshold" (as defined in the Uniform Guidance).

In 2018, OMB set the micro-purchase threshold at \$10,000.

For certain categories of local government contracts, North Carolina law establishes competitive bidding thresholds higher than those currently identified in the Federal Acquisition Regulations.

Under North Carolina law, units of local government need not engage in a competitive bidding process for either the purchase of "apparatus, supplies, materials, or equipment" or the purchase of "construction or

repair work” unless the cost of each such purchase exceeds \$30,000. North Carolina law also does not require units of local government to engage in a competitive bidding process for the purchase of services other than services subject to the qualifications-based selection process or the “Mini-Brooks Act” (e.g., architectural, engineering, surveying, and certain construction services).

The new micro-purchase threshold regulation suggests that a unit of local government in North Carolina may raise its micro-purchase threshold via annual self-certification to \$30,000 for the purchase of “apparatus, supplies, materials, or equipment” or the purchase of “construction or repair work,” and to \$50,000 for service contracts other than those subject to the Mini-Brooks Act.

State law enables units of local government to exercise an exemption to the qualification-based selection process in the Mini-Brooks Act, in writing, for particular projects where the aggregate cost of services does not exceed \$50,000.

In conjunction with the increased micro-purchase threshold flexibility in [2 C.F.R.200.320\(a\)\(1\)\(iv\)\(C\) <https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR45ddd4419ad436d/section-200.320>](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR45ddd4419ad436d/section-200.320), a unit could set a micro-purchase threshold of \$50,000 for services subject to the Mini-Brooks Act as long as the unit exempts the project, in writing, from the qualification-based selection process in the Mini-Brooks Act. Such an action and higher threshold would be “consistent with State law”.

**Attachment:**

- Resolution

A RESOLUTION AUTHORIZING AN INCREASE IN THE TOWN'S MICRO-PURCHASE THRESHOLD (2021-10-27/R-5)

WHEREAS, from time to time, the Town of Chapel Hill (the "Town") purchases goods and services using federal funding subject to the procurement standards in 2 C.F.R. Part 200, Subpart D; and

WHEREAS, the Town's procurement of such goods and services is subject to the Town's Purchasing Procedures Manual, as most recently amended on June 2018; and

WHEREAS, the Town is a non-Federal entity under the definition set forth in 2 C.F.R. 200.1; and

WHEREAS, pursuant to 2 C.F.R. 200.320(a)(1)(ii), a non-Federal entity may award micro-purchases without soliciting competitive price or rate quotations if the non-Federal entity considers the price to be reasonable based on research, experience, purchase history or other information and documents that the non-Federal entity files accordingly; and

WHEREAS, pursuant to 2 C.F.R. 200.320(a)(1)(iii), a non-Federal entity is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures; and

WHEREAS, pursuant to 2 C.F.R. 200.320(a)(1)(iv), a non-Federal entity may self-certify on an annual basis a micro-purchase threshold not to exceed \$50,000 and maintain documentation to be made available to a Federal awarding agency and auditors in accordance with 2 C.F.R. 200.334; and

WHEREAS, pursuant to 2 C.F.R. 200.320(a)(1)(iv), such self-certification must include (1) a justification for the threshold, (2) a clear identification of the threshold, and (3) supporting documentation, which, for public institutions, may be a "higher threshold consistent with State law"; and

WHEREAS, G.S. 143-129(a) and G.S. 143-131(a) require the Town to conduct a competitive bidding process for the purchase of (1) "apparatus, supplies, materials, or equipment" where the cost of such purchase is equal to or greater than \$30,000, and (2) "construction or repair work" where the cost of such purchase is greater than or equal to \$30,000; and

WHEREAS, North Carolina law does not require a unit of local government to competitively bid for purchase of services other than services subject to the qualifications-based selection process set forth in Article 3D of Chapter 143 of the North Carolina General Statutes (the "Mini-Brooks Act"); and

WHEREAS, G.S. 143-64.32 permits units of local government to exercise, in writing, an exemption to the qualifications-based selection process for services subject to the Mini-Brooks Act for particular projects where the aggregate cost of such services do not exceed \$50,000; and

WHEREAS, pursuant to 2 C.F.R. 200.320(a)(1)(iv), the Town Council of the Town of Chapel Hill now desires to adopt higher micro-purchase thresholds than those identified in 48 C.F.R. 2.101.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill:

1. The Town of Chapel Hill has qualified as a low-risk auditee in accordance with the criteria set forth in 2 C.F.R. 200.520. Therefore, in accordance with 2 C.F.R. 200.320(a)(1)(iv)(A) and the applicable provisions of North Carolina law, the Town of Chapel Hill hereby self-certifies the following micro-purchase thresholds:

- A. \$30,000, for the purchase of apparatus, supplies, materials, or equipment; and
- B. \$30,000, for the purchase of construction or repair work; and

C. \$50,000, for the purchase of services not subject to competitive bidding under North Carolina law; and

D. \$50,000, for the purchase of services subject to the qualifications-based selection process in the Mini-Brooks Act; provided that such threshold shall apply to a contract only if the Town has exercised an exemption to the Mini-Brooks Act, in writing, for a particular project pursuant to G.S. 143-64.32. If the exemption is not authorized, the micro-purchase threshold shall be \$0.

2. The self-certification made herein shall be effective hereof and shall be applicable until June 30, 2022, but shall not be applicable to Federal financial assistance awards issued prior to November 12, 2020, including financial assistance awards issued prior to that date under the Coronavirus Aid, Relief, and Economic Support (CARES) Act of 2020 (Pub. L. 116-136).

3. In the event that the Town receives funding from a federal grantor agency that adopts a threshold more restrictive than those contained herein, the Unit shall comply with the more restrictive threshold when expending such funds.

4. The Unit shall maintain documentation to be made available to a Federal awarding agency, any pass-through entity, and auditors in accordance with 2 C.F.R. 200.334.

5. The Town Manager and the Finance Director of the Town are hereby authorized, individually and collectively, to revise the Purchasing Policy of the Unit to reflect the increased micro-purchase thresholds specified herein, and to take all such actions, individually and collectively, to carry into effect the purpose and intent of the foregoing resolution.

This the 27th 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 authorizes an increase in the Town's micro-purchase thresholds related to the expenditure of federal funds.



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 7., File #: [21-0817], Version: 1

Meeting Date: 10/27/2021

Approve an Additional \$100,000 for Performance Agreements with Human Services Agencies Recommended by the Human Services Advisory Board.

Staff:

Sarah Osmer Viñas, Interim Director
Jackie Thompson, Human Services Coordinator

Department:

Housing and Community

Overview: This memorandum summarizes the Human Services Advisory Board's recommendation for allocating the additional \$100,000 in funding for the Human Services program Council approved in the FY 2021-22 budget.



Recommendation(s):

That the Council adopt the resolution to authorize performance agreements with human service agencies, as recommended by the Human Services Advisory Board.

Background

- The charge of the Chapel Hill Human Services Advisory Board (HSAB) is to assess human services needs for Chapel Hill residents, identifying service gaps and ways to fill them and advising the Town Council on funding.
- The HSAB completed its evaluation of agencies for funding in March 2021 for the Fiscal Year 2022 Budget. The Board based its recommendation on last year's (FY 2020-21) budget amount for the Human Services Program (\$446,500).
- The Council allocated an additional \$100,000 in the Fiscal Year 2022 budget with the understanding that the Board would develop a recommended funding plan to be shared with the Council.
- The HSAB met in August to develop its recommendation for the additional funding.
- The HSAB prioritized agencies that it had flagged during the review of applications whose requests were not fully funded in the initial funding plan.

Fiscal Impact/Resources: The HSAB recommends allocating the \$100,000 to the following seventeen agencies:

1. Club Nova, Inc. - \$5,000
2. Compass Center for Women and Families - \$4,400
3. El Centro Hispano, Inc. - \$4,000
4. EmPOWERment, Inc. - \$10,000
5. Families & Communities Rising, (KidSCOPE) - \$5,000
6. Freedom House Recovery Center, Inc. - \$10,000
7. Friends of Chapel Hill Parks and Recreation \$5,000
8. Hope Renovation - \$3,400
9. Inter Faith Council for Social Services (IFC) - \$11,500
10. Meals on Wheels Orange County, NC \$7,000
11. Orange County Living Wage - \$3,000
12. Orange County Rape Crisis Center - \$5,200

Item #: 7., File #: [21-0817], Version: 1**Meeting Date: 10/27/2021**

13. Piedmont Health Services, Inc. - \$10,000
14. TABLE, Inc. - \$6,000
15. The Community Empowerment Fund (CEF) - \$5,000
16. Triangle Residential Options for Substance Abusers, Inc. (TROSA) - \$2,300
17. Volunteers for Youth, Inc - \$3,200

**Attachments:**

- Resolution
- HSAB Recommended Funding Plan 2 - Fiscal Year 2022 Human Services

A RESOLUTION APPROVING 2021-2022 ADDITIONAL FUNDING FOR PERFORMANCE AGREEMENTS WITH HUMAN SERVICES AGENCIES AS RECOMMENDED BY THE HUMAN SERVICES ADVISORY BOARD (2021-10-27/R-6)

WHEREAS, on June 9, 2021 the Council approved allocations for performance agreements with human service agencies for 2021-2022;

WHEREAS, the Council appropriated additional Human Services funding for fiscal year 2022.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the following additional allocations for performance agreements with human services agencies in 2021-2022 to address the community's human service needs identified by the Human Services Advisory Board:

Agency	Additional Funding
Chapel Hill Carrboro Meals on Wheels Orange County	\$ 7,000
Club Nova, Inc.	5,000
Compass Center for Women and Families	4,400
El Centro, Inc.	4,000
EmPOWERment, Inc.	10,000
Families & Communities Rising, Inc. (KidSCOPE)	5,000
Freedom House Recovery Center, Inc.	10,000
Friends of Chapel Hill Parks & Recreation	5,000
Hope Renovations	3,400
Inter Faith Council for Social Services (IFC)	11,500
Orange County Living Wage	3,000
Orange County Rape Crisis Center	5,200
Piedmont Health Services, Inc.	10,000
TABLE, Inc.	6,000
The Community Empowerment Fund (CEF)	5,000
Triangle Residential Options for Substance Abusers, Inc. (TROSA)	2,300
Volunteers for Youth, Inc	3,200
Total Recommendation	100,000

This the 27th 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 would authorize an additional \$100,000 in performance agreements with human service agencies as recommended by the Human Services Advisory Board.

HUMAN SERVICES ADVISORY BOARD RECOMMENDED FUNDING PLAN 2 FOR 2021-2022

The summary includes the mission of each agency, amount requested, and the Human Services Advisory Board's recommendation for funding.

See [here](#) the first Funding Plan approved by Council for the Human Services Program for FY22.

Human Services Advisory Board Recommended Funding Plan 2			
Agency Name	Original FY22 Allocation	Additional Funding Recommended	Total Allocation
Club Nova, Inc.	\$20,800	\$5,000	\$25,800
Compass Center for Women and Families	\$30,800	\$4,400	\$35,200
El Centro Hispano, Inc.	\$25,000	\$4,000	\$29,000
EmPOWERment, Inc.	\$30,000	\$10,000	\$40,000
Families & Communities, Inc. (KidSCOpe)	\$7,000	\$5,000	\$12,000
Freedom House Recovery Center, Inc.	\$9,600	\$10,000	\$19,600
Friends of Chapel Hill Parks and Recreation	\$0	\$5,000	\$5,000
Hope Renovations	\$6,600	\$3,400	\$10,000
Inter Faith Council for Social Services (IFC)	\$38,000	\$11,500	\$49,500
Meals on Wheels Orange County, NC	\$29,900	\$7,000	\$36,900
Orange County Living Wage	\$0	\$3,000	\$3,000
Orange County Rape Crisis Center	\$27,000	\$5,200	\$32,200
Piedmont Health Services, Inc.	\$5,200	\$10,000	\$15,200
TABLE, Inc.	\$9,000	\$6,000	\$15,000
The Community Empowerment Fund (CEF)	\$11,700	\$5,000	\$16,700
Triangle Residential Options for Substance Abusers, Inc.	\$4,700	\$2,300	\$7,000
Volunteers for Youth, Inc.	\$7,800	\$3,200	\$11,000
Total Recommendations	\$263,100	\$100,000	\$363,100

CLUB NOVA, INC.

Club Nova provides opportunities for individuals living with serious mental illness (predominately schizophrenia, bipolar disorder, and major depression) to lead meaningful lives of their choice in the community.

2021-2022 Request: \$72,000

Original 2021-2022 Allocation: \$20,800

Recommendation: The Board recommends additional funding of \$5,000 to support the Club House Model – one of the most comprehensive, integrated, effective, community-based approaches in addressing the health, safety, social, and economic risk of serious mental illness.

COMPASS CENTER FOR WOMEN AND FAMILIES

The Compass Center for Women and Families helps all people navigate their journey to self-sufficiency, safety, and health. Their services include career and financial education, domestic violence crisis and prevention programs, assistance with legal resources, and youth health programs.

2021-2022 Request: \$35,200

Original 2021-2022 Allocation: \$30,800

Recommendation: The Board recommends additional funding of \$4,400 to support personnel, programmatic, and overhead expenses for Domestic Violence Services, Self-Sufficiency Services and Community Education and Civic Engagement Services.

EL CENTRO HISPANO, INC.

El Centro Hispano works to strengthen the community, build bridges, and serve as advocates for equity and inclusion of Hispanics/Latinos in the Triangle area of North Carolina.

2021-2022 Request: \$30,000

Original 2021-2022 Allocation: \$25,000

Recommendation: The Board recommends additional funding of \$4,000 to support salaries, rent and materials to support Community Support, Education, and Health initiatives.

EMPOWERMENT, INC.

The mission of EmPOWERment, Inc. is to empower people and communities to determine their own destinies through affordable housing, community organizing, and grass roots economic development.

2021-2022 Request: \$40,000

Original 2021-2022 Allocation: \$30,000

The Board recommends additional funding of \$10,000 to support the affordable rental program.

FAMILIES & COMMUNITIES RISING, INC. (KIDSCOPE)

KidScope provides comprehensive early childhood developmental/mental health support to young children, their families, and care providers. Using research and specialized evidence-base services, KidScope aim to give children a healthy start in the early years, when relationships and experiences influences future life success the most.

2021-2022 Request: \$56,000

Original 2021-2022 Allocation: \$7,000

The Board recommends additional funding of \$5,000 to support Outreach Therapy and Consultation Services.

FREEDOM HOUSE RECOVERY CENTER, INC.

Freedom House promotes, enhances and supports recovery of men, women and children affected by substance use disorder and mental illness by using a holistic, evidence-based, and person-centered approach.

2021-2022 Request: \$21,202

Original 2021-2022 Allocation: 9,600

The Board recommends additional funding of \$10,000 to support the Facility Based, Mobile Crisis Stabilization, Community Mental Health and Substance Abuse Recovery Services.

FRIENDS OF CHAPEL HILL PARKS AND RECREATION (GROW TO LIFE)

The mission of the Friends is to facilitate direct financial assistance to the Town of Chapel Hill Parks and Recreation department and encourage community investment in the facilities, programs, and services they provide. The Friends in partnership with Grow to Life host emergency food distributions.

2021-2022 Request: \$10,000

Original 2021-2022 Allocation: \$-0-

The Board recommends funding \$5,000 to support the drive-thru food distribution at Homestead Park.

HOPE RENOVATIONS

Hope Renovations inspires hope in women and older adults for a joyful and fulfilling future. They accomplish this by teaching women the skills and providing them with the support they need to pursue living-wage careers in the construction trades.

2021-2022 Request: \$10,000

Original 2021-2022 Allocation: \$6,600

The Board recommends additional funding in the amount of \$3,400 to provide salary support for the 10-week women's trade program that provides underemployed women with hands-on skills training via an industry-recognized curriculum.

INTER FAITH COUNCIL FOR SOCIAL SERVICES (IFC)

IFC believes in a community that meets everyone's basic needs, including dignified and affordable housing, an abundance of healthy food, and meaningful social connections.

2021-2022 Request: \$150,000

Original 2021-2022 Allocation: 38,500

The Board recommends additional funding in the amount of \$11,500 to support the Community House, HomeStart, Community Market and the Community Kitchen.

MEALS ON WHEELS ORANGE COUNTY, NC

The mission of the Chapel Hill Carrboro Meals on Wheels Orange County is to enhance the well-being of older adults by alleviating hunger and reducing isolation.

2021-2022 Request: \$37,273

Original 2021-2022 Allocation: \$29,900

Recommendation: The Board recommends additional funding in the amount of \$7,000 to support meal cost, delivery, check-in, and personnel.

ORANGE COUNTY LIVING WAGE

Orange County Living Wage promotes a living wage as the minimum wage a worker need to provide for basic needs (rent, utilities, food, transportation medicine, daycare, clothes, etc.) without any reliance on governmental assistance.

2021-2022 Request: \$3,000

Original 2021-2022 Allocation: \$-0-

The Board recommends funding in the amount of \$3,000 to support social media presence on Orange County Living Wage website, maintain job board for certified living wage employers, and purchase program supplies and marketing materials for certified employers and personnel.

ORANGE COUNTY RAPE CRISIS CENTER

The mission of Orange County Rape Crisis Center is to stop sexual violence and its impacts through support, education, and advocacy. Orange County Rape Crisis Center envisions a world free from sexual violence and all other forms of oppression.

2021-2022 Request: \$39,500

Original 2021-2022 Allocation: \$27,000

The Board recommends additional funding in the amount of \$5,200 to support services for Rape Crisis Victim's Services and Community Engagement for Safe Kids and Pro Bono Counseling Network.

PIEDMONT HEALTH SERVICES, INC.

Piedmont Health Service mission is to improve the health and well-being of the community by providing high quality, affordable and comprehensive primary health care.

2021-2022 Request: \$30,000

Original 2021-2022 Allocation: \$5,200

The Board recommends additional funding in the amount of \$10,000 to support the cost of primary care delivery to a large uninsured population, including refugee and homeless special population programs conducted in partnership with the Orange County Health Department and the Inter Faith Council.

TABLE, INC

TABLE's mission is to provide healthy, emergency food aids every week to preschool, elementary, middle, and high school children living in Chapel Hill, Carrboro, and neighboring Orange County communities as well as provide nutrition education to children in our area.

2021-2022 Request: \$15,000

Original 2021-2022 Allocation: \$9,000

The Board recommends additional funding in the amount of \$6,000 to support Food to Food Door: Food, supplies, staff, operations & space.

THE COMMUNITY EMPOWERMENT FUND (CEF)

The Community Empowerment Fund (CEF) cultivates opportunities, assets, and communities that support the alleviation of homelessness and poverty. CEF supports individuals, or "Members" experiencing homelessness and housing insecurity to secure housing, gain employment, connect to supportive resources, and build financial well-being.

2021-2022 Request: \$50,000

Original 2021-2022 Request: \$11,700

The Board recommends additional funding in the amount of \$5,000 to support the staff and salary for the Advocate Program. Staff members provide direct support to Members; recruit, train, and coordinate CEF volunteers advocates.

TRIANGLE RESIDENTIAL OPTIONS FOR SUBSTANCE ABUSERS, INC. (TROSA)

TROSA is an innovative, multi-year residential program that empowers people with substance use disorders to be productive, recovering individuals by providing comprehensive treatment, experiential vocational training, education, and continuing care.

2021-2022 Request: \$7,000

Original 2021-2022 Allocation: \$4,700

The Board recommends an additional \$2,300 to help support the cost of providing long-term residential substance abuse treatment specifically to residents from the Town of Chapel Hill.

VOLUNTEERS FOR YOUTH, INC.

The mission of Volunteers for Youth is to provide services to Orange County, North Carolina youth to help them become contributing members of the community. Volunteers for Youth achieve this by

cultivating strengths, encouraging positive relationships, and helping youth develop the ability to make responsible choices.

2021-2022 Request: \$11,200

Original 2021-2022 Allocation: \$7,800

The Board recommends additional funding in the amount of \$3,200 will be used to support youth activities, staff support and operating expenses.



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 8., **File #:** [21-0818], **Version:** 1

Meeting Date: 10/27/2021

Approve the Town Attorney's Employment Contract Extension.

Staff:

Ann Anderson, Town Attorney

Department:

Town Attorney's Office

Overview: The Town Council conducted its review of the Town Attorney on October 20, 2021.



Recommendation(s):

That the Council adopt the resolution that extends the contract of Town Attorney Ann Anderson one year from the end of her current employment contract, through March 1, 2025.



Attachments:

- Resolution

A RESOLUTION EXTENDING THE CONTRACT OF ANN ANDERSON AS THE CHAPEL HILL TOWN ATTORNEY (2021-10-27/R-7)

WHEREAS, the Town Council conducted its review of the Town Attorney on October 20, 2021.; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby extends the contract of Town Attorney Ann Anderson, one year from the end of her current employment contract, through March 1, 2025. The Mayor will execute the extension on behalf of the Council.

This the 27th 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 extends the contract of Town Attorney Ann Anderson one year from the end of her current employment contract, to March 1, 2025.



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 9., **File #:** [21-0819], **Version:** 1

Meeting Date: 10/27/2021

Award the Same Pay Increase Approved for all Employees to the Town Attorney and Award Additional Pay Increase to Town Attorney.

Staff:

Ann Anderson, Town Attorney

Department:

Town Attorney's Office

Overview: The 2021-22 budget adopted by the Town Council includes a pay increase for all Town employees to help attract and retain excellent personnel. The increase was effective July 1, 2021. As is customary, the Town Council deferred the award of a pay increase to the Town Attorney until after their annual evaluation of this Council-appointed employee. The Town Council recently completed their evaluation and are prepared to move forward with a pay increase consistent with what they approved for all employees.

In addition, pursuant to Section 3.B. of the Town Attorney's Employment Contract, Council approved an additional increase of \$5,050.00 in the Town Attorney's annual compensation, effective November 1, 2021, for a total base annual salary of \$175,000.00.



Recommendation(s):

That the Council award a three percent pay increase to the Town Attorney, effective July 1, 2021.

That, in addition, the Council award a pay increase of \$5,050.00 to the Town Attorney, effective November 1, 2021.

Fiscal Impact/Resources: Funding for pay increases is included or provided for in the 2021-22 budget, adopted by the Council.



Attachments:

- Resolution

A RESOLUTION TO AWARD A PAY INCREASE TO THE TOWN ATTORNEY (2021-10-27/R-8)

WHEREAS, the Town Council adopted the 2021-22 Budget, including a pay increase for all Town employees equal to 3% of the market rate of the employee's position and effective July 1, 2021; and

WHEREAS, this increase is a market increase, designed to attract and retain excellent employees by staying consistent with market pay; and

WHEREAS, in taking this action, the Town Council acknowledges that the excellent service the Town receives is a result of the good work of excellent employees; and

WHEREAS, there is no market rate defined for Council-appointed positions; and

WHEREAS, the Town Council has traditionally deferred the award of the budgeted pay increase for the Town Attorney until after their annual evaluation of this Council-appointed employee; and

WHEREAS, the Town Council recently completed a positive evaluation of the Town Attorney; and

WHEREAS, the Town Council has concluded that, based on the results of the evaluation, it is appropriate to further increase the Town Attorney's salary to \$175,000.00 per year.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council awards a three percent pay increase to the Town Attorney, effective July 1, 2021, and an additional increase of \$5,050.00 to the annual salary of the Town Attorney, effective November 1, 2021.

This the 27th 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 will award a three percent pay increase to the Town Attorney with an effective date of July 1, 2021, and an additional salary adjustment of \$5,050.00 effective November 1, 2021.



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 10., **File #:** [21-0820], **Version:** 1

Meeting Date: 10/27/2021

Adopt a Local Resolution to Support the Installation of Art in the North Carolina Department of Transportation Right-of-way.

Staff:

Susan Brown, Executive Director
Steve Wright, Public Art Coordinator

Department:

Community Arts & Culture

Overview: A team of Town staff have engaged with staff from UNC (specifically Facilities Services, Innovate Carolina, Arts Everywhere), the Downtown Partnership, and community member Doug Rothwell to develop an Adopt-a-Block program that will improve the cultural and aesthetic experience of downtown spaces. Approval of the Adopt-a-Block program's Artistic Signal Box Plan will allow five diverse local artists selected by Arts Everywhere and Community Arts & Culture to create temporary artworks on five downtown signal boxes located in the North Carolina Department of Transportation's (NCDOT) right-of-way. NCDOT must approve any Art installations in the right-of-way. NCDOT furthermore requires receipt of a local resolution in support of the installation of Art in the right-of-way.



Recommendation(s):

That Council adopt the resolution to adopt the 2021 Adopt-A-Block Artistic Signal Box Plan and request the Town Manager to ask the NCDOT Right-of-Way Art Committee to approve the installation of Art on designated downtown signal boxes.



Attachments:

- Resolution
- Adopt-a-Block Artistic Signal Box Plan

A RESOLUTION ADOPTING THE 2021 ADOPT-A-BLOCK ARTISTIC SIGNAL BOX PLAN AND REQUESTING THAT THE TOWN MANAGER ASK THE NCDOT RIGHT-OF-WAY ART COMMITTEE TO APPROVE THE INSTALLATION OF ART ON DESIGNATED DOWNTOWN SIGNAL BOXES (2021-10-27/R-9)

WHEREAS, Chapel Hill recognizes community arts and culture as important factors in developing Chapel Hill as "A Place for Everyone" and creating "Good Places and New Spaces;" and

WHEREAS, the Council's Strategic Goal of a Vibrant & Inclusive Community endeavors to increase public art in both public and private spaces; and

WHEREAS, UNC-Chapel Hill Arts Everywhere and downtown stakeholders have developed an Adopt-a-Block Artistic Signal Box Plan to improve the cultural and aesthetic experience of downtown spaces; and

WHEREAS, UNC-Chapel Hill Arts Everywhere, in consultation with the Town's Division of Community Arts & Culture, has identified five diverse local artists to create temporary artworks on five downtown signal boxes; and

WHEREAS, the designated signal boxes are located in the North Carolina Department of Transportation's right-of-way; and

WHEREAS, the North Carolina Department of Transportation requires the "receipt of an adopted local resolution requesting the placement of a particular element or installation of Art" so that "the proposed art project will be reviewed by the Right-of-Way Art Committee."

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council adopts the 2021 Adopt-A-Block Artistic Signal Box Plan as provided in the October 27, 2021 meeting materials.

BE IT FURTHER RESOLVED that the Council requests that the Town Manager asks the NCDOT Right-of-Way Art Committee to approve the installation of Art on designated downtown signal boxes.

This the 27th day of October, 2021.

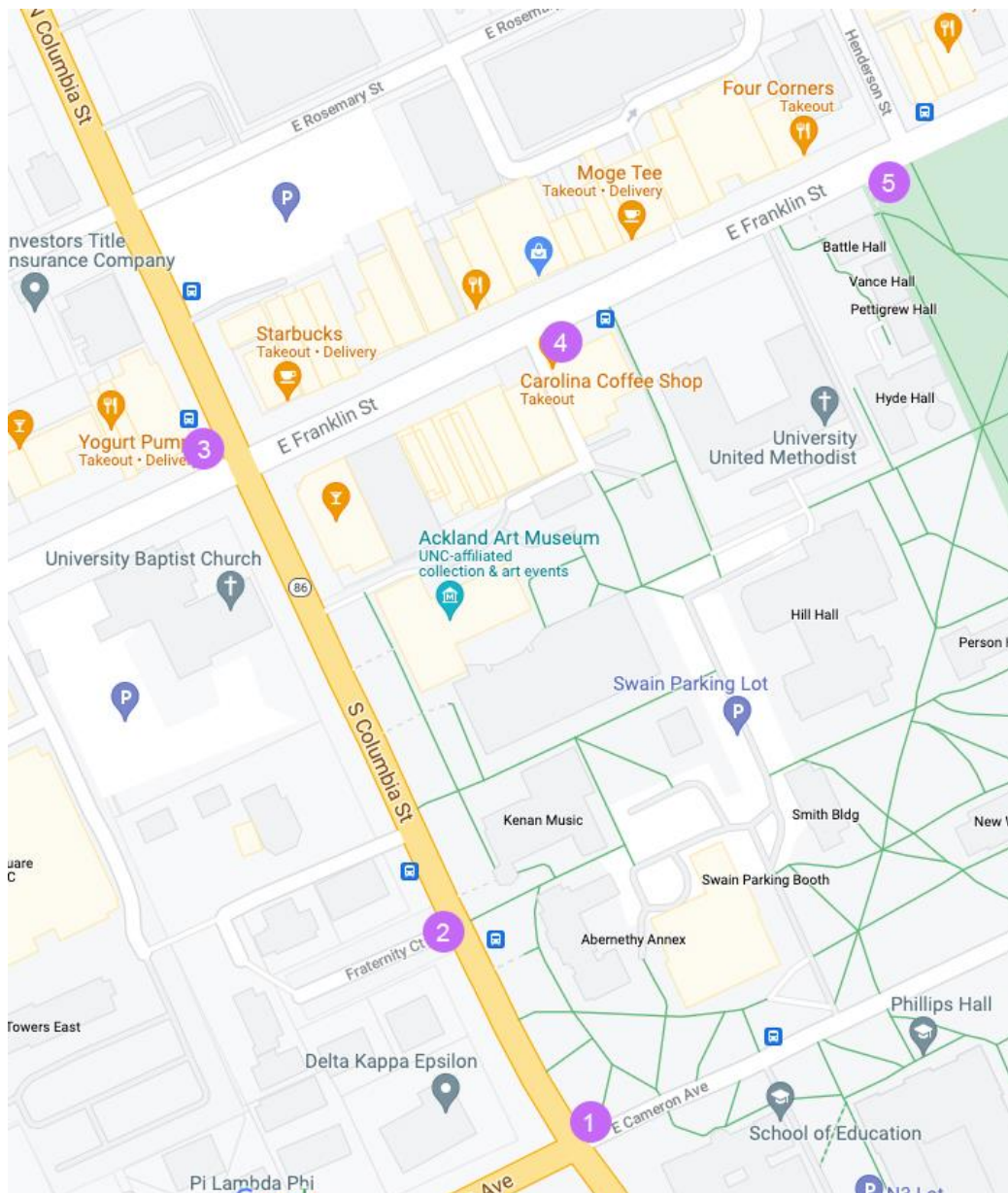
The Agenda will reflect the text below and/or the motion text will be used during the meeting.

By adopting the resolution, the Council approves the 2021 Adopt-A-Block Artistic Signal Box Plan and directs the Manager to request the NCDOT Right-of-Way Art Committee approve the installation of Art on designated downtown signal boxes.

THE 2021 ADOPT-A-BLOCK ARTISTIC SIGNAL BOX PLAN

The following artists have been contracted by UNC-Chapel Hill's Arts Everywhere, in consultation with the Town of Chapel Hill's Community Arts & Culture, to create temporary artworks on the following downtown signal boxes in the fall of 2021:

1. Cornelio Campos – Northeast corner of Cameron & Columbia
2. Loren Pease – West side of Columbia @ Frat Court
3. Iris Gottlieb – Northwest corner of Franklin and Columbia
4. Candy Carver – Carolina Coffee Shop
5. Phuong Nguyen – South side of Franklin @ Post Office





TOWN OF CHAPEL HILL

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

Item Overview

Item #: 11., **File #:** [21-0821], **Version:** 1

Meeting Date: 10/27/2021

Adopt Minutes from January 6, 13 and 27, 2021 and February 17 and 24, 2021 and March 10, 17, 24, and 31, 2021 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
- January 6, 2021 Work Session
- January 13, 2021 Regular Meeting
- January 27, 2021 Special Meeting
- February 17, 2021 Work Session
- February 24, 2021 Regular Meeting
- March 10, 2021 Regular Meeting
- March 17, 2021 Work Session
- March 24, 2021 Regular Meeting
- March 31, 2021 Work Session

A RESOLUTION TO ADOPT SUMMARY MINUTES OF COUNCIL MEETINGS (2021-10-27/R-10)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby adopts summary minutes for meetings held on January 6, 13 and 27, 2021 and February 17 and 24, 2021 and March 10, 17, 24, and 31, 2021 Meetings.

This the 27th 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, January 6, 2021 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/961621FqIATYm1s4bPUC3Rg> After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 862 5246 8041

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, Crisis Unit Supervisor Megan Johnson, Director of Organizational and Strategic Initiatives Rae Buckley, Assistant Director of Housing and Community Sarah Viñas, Affordable Housing Manager Nate Broman-Fulks, Housing and Community Executive Director Loryn Clark, Police Chief and Executive Director for Community Safety Chris Blue, Director of Executive Director for Technology and CIO Scott Clark, Communications and Public Affairs/Town Clerk Sabrina Oliver, and Deputy Town Clerk Amy Harvey.

OPENING

Mayor Hemminger opened the virtual work session at 6:30 p.m. She denounced

Town Council

Meeting Minutes - Draft

January 6, 2021

a violent insurrection that had taken place that day at the U.S. Capitol building. She also commented on how results from a recent run-off election in Georgia would provide more balance in the U.S. Senate.

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

ANNOUNCEMENTS BY COUNCIL MEMBERS

0.01 Mayor Hemminger Regarding COVID-19 Information. [\[21-0007\]](#)

Mayor Hemminger pointed out that North Carolina was experiencing its highest number of new COVID-19 cases and hospitalizations. Therefore, Governor Cooper had extended the state's modified stay-at-home order, its curfew and mask mandates, and its limit on unmasked gatherings, she said. She added, though, that hope was on the horizon because the Orange County Health Department would soon be providing information on its vaccine distribution plan.

0.02 Mayor Hemminger Regarding Upcoming Meeting. [\[21-0008\]](#)

Mayor Hemminger said that a virtual public information meeting regarding 101-111 Erwin Road would be held on January 7, 2021 at 5:15 p.m.

0.03 Council Member Buansi Regarding Events in Washington, D.C. [\[21-0009\]](#)

Council Member Buansi commented on an insurrection that day at the nation's capital. He pointed out that the only other time the U.S. Capitol building had been stormed was during the War of 1812. President Donald Trump had essentially empowered the mob to commit those crimes, he said.

Mayor Hemminger reported that North Carolina's mayors had been communicating all day about how to respond to the insurrection. They had decided to allow time to heal and then come together at a later point, she said.

AGENDA ITEMS

1. Update on Criminal Justice Debt Program Advisory Committee. [\[21-0004\]](#)

Police Crisis Unit Supervisor Megan Johnson gave a PowerPoint update on a Criminal Justice Debt Program that the Council had established in 2020. She explained the goal of moving low-income people toward stability and meeting the needs caused by gaps in other community programs. The Town had granted \$20,000 for a related pilot program, she said.

Ms. Johnson reported that the Crisis Unit had developed procedures and application materials and had helped select and facilitate an Advisory

Committee (AC), which held its first meeting in April 2020. She reviewed specific criteria that the Council had outlined and named community partners who had become involved in the Program.

Ms. Johnson said that the application process included conducting background checks, cutting checks, and tracking. She explained that setting up the program had taken longer than expected due to the COVID-19 pandemic. Eleven of the 12 people who had applied had been approved, and a total of \$3,741 in program funds had been spent to date, she said.

Emma Ferriola-Bruckenstein, Justice Department Restoration Program Legal Counsel and Program chair, presented information from a recent Governor's Task Force on Racial Equity and Criminal Justice report, which addressed imposing fines and fees. She said that two items in that report were directly related to the Council's goals of lessening the impact of court debt for Town residents and reducing the Town's reliance on court fines/fees as sources of revenue.

Ms. Ferriola-Bruckenstein said that the AC had unanimously agreed upon the following recommendations: 1) Expand the program to serve Carrboro Residents; 2) Remove the restriction that an applicant can only apply once every three years; 3) Remove the restriction on applicants with a violent felony conviction and give the AC discretion to review circumstances and determine whether funds should be granted; 4) Consider allowing payment for debts due outside Orange County.

In addition, AC members were proposing that the Council consider making them a more permanent, standing committee and were seeking guidance on when to make such a formal request, Ms. Ferriola-Bruckenstein said.

Jesse Gibson, an AC member, expressed general support for the recommendations but cautioned against removing restrictions for those who had been involved in particular types of crimes, which he listed. Additionally, he stressed the importance of requiring receipts for out-of-county payments in order to document that those had been made.

Council Member Stegman confirmed with Ms. Ferriola-Bruckenstein that outreach efforts had recently increased but that the number of people coming through the courts had been lower than normal due to the pandemic. However, her office had generated a list of about 80 people with court debt that the program could contact directly, Ms. Ferriola-Bruckenstein said.

Council Members expressed support for Carrboro joining the program and for giving the AC as much discretion as possible. They confirmed that the plan included looking at a variety of circumstances and considering relief for those who could become productive members of the community.

In response to a question from Council Member Anderson, Ms. Ferriola-Bruckenstein described Orange County Criminal Justice Resource Department's efforts to modify the process of assessing fines and fees. Resource Director Caitlin Fenhagen provided additional information about those efforts. She said that a Governor's taskforce member would present more information at the next AC meeting and that a presentation had been made to the NC Bar Association.

Orange County Clerk of Courts Mark Kleinschmidt said that Samantha Cabe, a new District Court judge, had become a leader in the effort to assess individuals' ability to pay and to set fines accordingly. This would assist Chapel Hill and Carrboro in addressing out-of-county fees, he pointed out.

Nancy Rosales, an adviser to the AC, shared her personal experience of eventually being able to restore her driver's license through the Criminal Justice Department Program. She had been able to re-enter the community, get a job, and have a stable life once free from the burden of accumulated traffic tickets, she said.

The Mayor and Council noted the importance of providing the community with more information, metrics, and clarity about which violent felonies would be excluded. They asked for data on the funding need, for Chapel Hill and Carrboro separately, if the program were made permanent. Council Members agreed that out-of-county fees should be included in the Program.

This matter was received and filed

2. Government Alliance on Race and Equity & County-wide Framework Update.

[\[21-0005\]](#)

Director of Organizational and Strategic Initiatives Rae Buckley defined racial equity as eliminating racial disparity so that one's race was not a predictor of success. She said that the Council had identified that as an overarching Town priority and had asked staff to participate in the Governmental Alliance on Race and Equity (GARE) training program.

Assistant Director of Housing and Community Sarah Viñas explained that GARE provided training, technical resources, and grants to government organizations in its network. It had launched a 12-month program in the Piedmont Region in 2019 and Town staff had participated in that training, she said.

Ms. Viñas provided an overview of a proposed Racial Equity Program based on GARE precepts. She outlined typical steps in the GARE model and said that staff had begun applying those to ongoing Town initiatives, such as Building Integrated Communities, language access work, and the Northside Neighborhood Initiative. She acknowledged that the COVID-19 pandemic had slowed the pace of some efforts.

Ms. Viñas gave examples of approaches and discussed plans to add racial equity questions to the Town's affordable housing fund application. The Housing Advisory Board had been using the new criterion when evaluating applications, she said. She mentioned recent Town initiatives, such as Neighborhood Support Circles, and said that Chapel Hill had joined the Refugee Community Partnership, which provided neighborhood-based childcare and scholastic support. Staff had also begun tracking demographic information for its community engagement initiatives and was working to develop a countywide Racial Equity Framework, Ms. Viñas said.

Ms. Buckley then explained that the first step in a proposed countywide Racial Equity Framework would be to work with Orange County, Carrboro and Hillsborough to build the program out. The next step would include translating the principles and approaches learned from GARE into the Town's own Racial Equity Program, she said. She explained that doing so would include building out training and leadership, articulating how to use a racial equity tool, collecting data dis-aggregated by race, and engaging target populations.

Ms. Buckley discussed the importance of timelines and performance measures and said that once the foundation was in place the next steps would be to develop a Racial Equity Plan. Each municipality's plan would include a desired result, data analysis dis-aggregated by race, strategies, an implementation plan, and an accountability step, she said.

Ms. Buckley proposed bringing the framework back to Council at its March 17, 2021 work session. Staff could then begin collecting data and would check back with Council on the countywide community engagement aspect by May or June, she said. She asked Council Members for feedback on the plan itself and on what racial equity policies they would like to see included.

The Council confirmed with staff that the GARE approach included determining a desired result and where the gaps were between that and the data. They verified that it would involve deciding what to change and setting goals and strategies for moving forward. They confirmed that staff would bring residents' top issues, as well as information about available resources and other factors, to the Council along with the Racial Equity Plan, and the Council would then prioritize.

Mayor pro tem Parker commented on the Town's historic difficulty with engaging under-served communities. He asked for thoughts about doing it differently this time.

Ms. Viñas replied that staff would do the things that had been successful in the past, and she listed some of those. They intended to rely on interviews more than surveys, but COVID-19 had affected their ability to

have direct, person-to-person communication, she said.

In response to a question about budgeting, Ms. Buckley said that staff was looking for direction from Council about when to start developing tools and researching capacity and resources. Town Manager Maurice Jones commented that the goal was to make racial equity the fabric of the Town and a part of every department and every major decision.

Council Member Huynh proposed applying race as a factor in who the Town does business with and how it disperses funds. Other Council Members recommended applying a racial equity lens to the Town's Land Use Management Ordinance rewrite and its Climate Action Plan. The Council encouraged applying it to all Town policies, budget decisions, and structural issues.

The Council noted the need for more conversations regarding timeline, resources, prioritization, and institutional barriers. Mayor Hemminger agreed that it had been difficult to obtain input during the COVID-19 pandemic. She pointed out that there would be better opportunities for honest face-to-face interaction in the future.

This matter was received and filed

3. Manufactured Home Strategy Update.

[\[21-0006\]](#)

Ms. Viñas gave a PowerPoint update on Town-initiated efforts to address redevelopment threats to four manufactured home communities (MHCs) in the northern part of Town. She said that staff had developed a strategy that included resident engagement, a menu of alternative housing options, sites for potential relocation, and coordinated planning with other local governmental and community partners. She showed the locations of the four MHCs on an area map.

Ms. Viñas said that staff and community partners had carried out extensive engagement with MHC residents in 2018 and that the information collected then was still relevant. Staff had learned that the average income for the majority of families was \$30,000 and that nearly 70 percent of them had lived in their homes for at least 10 years, she said. A survey of MHC residents had revealed a strong preference to stay within Chapel Hill due to its proximity to work, schools, buses, and amenities, she said.

Ms. Viñas said that staff continued to hold engagement sessions and had been focusing on building relationships. The Town had worked closely with EmPOWERment, Inc., and had connected some residents with Habitat for Humanity and other organizations regarding home purchases, she said.

Affordable Housing Manager Nate Broman-Fulks then described a menu of

options that staff had developed. These included relocation assistance, land purchase, and constructing units as part of redevelopment. He gave examples of models that had been successful elsewhere in the country: a town-led model in Boulder, CO; a Habitat-led model in Charlottesville; a resident-owned community model; and a non-profit model that had purchased its first resident-owned community in Asheboro.

Mr. Broman-Fulks said that another approach was to create new affordable housing (AH) as part of redevelopment. He pointed out that the Chapel Hill North master plan had been designed to create opportunities for AH along Weaver Dairy Road. In addition, the Council had prioritized three sites for AH projects on Town-owned land, he said, and he described those.

Mr. Broman-Fulks noted that the Town had joined Carrboro, Hillsborough and Orange County in a Local Government Affordable Housing Collaboration to develop a coordinated strategy for when a MHC faced a redevelopment threat. The Town was also working on the issue with partners, such as Family Success Alliance, EmPOWERment Inc., and the Chapel Hill-Carrboro School System, and was a member of an Orange County Affordable Housing Coalition subcommittee on manufactured homes, he pointed out.

Ms. Viñas and Mr. Broman-Fulks asked Council Members for feedback on what a successful solution would look like to them, guidance on what strategies staff should focus on, and information about whether there was more that staff should be doing.

Council Members discussed the need to proactively and aggressively look at alternatives since all four MHCs in Town were in prime redevelopment locations. They said that addressing the issue would require significant Town resources and that Orange County would need to contribute to the solution. They discussed the unlikelihood that MHC residents would be able to afford the resident-owned solution.

Council Members discussed their desire to have all MHC residents end up in decent housing in areas where they could still get to work and school. They expressed support for partnering with other entities, including the University of North Carolina at Chapel Hill (UNC), which owned a fair amount of land and was where many MHC residents worked. The Council commented on how MHC residents were not a homogeneous group and a variety of solutions would be needed.

Council Member Buansi asked about the possibility of creating a way for current MHC residents to reserve slots in proposed redevelopments, and staff deferred to the Town Attorney for that answer. Mr. Broman-Fulks pointed out, though, that the towns of Boulder and Charlottesville had

successfully purchased and redeveloped MHCs in order to let residents remain.

Council Members stressed the importance of keeping residents educated and informed about potential redevelopment. They emphasized that helping people build equity and wealth should be a core component of any Town strategy.

Council Member Stegman pointed out that the Town had made much progress regarding AH, but not for the income levels of those living in MHCs. She expressed interest in a limited equity co-op model that would include some non-profit partnership. She proposed that the Town bring in some expertise to help figure out a plan.

Council Member Huynh requested information on resources that might help the Town analyze the problem in more detail. He encouraged looking for outside funding and expressed a preference for a public-private partnership that probably would be a collaboration of several groups, such as those working on the Town's AH development at 2200 Homestead Road.

Council Member Gu asked about legal options for prioritizing MHC residents, and Town Attorney Ann Anderson replied that determining that would require careful analysis. She could work on that if the Council provided direction on exactly what it wanted, Ms. Anderson said.

Mayor Hemminger praised staff for successfully transitioning people in the past and said that the same approach would be needed again if any MHC residents needed to move quickly. She agreed with the need to engage Orange County and said that the Town's strategy should include finding a pathway for those who want to remain in Chapel Hill. She had spoken with UNC about the MHC situation, she said.

Mayor Hemminger agreed that it was important to educate MHC residents about their options. She pointed out that options might include future opportunities at the Town's AH project at 2200 Homestead Road or at Weavers Grove, which was based on the home-ownership model. She expressed support for finding out if the Town could legally prioritize transitioning MHC residents.

This matter was received and filed

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 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 Council recessed the meeting at 9:30 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, January 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_kr1c1_KdQreB5EvPg6FSgQ After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 886 8876 0980

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 Wilger, Assistant Planning Director Judy Johnson, Emergency Management Coordinator Kelly Drayton, Fire Chief Vencelin Harris, Executive Director for Community Safety and Police Chief Chris Blue, 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 announced the agenda.

Town Council

Meeting Minutes - Draft

January 13, 2021

Mayor Hemminger's internet connection was briefly lost. Mayor pro tem Parker called the roll, and all Council Members replied that they were present. Mayor Hemminger soon returned.

ANNOUNCEMENTS BY COUNCIL MEMBERS

0.01 Mayor Hemminger Regarding MLK Celebrations. [\[21-0030\]](#)

Mayor Hemminger announced that the University of North Carolina at Chapel Hill (UNC) would hold a virtual memorial banquet in honor of Dr. Martin Luther King Jr. at 6:00 p.m. on January 17, 2021. N.C. Superior Court Judge Carl Fox would speak at the event and residents could register through UNC's website, she said.

Mayor Hemminger said that the local NAACP would host Reverend William Barber to speak at 11:00 a.m. on January 18th. She encouraged residents to register online and attend the celebration of Dr. King's life and legacy.

0.02 Mayor Hemminger Regarding Peoples Academy. [\[21-0031\]](#)

Mayor Hemminger said that the People's Academy would hold a four-week, virtual session on Saturday mornings in March. Participating would be a good way to learn about Town services, connect with Town leaders and others, and learn how to become involved with Town government, she pointed out. Information on how to apply was on the Town's website, she said.

0.03 Proclamation: National Mentoring Month. [\[21-0032\]](#)

Council Member Buansi summarized the proclamation declaring January 2021 to be National Mentoring Month. He mentioned some local mentoring programs and pointed out that supporting networks for young people was especially important during the current pandemic. He then shared his personal experience of being mentored as a child and then becoming a mentor himself later in life.

0.04 Council Member Gu Regarding Inauguration Day. [\[21-0033\]](#)

Council Member Gu announced that a caravan of community members would walk from University Place down to Weaver Street Market on January 20, 2021 to celebrate the inauguration of President Joe Biden and reconfirm their faith in democracy. Anyone was welcome to meet at University Place at 10:00 a.m. and join in, 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 Council Member Huynh, that R-1 be adopted as amended, which approved the Consent Agenda as amended. The motion carried by a unanimous vote.

1. Approve all Consent Agenda Items. [\[21-0010\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
2. Approve a Request for Limited Review of a Special Use Permit Modification at Signature Health, 1602 E. Franklin Street. [\[21-0011\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
3. Approve a Request for Limited Review of a Special Use Permit Modification at Murray Hill at Meadowmont, 201-213 Meadowmont Lane. [\[21-0012\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
4. Defer Consideration for Conditional Zoning - Phi Gamma Delta at 108 W. Cameron Avenue from Office/Institutional-1 (OI-1) to Office/Institutional-3-Conditional Zoning District (OI-3-CZD) to March 10, 2021. [\[21-0013\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
5. Designate a Voting Delegate to Vote on the Proposed NC League of Municipalities Legislative Goals. [\[21-0014\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.

6. Amend the 2020-21 Council Calendar. [\[21-0015\]](#)

The Council voted unanimously to approve the agenda, with the addition of its January 25, 2021 legislative breakfast. In addition, Mayor Hemminger pointed out that an Assembly of Government's meeting had been postponed due to technical difficulties related to meeting virtually.

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

INFORMATION

7. Receive Upcoming Public Hearing Items and Petition Status List. [\[21-0016\]](#)

This item was received as presented.

8. Update on the Historic District Design Standards [\[21-0017\]](#)

This item was received as presented.

DISCUSSION

9. Orange County Health Department COVID-19 Vaccination Planning and Implementation. (no attachment) [\[21-0018\]](#)

Orange County (OC) Health Director Quintana Stewart gave a PowerPoint update on the county's response to the COVID-19 pandemic and its vaccine distribution plan. She reported that OC currently had 5,839 confirmed COVID-19 cases and 68 deaths. The current percent of positive cases was around 10.1 percent, she said.

Ms. Stewart said that OC was conforming to the state's amended stay-at-home order and vaccination plan, which she outlined. She discussed a new variant viral strain and said that current vaccines appeared to be effective against it. She encouraged everyone to continue practicing the 3Ws (wear a mask, wash hands regularly, wait a safe distance apart) even after being vaccinated.

Council Members asked questions about equitable access to the vaccine, and Ms. Stewart described OC's online registration process and its efforts to reach out to those who did not have online access. The Council confirmed with her that language interpreters were available and that OC had been working on setting up registration links in different languages.

The Council verified with Ms. Stewart that citizens could not get leftover doses of vaccine even though there was a state mandate to not waste any. Any unused vaccine was being given to vaccination site volunteers at the end of the day, Ms. Stewart said. She pointed out that OC still needed both medical and non-medical volunteers.

Mayor Hemminger thanked Ms. Stewart for her presentation and for being

a steady and competent hand at the helm. She reminded citizens to keep practicing the 3Ws, even after being vaccinated, and said that there was light at end of tunnel.

This item was received as presented.

10. COVID-19 Update - UNC's Spring Semester Planning. (no attachment) [\[21-0019\]](#)

UNC Director of Emergency Management and Planning Darrell Jeter gave a PowerPoint presentation on UNC's spring semester plans. He explained that undergraduates would attend classes remotely for the first three weeks and there would be no traditional spring break. Residence halls would have single occupancy and there would be fewer than 3,500 students living on campus, he said. He pointed out that expanded quarantine and isolation spaces would be provided as well.

Mr. Jeter explained that UNC planned to encourage student compliance with community standards and adherence to the 3Ws and that students would sign an acknowledgement stating that they understood. There would be consistent and equitable enforcement processes and disciplinary actions, which could include restricted access to campus facilities, removal from campus housing, transition to remote only instruction, and/or dismissal, he said.

Mr. Jeter stated that UNC continued to collaborate with county and local partners on a COVID-19 response. He encouraged community members to seek information regarding those efforts at the "Carolina Together" website. The University had been participating with OC's vaccination taskforce and had also applied to be a vaccination provider, he said.

In response to questions from the Council, Mr. Jeter said that UNC's Office of Student Affairs and its Campus Police would collaborate with community partners regarding off-campus sororities and fraternities. Those students would have twice-a-week asymptomatic testing, and measures were in place for any who did not conform, he said. In addition, students who live in off-campus apartments would be tested once a week and any violations would be posted on the Carolina Together website, he said.

The Council also confirmed that UNC would provide free, asymptomatic testing for students, faculty and staff at three different locations, with a once or twice a week mandatory requirement. Graduate and professional students and doctoral fellows who live in the local area could be voluntarily tested once a week, he said.

In response to Council questions, Mr. Jeter said that UNC was discouraging travel but would test any students who must do so before they leave and when they return to campus. The Council verified with him

that quarantine and isolation areas would primarily be for on-campus students, but UNC would work closely with off-campus students to ensure that they have isolation or quarantine resources, if needed.

The Council asked about steps taken to ensure that students living in Greek houses would not repeat their fall semester behavior, and Mr. Jeter said that students clearly understood the consequences for non-compliance. Mayor pro tem Parker pointed out, however, that problems in the fall had been the result of student non-compliance elsewhere and bringing COVID-19 back to their dormitories. Why, therefore, was UNC planning to keep students out of the classrooms rather than out of the dormitories, he asked.

Mr. Jeter replied that changing to single-occupancy dorms would minimize close contact and that housing rules and regulations would be strictly monitored and enforced. In addition, UNC had made staffing and technological adjustments that would engage, track and follow up with students in order to encourage good behavior, he explained. He said that non-compliance could lead to a loss of housing privileges.

Council Members stressed the need to strongly encourage students to stay on campus, or in an off-campus bubble, for the entire spring term. They pointed out that off-campus behavior had a huge impact on the Chapel Hill community in the fall and that some neighborhoods had been hit harder than others. They urged UNC to take an off-ramp quickly if it finds itself in the same situation again in the spring.

Mayor Hemminger asked Mr. Jeter to provide information on the total number of students who would be living in Chapel Hill and Carrboro, including those living in dormitories. She expressed appreciation for UNC's constant communication at different levels and for how it had reached out to obtain fact-based information. Chapel Hill loved and welcomed its students but needed to keep its residents safe, she said.

This item was received as presented.

11. Consider Amending Chapter 10 of the Town Code to Add a Non-Discrimination Ordinance. [\[21-0020\]](#)

Mayor Hemminger explained that the Council was considering amending Chapter 10 of the Town Code to add a non-discrimination ordinance that would protect LGBTQ residents from discrimination. She pointed out that Chapel Hill had traditionally demonstrated strong support for matters of equality, inclusion, and fair access for all. The proposed ordinance would provide protections for LGBTQ people who worked in places that supply goods and services to the public, she explained.

Mayor Hemminger thanked Carrboro Mayor Lydia Lavelle for her leadership

on the issue and said that local attorneys had work hard on the amendment as well. She thanked the gay and lesbian elected officials who had helped and noted that NC Equality had been working to make North Carolina an inclusive and safe place for all. The towns of Hillsborough and Carrboro had already passed similar ordinances and Orange County would vote on its ordinance the following week, she said.

Terri Phoenix, a UNC employee, who is one of approximately 3,000 Chapel Hill residents who identified as LGBTQ, described some of the ways in which he, a transgender parent, had been discriminated against. He shared data about discriminatory and abusive treatment of LGBTQ individuals and said that the proposed ordinance would send a message that they were a valued part of the community. The ordinance would also provide legal recourse for those who experience harassment and discrimination, he said.

Dawna Jones, president of the Chapel Hill-Carrboro NAACP, read a statement expressing support for marginalized groups and opposition to discrimination in all its forms. The NAACP stood firmly in support of the proposed ordinance and urged the Council to extend nondiscrimination protections to LGBTQ citizens living and working in Town, she said. She stressed that no individual should be discriminated against based on their sexual orientation, gender ID, or gender expression.

Orange County Clerk of Court Mark Kleinschmidt, former Mayor of Chapel Hill, provided historical information on local municipalities' recognition of gay and lesbian relationships. He said that local governments in Orange County were leading the state in that respect and that the current moment was intensely personal for him. He spoke about "the hospitality of Christianity" and said that local communities were living that doctrine by breaking down barriers and being open to all.

Former Council Member Lee Storrow emphasized the historical importance of the moment and thanked the Council and the other elected officials who had made it happen. He agreed with previous speakers' comments and said that discrimination against people with marginalized identities could lead to negative health outcomes that include higher rates of HIV and suicide. Passing such non-discrimination ordinances would help prevent that, he said.

Council Member Stegman thanked Mayor Lavelle and other local and state leaders for moving the issue forward. She mentioned how proud she would be to tell the LGBTQ community, her wife, and her children that they would now be welcome, safe and protected in Chapel Hill.

Several Council Members praised Council Member Stegman and other local officials for their leadership regarding the ordinance. Mayor pro tem Parker said that the moment felt like closing a circle by undoing the

discriminatory HB2 bill that the N.C. General Assembly had passed four years prior. Council Member Gu noted the importance of changing housing, land use, transportation, and other policies as well.

Mayor Hemminger spoke about her gay son, who had been putting his life on the line every day as an emergency room resident who was treating people with COVID-19. She was proud of him and proud of how Chapel Hill had worked collaboratively to allow everyone to have the respect they deserve, she said. The proposed ordinance was the Town's opportunity to take a stand, show that it cared, and reverse the discriminatory policies brought on by HB2, she pointed out.

Town Attorney Ann Anderson thanked the Council for allowing her to be part of a process that would benefit many, including many in the legal profession.

A motion was made by Council Member Stegman, seconded by Council Member Buansi, that O-1 be enacted as amended. The motion carried by a unanimous vote.

12. OWASA's Long-Range Water Supply Plan Update.

[\[21-0021\]](#)

OWASA (Orange Water and Sewer Alliance) Planning and Program Manager Ruth Rouse gave an update on work completed to date on the OWASA Long Range Water Supply Plan. She said that the risk of the Chapel Hill area running out of water over next several decades was very low but the possibility of an extended drought should be addressed.

Ms. Rouse explained that Orange County's sources of water included Cane Creek Reservoir, University Lake, and Quarry Reservoir. Since 1988, the OC had also had an allocation from Jordan Lake for use during water shortages. However, that access was based on mutual aid agreements and was not guaranteed, she pointed out.

In a PowerPoint presentation, Ms. Rouse showed fluctuations in the area's water use over the years. She described an OWASA/UNC partnership regarding reclaimed water and explained OWASA's water recycling system. She discussed expected demand over the next 50 years and said that the long-term alternatives for addressing that included conservation and/or expanding supply.

Ms. Rouse pointed out that residents already had been conserving water. She said that other options -- such as expanding the quarry, getting water from deeper depths, treating waste water to make it drinkable -- would be very costly or not legal in N.C. Therefore, being able to access water from Jordan Lake appeared to be the most cost-effective option for increasing resiliency, she said.

Ms. Rouse said that OWASA would begin a community engagement process to develop guiding principles in late spring or early summer 2021. It would then choose a preferred alternative, draft a long-range plan, and present that plan to the community before adopting a final one, she said.

Council Member Buansi confirmed with Ms. Rouse that Orange County had only accessed its Jordan Lake allocation when testing its ability to do so. The Town had received water from the City of Durham when its water main had broken and when there had been a problem with fluoride overfeed, Ms. Rouse said.

Council Member Ryan verified with Ms. Rouse that "the western intake" would be the best approach if the Town wanted guaranteed access in a crisis. However, that arrangement did not yet exist and Cary was not currently interested, Ms. Rouse said.

Mayor Hemminger noted the importance of collaboration. She said that Chapel Hill had learned a lot from its 2006 drought and had forged better partnerships since then. She commended OWASA for being willing to collaborate stating that doing so would be the way to solve any future problems.

This item was received as presented.

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.

13. Concept Plan Review: 150 East Rosemary Redevelopment. [\[21-0022\]](#)

Planner Cory Liles gave a PowerPoint presentation on a concept plan from Grubb Properties for a development project at 150 East Rosemary Street. He said that the proposed project would be on a Town-owned site, which was zoned Town Center 2 and included a 309-space parking deck. He

outlined the plan to demolish the deck and construct a 250 square-foot office building with lab space in its place. The building would be six to eight stories tall, and the project would include some below street parking, he said.

Mr. Liles described the applicant's plan to include a town green at the corner of East Rosemary and Henderson Streets. He discussed existing conditions, boundaries, and an adjacent alleyway. He said that the Grubb Properties had expressed interest in following a Conditional Zoning process.

Mr. Liles pointed out that the concept plan was the first one proposed in Town since the Council adopted its new Future Land Use Map (FLUM) in December 2020. The FLUM included a range of primary uses considered appropriate for the site, he said. He explained how the proposed plan would conform with those uses and also to several other Town plans.

Mr. Liles said that the Historic District Commission (HDC) and the Community Design Commission (CDC) comments were included in Council Members' materials. In general, the two commissions preferred six or seven stories and design elements that would break up massing, he said. They had also recommended that the design fit in with surrounding historic buildings, that it have pedestrian-friendly ground-floor elements, and that it use the alley as a pedestrian link, Mr. Liles said. He noted that commission members had offered mixed opinions about the importance of saving a large magnolia tree versus grading the town green area.

Michael Stevenson, an architect with Perkins Eastman, provided additional information about the site's topography, the proposed streetscape and town green, and the alleyway. He pointed out that modern architecture could be done in a way that was sensitive to historic surroundings. He showed examples of materials that might be used such as terracotta, brick, glass, and wood.

Mr. Stevenson argued that it was better to grade a successful urban space than to try and keep one magnolia tree that would not likely survive construction. He pointed out that designers view the public realm as being as important as the building.

Mr. Stevenson said that the parking layout had primary access from the alley with minimum access from East Rosemary Street. He showed images of how structures of different heights would appear from Franklin and East Rosemary Streets and noted that the East Rosemary Street side would be only four-stories at the street.

Council Members expressed a preference for six or seven stories, but

Mayor Hemminger asked for a more accurate rendering of what eight stories would look like if it were mostly glass. Council Member Ryan asked for a more realistic view of what six and seven stories would look like from the perspective of one standing across from it on Franklin Street. The Council asked for a more visible entryway on East Rosemary. They urged the applicant to "go bold" and said they liked the modern design.

The Council confirmed with Mr. Stevenson that there would be 150-170 parking spaces, and he said that Grubb Properties wanted to use the existing split-level excavation for parking. He explained that there would be no above grade parking on Rosemary Street but there would be at least one point of access there. Several Council Members stressed the importance of having as few curb cuts there as possible.

Several members of Council commented on how the magnolia tree might need to be sacrificed in order to create a great town green. Mayor pro tem Parker asked about the effect of the town green on the nearby Post Office parking area, and the applicant replied that Town staff was working on an arrangement with the Post Office.

Council Members stressed their desire to have a welcoming, accessible, and active space that would draw people in from the street. They discussed the possibility of having stadium-like seating, and Mayor Hemminger recommended eliminating parking along Henderson Street and widening the sidewalk there.

Mayor Hemminger confirmed with Mr. Stevenson that a rooftop terrace was still being considered, and she inquired about the possibility of having retail on the first floor. Mr. Stevenson said that doing so would be physically possible and Joe Dye, of Grubb Properties, noted the importance of not having something there that would compete with other businesses in the area.

Mayor pro tem Parker raised the idea of having an art gallery on the first floor that people walking by could view. Council Member Ryan mentioned potentially collaborating with UNC Arts Everywhere and having exhibits there that were thematically connected to what was going on inside the building. Council Member Gu suggested including uses that would draw people downtown after 5:00 p.m. Mayor Hemminger recommended having an entrance to the building on the town green so that people who work inside would have access.

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

ADJOURNMENT

The meeting was adjourned at 10:21 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, January 27, 2021 **7:00 PM** **Virtual Meeting**

Virtual Meeting Notification

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<https://us02web.zoom.us/join/9tJfseWwDn4> After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 875 7074 5741

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Roll Call

Present: 7 - Mayor Pam Hemminger, Mayor pro tem Michael Parker, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Karen Stegman, Council Member Tai Huynh, and Council Member Amy Ryan

Absent: 1 - Council Member Jessica Anderson

Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Florentine Miller, Town Attorney Ann Anderson, Assistant Planning Director Judy Johnson, Police Chief and Executive Director for Community Safety Chris Blue, Emergency Management Coordinator Kelly Drayton, Fire Chief Vencelin Harris, Housing and Community Executive Director Loryn Clark, Business Management Director Amy Oland, Community Resilience Officer John Richardson, Planning Director Colleen Willger, Affordable Housing Manager Nate Broman-Fulks, Community Development Program Manager Megan Culp, Planner II Michael Sudol, Housing and Community Assistant Director Sarah Viñas, Executive Director for Technology and CIO Scott Clark, Communications and Public Affairs Director/Town Clerk Sabrina Oliver, and Deputy Town Clerk Amy Harvey.

Town Council

Meeting Minutes - Draft

January 27, 2021

OPENING

Mayor Hemminger opened the virtual meeting at 7:00 p.m. and welcomed the public. She said that Spanish interpreters would be present through Item 8.

Mayor Hemminger called the roll and Council Members replied that they were present. Council Member Anderson was absent, excused.

ANNOUNCEMENTS BY COUNCIL MEMBERS

0.01 Proclamation: Dr. Kizzmekia S. Corbett Day.

[\[21-0075\]](#)

Council Member Buansi introduced a proclamation honoring Dr. Kizzmekia Corbett, a Hillsborough native who had been a leader in developing Moderna's COVID-19 vaccine. He proclaimed Thursday, January 28, 2021, to be Dr. Kizzmekia Corbett Day in Chapel Hill in recognition of her accomplishments in science and medicine, her leadership in fighting a pandemic, and her dedication to the health, safety and well-being of humanity.

Mayor Hemminger said that Chapel Hill was proud of Dr. Corbett and her work as a scientist and role model.

0.02 Mayor Hemminger Regarding Peoples Academy.

[\[21-0076\]](#)

Mayor Hemminger said that the People's Academy would be taking applications for a four-week virtual session to be held on Saturdays in March 2021. Attending those sessions was a good way to learn more about Town services and meet other members of the community, she pointed out. She said that language translators would be available for the program and that applications were being accepted through February 19, 2021. More information was available on the Town's website, 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 Mayor pro tem Parker, seconded by Council Member Huynh, that R-1 be adopted as amended, which approved the Consent Agenda. The motion carried by a unanimous vote.

1. Approve all Consent Agenda Items. [\[21-0046\]](#)
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. [\[21-0047\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
3. Submit Public Comments to the North Carolina Utilities Commission Concerning Duke Energy's 2020 Integrated Resource Plan. [\[21-0048\]](#)
Mayor Hemminger said that the Town would be sending comments to the Utilities Commission regarding Duke Energy's proposed plan and was working toward having other towns do so as well.
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
4. Continue the 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 February 24, 2021. [\[21-0049\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
5. Amend the 2020-21 Council Calendar. [\[21-0050\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
- 5.1 Authorize the Use of Eminent Domain to Acquire Property on North Street. (added 1/25/21) [\[21-0065\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.

INFORMATION

6. Receive Upcoming Public Hearing Items and Petition Status [\[21-0051\]](#)

List.

This item was received as presented.

DISCUSSION

7. Update on Town Efforts to Respond to the COVID-19 Crisis. (no attachment) [\[21-0052\]](#)

Mayor Hemminger asked the public to be patient regarding the COVID-19 vaccination schedule. Orange County's registration system had been overwhelmed and it would take time to vaccinate everyone, she said. She explained that President Biden would provide three-week updates on the amount of vaccine states would receive and that Chapel Hill was ready to administer those doses as soon as they arrived.

Emergency Manager Kelly Drayton gave a PowerPoint update on the Town's COVID-19 response and the vaccine distribution process. She explained how emergency funding had been used and said that the Town could seek reimbursement for eligible expenses through new federal legislation. She discussed President Biden's request to Congress for \$30 billion to help Americans who were behind on rent.

Ms. Drayton noted that Governor Cooper had extended the modified stay-at-home order through February 28, 2021. She said that 99.8 percent of North Carolina's federal allotment of first dose vaccines had been administered and that appointments for second doses were currently being scheduled. The federal government had agreed to a 16 percent increase in first dose vaccine shipments in the coming weeks, she said.

Ms. Drayton discussed efforts to reach under-served communities. She said that the COVID-19 call center would be adding staff and services, such as language interpretation, and that the Orange County Health Department would hold virtual meetings and information sessions in an effort to facilitate vaccine distribution in under-served communities.

Ms. Drayton said that the federal government would not penalize states for failing to meet vaccine allocation deadlines and would reward them for operating efficiently. North Carolina would begin providing doses to county health departments based on population size, she said, and she mentioned the ways in which the Town was partnering in the distribution effort. She reminded the public to continue following the 3Ws: wear a mask, wash hands, wait a safe distance apart, even after receiving a vaccine.

Mayor pro tem Parker pointed out that people could also try getting vaccinated through UNC Health at: yourshot.org. Council Member Gu confirmed with Ms. Drayton that those waiting for a second shot would

hear from Orange County a few days before it was due. Council Members asked about additional guidance regarding a new, more virulent COVID strain, and Ms. Drayton offered to find out if there had been any change in the recommendations.

Council Member Gu asked why some high-risk populations had been moved down on the priority list, and Ms. Drayton explained that the state had been prioritizing those who would be reentering society and interacting in the community. Council Member Gu asked for additional information regarding vaccines, and Ms. Drayton said that such statistics were being posted on Fridays on Orange County Health Department's website.

This item was received as presented.

8. 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). [\[21-0053\]](#)

Planner Michael Sudol gave a PowerPoint presentation on a Conditional Zoning application for a 13.9-acre site at 1200 Martin Luther King Jr. Boulevard (MLK). He said that the applicant had held three meetings since December 2020 with Tarheel Mobile Home Park residents, who currently lived on the site. He summarized revised conditions and reviewed how the applicant had completed steps in the application process and had appeared before the Council several times.

Mr. Sudol explained that the site was currently zoned Residential-4/Neighborhood Commercial and that the applicant was requesting that it be rezoned to Office Institutional-2 in order to accommodate a self-storage facility, mobile home park (MHP), and gas station. The applicant had originally requested a Special Use Permit (SUP) process but was asking to convert that to Conditional Zoning (CZ), he said.

Mr. Sudol showed a view of existing conditions, which included a substantial amount of Resource Conservation District (RCD) land at the northern end of the site. He outlined a proposal to allow 73 dwelling units to remain on the property for 15 years. He pointed out that the NC Department of Transportation (NC-DOT) and Town did not support a proposed right in/right out access from MLK and that the developer had agreed to change it to right out only when a rapid transit (BRT) stop was constructed there.

Mr. Sudol said that the applicant had created an on-site relocation plan for

approximately 16 of the mobile homes and was proposing an additional 10. The applicant was committing to keeping current residents on-site for 15 years and would offer them an option to convert to annual leases within 30 days of entitlement, he said.

Mr. Sudol reported that three Town advisory boards had recommended approval, with conditions, and two others had recommended denial. Staff would bring three revisions forward at the next Council meeting regarding a condition that would allow existing mobile homes to remain on-site, a requirement to add a playground, and a change in the language regarding notification of vacancies, he said. He recommended that the Council close the public hearing, receive public comments for 24 hours, and consider the item at its February 24, 2021 meeting.

Dan Jewell, a consultant with Coulter Jewell Thames, described steps that the applicant, Stackhouse Properties, had taken since December. These included removing trees, installing lighting, filling potholes, repairing driveways and ordering stop signs, he said. He explained that a playground would be installed once the applicant had the necessary permits to do so. A draft set of declarations and covenants would be recorded along with the CZ documents, he said.

Bill Brian, an attorney with Morningstar Law Group, described three meetings that the applicant had held with Tarheel Mobile Home Park residents in January 2021. During those meetings, he had explained that the MHP would be closed and everyone would have to move if the rezoning did not pass. He had encouraged residents to contact the Council and express support for the proposal but had made it clear that they were not required to do so, he said.

Mayor pro tem Parker confirmed with Mr. Jewell that anyone moving into the Tarheel MHP would have the same 15-year protection as those who currently lived there. Council Member Stegman pointed out that the Council should see the proposed covenants, and she verified with Mr. Brian that they would mirror the language in the conditions. The covenants would create rights that run with the property title, and tenants would have a direct right of enforcement in court, Mr. Brian said. Council Member Buansi clarified that the 15-year period would expire in 2036 and that an incorrect version of that would be revised.

Council Member Gu asked how staff had worked with the applicant to address the Community Design Commission's and Planning Commission's recommendations to deny.

Mr. Jewell replied that those concerns had been based on their view that a different type of development should be at the location. He noted that the applicant had accommodated the other boards' concerns about

connectivity and access issues.

Council Member Gu asked Mr. Jewell what community benefits the applicant thought justified contradicting the direction the Town had planned for the MLK corridor. Mr. Jewell replied that 65 at-risk households would not be displaced, but Council Member Gu said that would be maintaining the status quo, not adding a benefit.

Mr. Brian commented that it was not economically viable to continue the property as it was. The site would be redeveloped for a transit-oriented, multi-family project or used for something else that would create economic viability, he said. He stated that the applicant had devised a project with commercial elements that would create the necessary economic viability to preserve the community. The Town's goals were inconsistent and the Council would need to decide which way it wanted to go, Mr. Brian said.

Council Member Ryan confirmed that the applicant was no longer asking for the additional seven units that would have encroached on the Jordan Buffer or the RCD. She affirmed with Mr. Jewell that a fence between the storage building and residential area would not be an industrial one. She argued against having a crown sign on the commercial building. She asked that a stipulation be changed to give the Community Design Commission authority to approve rather than "provide a recommendation regarding" elevations.

Nancy Oates, a Chapel Hill resident and affordable housing advocate, thanked Stackhouse Properties for its commitment to maintaining diversity. It was unrealistic to expect an applicant to hold onto a money-losing investment when it could turn it into something more profitable, she said. She pointed out that many Tarheel Mobile Home Park residents were among the Town's essential workforce and that having to move would impose significant expense and leave some of them homeless.

Tarheel Mobile Home Park residents Basilia Barreto, Belinda Hooker, Raphael Gonzalez, Trinidad Cervantes, Melissa Ginsberg and Olivia Velazquez Manchera asked the Council to approve the agreement and allow them to remain in the park for 15 more years. They talked about the park's proximity to their work locations and schools and explained how disruptive moving would be. Mr. Barreto raised concerns about what would happen to his 69 year-old mother at the end of 15 years, however.

Natahaly Grijalva, a Tarheel Mobile Home Park resident, said that Stackhouse had not done the amount of tree and lighting work it had promised. She said that the applicant had told people to only express support for the project to the Council. She believed that other residents

were agreeing with the project because they were afraid of being kicked out of the park if they did not, she said.

Heather Brutz, Chapel Hill-Carrboro NAACP Housing Committee co-chair, read a statement urging the Council to approve the rezoning. If the project were denied, the owners would likely sell the property and displace the families, the statement said. She read that members of the Housing Committee had talked with residents, who had expressed a desire to remain in their homes and said they feared being forced out if the rezoning were not approved. Ms. Brutz recommended that the Council work toward obtaining legally binding agreements to protect residents, and she proposed a three-prong approach for addressing the Town's MHP issue.

Delores Bailey, executive director of EmPOWERment, Inc., said that she had been involved with Tarheel Mobile Home Park residents for more than two years. She recommended that the Council approve the rezoning and help residents prepare for the future by sending them to affordable housing home-buyer classes. It would be unacceptable to deny the project and allow that community to become collateral damage, she said.

The Council discussed the need to keep the Tarheel Mobile Home Park intact and to work as quickly as possible to develop a Town strategy to protect other vulnerable neighborhoods. They agreed that the Town should monitor the project to ensure that the applicant's commitments regarding health and safety standards were carried out. Council Members noted the importance of supporting residents with seeking legal action if covenants were broken.

Council Member Buansi said that the Town should follow up on reports that the applicant had intimidated residents with threats of eviction if they did not support the rezoning and Council Members Huynh, Stegman, Ryan and Parker agreed. Mayor pro tem Parker said he felt distressed by how the developer had used residents' futures as a tool to get approved. Council Member Ryan said that such intimidation constituted a failure by the applicant to live up to its commitment to the family that had sold them the property at a good rate in return for taking care of the residents.

Council Member Gu expressed objections to using vulnerable residents to exert pressure on the Council to approve a project that would be good for them and would not benefit the Town. She said that the applicant's goal was to maximize profit by building a large storage facility and gas station that required a right in/right out access that would not be safe for residents. It was unfortunate that the conversation had been about residents being evicted rather than the safety issue, she said.

Council Member Huynh said that the plan was not the best use of the

property but the Council was considering it because of the 70 families who live there. Mayor pro tem Parker commented on how it was one of those times when the Council needed to make an exception to a grand strategy. Council Member Stegman said that the Town's strategies and priorities were in conflict and the Council was making an exception to a long-term strategy in order to prioritize a community that was under threat.

Mayor pro tem Parker expressed concern about a proposal by the applicant to look at rents against a market survey every four years and to operate within a 15 percent corridor. He proposed a two-year look-back and reducing the 15 percent to a more reasonable number. Council Member Ryan agreed that a provision should be added that would keep rents reasonable over the 15-year period.

The Council discussed the need to quickly put more resources behind developing a long-term affordable housing strategy that would prioritize the Town's most vulnerable residents. Mayor Hemminger noted that the Town was doing everything in its power to ensure that Tarheel Mobile Home Park residents would be taken care of, and the Council asked staff to include protections that would be as strong and legally-binding as possible.

Council Members requested that agreements regarding improvements be put in place and that the Town regularly inspect the park to make sure that those were maintained. Mayor Hemminger asked staff to work toward finalizing all agreements and answering questions that Council Members had raised.

A motion was made by Council Member Huynh, seconded by Mayor pro tem Parker, to 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 Stegman, Council Member Huynh, and Council Member Ryan

Nay: 1 - Council Member Gu

9. Public Forum and Consider Amending the 2020-2021
Community Development Block Grant Program Plan.

[\[21-0054\]](#)

Community Development Programs Manager Megan Culp gave a PowerPoint presentation on a proposed amendment to the Town's Community Development Block Grant (CDBG) Program Plan for 2021. She gave an overview of the program and explained that Chapel Hill had been receiving annual CDBG funding from the US Department of Housing and Urban Development (HUD) and was eligible for additional awards during the current pandemic.

Ms. Culp explained that a qualifying project must benefit low- to moderate-income households and could be used to meet an urgent need. She described the Town's standing as an entitlement community and gave examples of how Chapel Hill had used CDBG funds in the past.

Ms. Culp said that HUD was currently allowing more flexibility due to COVID-19. She reviewed new guidelines that allowed a higher public service limit on funds as well as virtual meetings and changes in public notice requirements. Staff had sought input regarding the Plan via social media, news outlets and other means, she said.

Affordable Housing Manager Nate Broman-Fulks presented the amended Plan, which would support several programs that address COVID-19 needs. He said that the proposed \$1 million program was larger than normal due to additional CDBG allocations from HUD. It would allocate \$290,000 of new CDBG-CV (COVID) funds for programs related to pandemic response efforts and reallocate about \$235,000 from the existing Plan to COVID-related needs, he said.

Mr. Broman-Fulks explained that the Plan included four programs that had been funded through other sources, primarily through federal CARES ACT money. These were: Refugee Community Partnership's Neighborhood Support Circles; scholarships and childcare subsidies for low-income students to attend remote learning centers; funding for a Food Bank coordinator and supplies for that operation; and community outreach and education, primarily for an El Centro Hispano program that provided community health workers for COVID-19 education and vaccination efforts.

Mr. Broman-Fulks said that the Plan also included approximately \$12,000 for COVID-19 outreach and education on vaccination efforts in under-served communities. In addition, it proposed an increase in emergency housing assistance and a reallocation of the Summer Youth Employment Program award to neighborhood revitalization efforts, he said.

Mr. Broman-Fulks shared staff's rationale for the proposed changes and said that the next step, if the Council approved the amended Plan, would be to revise it and send it to HUD. Federal funds would be immediately available, he said, and he recommended that the Council open the public hearing, receive comments, close the hearing, adopt Resolution 5 approving the CDBG Program Plan, and enact budget ordinances O-5 and O-6.

Council Member Stegman confirmed with staff that Refugee Community Partnership (RCP) would be capable of expanding its program, and could continue through the summer, if more funds were available.

Madison Hayes, representing RCP, described how Neighborhood Support

Circles had begun through word of mouth and expanded to 40 families with a current waiting list. She pointed out that language access, which was a primary barrier to education in refugee and migrant communities, had become a greater issue during COVID-19. RCP was in discussions with the Chapel Hill-Carrboro City School System about implementing more structural solutions, she said.

Eliazar Posada, representing El Centro Hispano, thanked Council Member Buansi and staff for working with El Centro on a proposal to expand its work with immigrant and Latinx communities in Chapel Hill. He thanked the entire Council for considering the proposal and for its support throughout the COVID-19 crisis.

Meagan Clawar and Rosy Moo, representing RCP, described how Neighborhood Support Circles had helped to provide stability for children while their parents carried on as essential workers during the pandemic. They said that non-English-speaking children had fallen behind academically, but that RCP providers had been helping with remote learning and by intervening with schools.

Mayor Hemminger thanked Town staff and community partners for the great work they had been doing to help the community survive the pandemic. She said that the Council did not know whether or not there would be in-person school in the fourth quarter. Certain children were falling behind and the Town was doing all it could to help, she said.

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

A motion was made by Mayor pro tem Parker, seconded by Council Member Buansi, that O-5 and O-6 be enacted. The motion carried by a unanimous vote.

10. Receive and Provide Guidance on the Draft Climate Action and Response Plan. [\[21-0055\]](#)

Mayor Hemminger mentioned a briefing that she and other mayors had received regarding President Biden's executive order to combat climate change. The order included establishing climate change as a national security priority, creating new green jobs, focusing on environmental justice, moving toward zero net emissions by 2050, and restoring scientific integrity, she said.

Planning Manager for Sustainability John Richardson gave a PowerPoint presentation on the Town's draft Climate Action Plan and asked the Council to provide feedback. He said that the process thus far had included carbon inventories, a climate action summit, a video, a climate action opinion survey, carbon-reduction modeling, and the draft Plan for Council and community review.

Mr. Richardson said that staff had been sharing the draft Plan since November 2020. They had also launched an additional survey and met with Town boards and commissions. Staff had reached out to faith-based organizations, non-profits, community partners, the University of North Carolina at Chapel Hill (UNC-CH), and others and had revised the plan based on that feedback, he said.

Mr. Richardson noted that the Plan would be a living document with a proposed five-year update cycle that would allow the Council to make targeted changes along the way. He stressed the importance of aligning with UNC-CH, which would be a key partner moving forward. He showed a list of the Plan's proposed actions and explained areas where the Town would partner with others.

Mr. Richardson explained that racial equity would be made clearer and would be central to all of the Plan's actions. There should also be a greater emphasis on the role that the natural environment plays in climate action and further clarification of near-term priorities, he said. He said that the Plan would include an explanation of how the community could be involved.

Mr. Richardson asked the Council to provide specific feedback on whether the Plan should include a glossary of terms and a standalone executive summary on what the next steps would be to make changes and return to the Council on March 24, 2021, to consider a final version of Climate Action and Response Plan, he said.

Mayor pro tem Parker asked how the information being presented would translate into the budgetary process, and Town Manager Maurice Jones replied that staff had been working with consultants to identify costs associated with some of the recommendations. Discussions with Council regarding how to prioritize and make the biggest impact possible would take place over the next few months, he said.

In response to a question from Council Member Huynh, Mr. Richardson said that the Town's website would be repaired allowing users to access the graphs and survey data without logging in from the project page.

Kia Nilsen, the Planning Commission's youth liaison, said that the Plan did not convey the sense of urgency required for a stated top priority. He said that the Town's land-use decisions in recent years had not reflected a climate-conscious process and Council Members had voted in a manner that was inconsistent with their stated climate goals.

Mr. Nilsen said that the Town's youth wanted a denser, transit-oriented Town where everything was accessible through walking, biking or bus. He said that the current Council had the power to set a new precedent and a moral responsibility to act boldly to protect the future of the community.

Alicea Davis, representing the Chapel Hill Youth Council, said that more than 350 young people in recent days had agreed with the position that Mr. Nilsen was expressing that "change" starts in one place and then grows, she pointed out.

Charlotte Welsby, a Chapel Hill East student, said that she was one of 500 youth who had signed a petition to the Council. She agreed with Mr. Nilsen's comments about the need for denser, mixed-use development that would lead to fewer vehicles on the road, she said.

The following members of the Chapel Hill-Carrboro Sunrise Movement hub spoke about the Plan: Nick Trombetta, Kristen Cowan, William Zang, Jenna Neilsen, Owen Ryerson, Maple Osterbrink, Margot Francini, Mackenna Wood, Brook Bauman, Margaret Foster and Casa Drury. Many of these speakers recommended that the Plan be less dependent on Duke Energy's statements and actions and that the Town set a more ambitious path with higher standards.

Sunrise Movement members argued that the Town was too reliant on outside entities such as Duke Energy's and UNC-CH's climate plans and state water quality standards. Some said that climate change needed to be addressed more rapidly than was outlined in the Paris Climate Agreement. The Town's Plan should move away from encouraging individuals to do the right thing and more toward incentivizing and mandating collective action from all, including businesses, they said.

Sunrise Movement members emphasized the need to make racial justice and climate equity clear pillars of the Plan. They asked that this include specific and measurable ways that the Town intended to combat the effects on marginalized communities. They asked for more specifics on how the Town would address the intersecting issues of climate and equity and said that issue should be central to all aspects of the plan.

Sunrise Movement members recommended that the Plan be updated every three years, or less, rather than five years. They proposed that it include more tangible goals regarding immediate community action such as implementing climate change curricula in local schools and supporting neighborhood composting programs. They suggested that it include financial incentives for behavioral change and more specifics on increasing affordable housing.

Mayor Hemminger proposed that Sunrise Movement members provide their comments regarding Duke Energy's proposed plan to the Utilities Commission as well. That Commission would be accepting comments up to the middle of February and the Council would welcome support, she said. She noted that Duke Energy had proposed six different plans, none of which relied heavily on renewable energy but some of which did move away from coal.

Guthrie Richardson, youth liaison to the Parks, Recreation and Greenways Commission, stressed the importance of having walkable communities where people could live/work and use light rail. He recommended a massive increase in dense, mixed-income and affordable housing so that 40,000 people would no longer need to commute into Town for work each day.

Julian Taylor, a Chapel Hill resident, said that young people wanted to know that they would still be able to live in Chapel Hill in future years and were demanding a sustainable approach that does not promote vehicle use.

Ella Carter, a UNC student, said that single-family housing needed to be addressed as well because that would not be sustainable either in the long term.

Eliza Gilliom, a freshman at Chapel Hill East, expressed concern about the lack of affordable housing in Town. The cost of housing and rentals had been pushing lower-income families out of Town, she said.

Tom Henkle, a Chapel Hill resident, advised the Council to focus the Plan on buildings and resiliency. He said that 70 percent of greenhouse gases came from energy use in buildings, and that the Town should increase its tree canopy and improve its stormwater management. He recommended that the Town replace its current energy rules with American Institute of Architects (AIA) 2030 energy-use standards and consult with Mike Nicholas, an architect who designs buildings in accordance with the AIA 2030 program.

Mayor Hemminger noted that several speakers had commented on "urban sprawl" and the needs for Town boundaries. She pointed out that the Town did have a 30-year-old Urban Services Boundary and she recommended that be noted in the Plan.

Council Members praised staff for their good work and said they agreed with the need for more emphasis on the connections among housing, transportation, natural space, stormwater infrastructure, transit, and racial equity issues. Council Member Ryan suggested that the Plan provide more education about ecological services' roles in resiliency and discussed linking the Plan to the Town's Future Land Use Map.

The Mayor and Council spoke in favor of including a glossary of understandable terms that would be accessible to all. Council Member Buansi recommended that the introductory statement be from the Town Council. Mayor pro tem Parker proposed that the Plan start with an introductory piece that would include hyperlinks to other information within the text.

Mayor Hemminger said that the Plan should portray a sense of urgency. It should include more about green infrastructure and look at various Town departments through an environmental action lens, she said. She stressed the importance of publicizing actual steps that the Town had already taken such as converting its fleet to electric vehicles. Duke Energy needed to be pushed to do better, she said.

Mayor Hemminger noted that the NC legislature would not allow the Town to do some of the things it wanted to do. However, Chapel Hill had joined other cities in finding alternatives, she said, and she predicted that constituents in North Carolina would rise up and demand change.

This item was received as presented.

11. FY 2020 Financial Results and Trends and FY 2021 Q2 Financial Update.

[\[21-0056\]](#)

Auditor Brandi Fesperman, representing Martin Starnes and Associates, described the auditing procedure under COVID-19 and said that Town staff had provided everything necessary for the remote evaluation. She issued an "unmodified opinion", which was the highest opinion possible, she said. Ms. Fesperman said that the Management Discussion and Analysis section of the report, which provided a good summary, was on the Town's website.

Director of Business Management Amy Oland gave an update on FY 2020 financial results and trends. She discussed four major sections of the Town's Comprehensive Annual Financial Report as well as year-end results, trends and next steps. In addition to the unmodified opinion from Martin Starnes, staff expected to receive the "Certificate for Achievement for Excellence in Financial Reporting" award from the Government Finance Office's Association and would continue to maintain its AAA bond rating, she said.

Ms. Oland reported that overall balance in the Town's General Fund had increased by \$1.08 million to a total of \$27.3 million, with an available fund balance of \$15.1 million (23.7 percent). Despite COVID-19, the Town had had strong revenues in the first three quarters and practices such as a Townwide hiring freeze had saved money, she said.

Ms. Oland pointed out that the Town's Debt Management Fund balance had increased as well, by \$2.1 million to \$9.6 million. However, there was a planned issuance of about \$58 million in new debt and the service payments on that would be \$4.5 million annually, she pointed out. She said that current calculations did not include the cost of the new Rosemary Street Deck, which was planned to come from the Parking Fund.

Ms. Oland said that the Transit Fund had added more than \$2.75 million,

with a total fund balance of \$35.7 million and was in a much better financial position than it had been in the past. She said that the Parking Fund had been hit hard by COVID-19; however, it had finished the year with a loss of \$500,000. She explained the pandemic-related causes of that decline and said that staff would be looking at short-term strategies to help the Parking Fund recover.

Ms. Oland said that the Housing Fund had finished the year with a negative \$21,000, even though it typically broke even. However, with \$474,000 in unrestricted assets due to capital contributions, grants and increased tenant income, its strong fund balance was 138.1 percent of its annual operating budget, she pointed out. She said that the Stormwater Fund was strong as well, with a fund balance that was 106.4 percent of its operating budget.

Ms. Oland gave an update on revenues from July 1, 2020 to December 31, 2020. She said that 82.1 percent of property taxes had been collected through that quarter, and the total was higher than it had been in the previous five years. She said that the Town had projected a 5 percent decline in sales taxes but revenue had actually increased by 4.13 percent. It was difficult to be certain why revenue had increased, but it might have been the result of federal stimulus funds going to individuals during June and July 2020, she said.

Ms. Oland said that occupancy (hotel/motel/Airbnb) taxes had been significantly impacted by COVID-19, with revenues decreasing to about 65 percent of normal. Although those taxes made up a small percentage of the Town's overall budget, they did indicate how the tourism industry was coping, she said. She said that departmental fees had also been impacted by COVID-19, particularly in the Parks and Recreation Department due to facility closures and cancelled programs.

Ms. Oland said that the Town had spent 43 percent of its budget, compared to the normal 50 percent. She pointed out that the hiring freeze had saved about \$1 million through the first six months of the year and said that operating costs had been reduced by about \$1.2 million due to cuts in maintenance and other expenses.

Ms. Oland said that Enterprise Fund revenues were on target and the Town expected to receive a second allocation of federal CARES funding. Staff had been monitoring Parking Fund expenses where possible to help offset revenue shortfalls there, she said. She explained that staff was also evaluating short-term strategies to help the parking Fund sustain COVID-19 impacts and would discuss those with the Council at a work session in March.

Ms. Oland pointed out that the Town had received about \$164,000 in

CARES funding for its Housing Authority and said that rents had been in line with the previous year. Stormwater had collected \$1.2 million in fees through November and December, so staff anticipates large revenues in that fund, she said.

Ms. Oland said that she would present a second quarter update at the Council's upcoming budget retreat and would return for the Council's first public budget forum on February 24, 2021. The Council would address budget-related topics at its March and April work sessions and was scheduled to issue bonds in April and June, she said.

Mayor Hemminger commented on how hard and well staff had worked to keep the Town functioning during the pandemic. She noted that Chapel Hill was in a good financial position compared to many other communities. A couple of Town funds were struggling, but it was a very positive financial report overall, she said.

This item was received as presented.

ADJOURNMENT

The meeting was adjourned at 11:25 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, February 17, 2021 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/9tJfseWwDn0> After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 823 2368 5287

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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, Assistant Town Manager Mary Jane Nirdlinger, Town Attorney Ann Anderson, Assistant Planning Director Judy Johnson, LUMO Project Manager Alisa Duffey Rogers, Planning Director Colleen Willger, Principal Planner Corey Liles, Stormwater Engineer III Mary Beth Meumann, Senior Engineer Ernest Odei-Larbi, Community Education Coordinator Sammy Bauer, Manager of Engineering & Infrastructure Chris Roberts, Public Works Director Lance Norris, 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

Town Council

Meeting Minutes - Draft

February 17, 2021

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

0.01 Mayor Hemminger Regarding Winter Weather Advisory. [\[21-0121\]](#)

Mayor Hemminger opened the virtual work session at 6:30 pm and previewed the agenda. She said that Town operations would begin late the following morning due to an expected ice storm.

0.02 Mayor Hemminger Regarding Food for Students Celebration of 1 Million Meals Served. [\[21-0122\]](#)

Mayor Hemminger commented on a recent celebration for Food for Students, which had served one million meals at 31 sites. She thanked the 150 team members who had participated and said she was proud of the Chapel Hill community for working together to feed its children during the pandemic.

0.03 Mayor Hemminger Regarding Peoples Academy. [\[21-0123\]](#)

Mayor Hemminger encouraged people of all ages to attend the People's Academy, which would be held virtually in 2021. She said that applications would be accepted until February 29, 2021.

0.04 Mayor Hemminger Regarding Black History Month. [\[21-0124\]](#)

Mayor Hemminger pointed out that February was Black History Month and that many Town events had been planned to celebrate. She mentioned some of the participating organizations and said that information was on the Chapel Hill Public Library's website.

0.05 Council Member Gu Regarding Chinese New Year and Light Up Event. [\[21-0125\]](#)

Council Member Gu pointed out that the Chinese New Year had begun the previous Friday but that street festivities had been cancelled again due to the COVID-19 pandemic. She looked forward to celebrating next year, she said, and wished all a healthy and prosperous new year.

AGENDA ITEMS

1. Continue Discussion of Chapter 160D Updates to Land Use Management Ordinance and Town Code of Ordinances. [\[21-0109\]](#)

Planner Corey Liles gave a PowerPoint presentation on 160D, a new section of NC General Statutes. He said that information in 160D needed to be reflected in both the Town Code and the Land Use Management Ordinance (LUMO) by July 2021.

Mr. Liles pointed out that Council Members had previously discussed how

160D would prohibit them from using advisory board (AB) recommendations as a basis for decisions on special-use permits (SUPs). He presented the following three options for addressing that prohibition: 1) Discontinue advisory board review of SUPs; 2) Recast board review of SUPs as a preliminary forum; 3) Have staff vet advisory board input and present a report to the Council. Mr. Liles asked the Council for guidance on which option to pursue.

The Council confirmed that AB meetings would be open to the public and that minutes of those meeting would be published. Mr. Liles commented, however, that Council Members would be expected to focus their decisions on evidence presented to them at SUP hearings. He offered to have the Town Attorney confirm those rules in writing.

Mr. Liles said that ABs had expressed a preference for Option 3 during a joint meeting that 34 members from seven different boards had attended. Of the 15 AB members who responded to a survey, none had chosen Option 1 and a few had expressed opposition to Option 2, he said.

Mr. Liles described how Option 3 might function. He pointed out that AB members might feel their time was being wasted if they could not see their input being directly incorporated into SUPs. In addition, the relationship between staff and ABs might become strained, and a month would likely be added to the review process, he said.

Council Members confirmed that 160D applied only to SUPs, not to Conditional Zoning. Mayor pro tem Parker verified with Mr. Liles that staff members normally attended AB forums and incorporated relevant information into their reports. Mr. Liles said that Option 3 would formalize that process.

Council Members spoke in favor of doing a pilot program with Option 2. They said that Option 3 would put staff in a difficult position for many reasons, and they confirmed with Mr. Liles that staff leaned toward Option 2 as well. The Council agreed that the role of ABs should not be eliminated, and they supported the idea of having a planner attend AB hearings.

Council Members asked for clarification regarding the implications of emails that someone from an AB might send them. They asked about expressing an opinion that might be similar to what someone on an AB had said. They wondered if watching AB meetings online would open the Council up to legal implications.

Town Attorney Ann Anderson offered to return with answers to those kinds of questions. She recommended that the Council be very cautious because it was "difficult to un-hear things".

LUMO Project Manager Alisa Duffey Rogers described two appeals processes under 160D for Historic District Commission (HDC) decisions on Certificates of Appropriateness: one would appeal directly to Superior Court; the other would be a Board of Adjustment (BOA) hearing and then appeal to Superior Court, if necessary.

Ms. Duffey Rogers explained that the LUMO currently specified that appeals of HDC decisions go to the BOA. The Council could choose to continue that process, or it could amend the LUMO to have appeals go directly to Superior Court, she said. She said that members of both the HDC and the BOA had expressed a preference for maintaining the current process of appealing to the BOA.

Town Attorney Anderson noted, however, that the BOA opinion had not been unanimous. A couple of members said they would like to see the tension that sometimes exists between them and the HDC eliminated, she said.

Council Member Anderson spoke in favor of continuing to let the BOA hear appeals, arguing that it was good to keep things out of court when possible. Mayor Hemminger noted that the Town would need to attend hearings, if appeals went to Superior Court, since it would be the defendant. Council Member Ryan pointed out that going to the BOA was a much less expensive option for applicants. Mayor Hemminger confirmed by a show of hands that no Council Member was interested in changing the current process.

Ms. Duffey Rogers said that the Council would need to enact a LUMO text amendment by June 30, 2021. The Planning Commission would consider the item as well, and the Council would hold a public hearing in April and consider adoption on May 19, 2021, she said.

Mayor Hemminger said that frequently asked questions, recordings of meetings, and UNC links to a 160D site were on the Town's website.

This matter was received and filed

2. Resource Conservation District Presentation.

[\[21-0110\]](#)

Stormwater Engineer Mary Beth Meumann gave a PowerPoint tutorial regarding the Resource Conservation District (RCD). She defined riparian buffers and explained how they protect stream quality. On a map, she indicated seven impaired stream segments in Town that did not meet federal water quality standards.

Ms. Meumann provided background on how the RCD had been adopted into Town ordinances in 1984 and had been updated in 1987 and 2003. She

said that the current version was intended to preserve valuable land along streams while allowing landowners a reasonable use of their properties. She discussed RCD impacts on Jordan Lake quality and described how stream buffers helped to mitigate flooding and reduce nutrient load.

Ms. Meumann explained the differences between stream types: perennial streams flow all year, intermittent streams flow with changes in ground water levels, and ephemeral stream flow only during and right after rainfall. She described the circumstances that determine riparian buffer widths and said that 150-foot perennial stream buffers were divided into three 50-foot zones (streamside, managed use, and upland) with declining levels of protection.

Ms. Meumann presented a development scenario that involved RCD encroachment and explained what would be allowed in the three zones and why. She said that buffer encroachment was not always visible at the concept plan stage of review. Staff worked with applicants to minimize encroachment but applicants could ultimately request a modification from the Council or a variance from the BOA, she pointed out.

Ms. Meumann said that developers and landowners had expressed concerns about the RCD limiting their ability to develop certain parcels. In addition, homeowners were not always sure what was allowed in the RCD or who was responsible for drainage or stream erosion issues, she said.

Ms. Meumann said that Stormwater and Planning staff members had been coordinating and developing processes to provide applicants with consistent and clear information on stream determinations and buffers. Staff members were interested in reviewing development applications in order to understand their impacts, she said.

Council Member Ryan requested that staff present the Council with pros and cons regarding applications rather than recommendations, but Council Member Anderson said she supported having staff continue to review and make recommendations. Mayor pro tem Parker asked to see fact-based staff recommendations that include more underlying information on whether or not a project would impair a stream.

Council Member Gu asked that future presentations include a way to show the type and amount of incursion into zones based on specific use and impact. Mayor pro tem Parker proposed that presentations include specifics and percentages on how much a proposed development would impair water quality. Council Member Anderson asked for more information at the concept plan stage on areas to avoid.

Ms. Meumann replied that applicants at the concept plan stage might be far enough into the design process to have a general idea of what their

project might require. She agreed to talk with staff about encouraging applicants to look at potential RCD encroachment earlier in the process.

The Council recommended that staff develop stormwater and RCD maps in the Town's Future Land Use Map into tools that could show the impacts of potential projects. They encouraged staff to ensure that ordinance standards from 20-30 years ago were accounting for climate change and more extreme weather.

In response to a question from the Council about how to evaluate applications that include a commitment to restore an RCD area, Ms. Meumann discussed a process through which the applicant would pinpoint specific benefits that were being lost and staff would evaluate the kind of restoration that might be appropriate. She said that staff needed to create a menu of restoration options and a way to provide those on a project-by-project basis.

Mayor Hemminger noted that respecting the RCD meant less expensive retrofits later on. It was much easier to prevent excess runoff or impaired waterways from happening in the first place, she pointed out. She confirmed with Ms. Meumann that the BOA could give variances for incursions from small projects but then not many had been given in recent years.

Mayor Hemminger recommended that stormwater staff take their presentation to the BOA in order to help them understand the importance of not giving exemptions. She confirmed with Ms. Meumann that the Triangle J Council of Governments was offering a series about RCDs, stormwater, and retrofit options.

Community Education Coordinator for Stormwater Sammy Bower gave an update on Town infrastructure projects that address water quantity concerns. She provided background on Booker Creek Basin Park, in the Eastgate area, for which Town residents had approved a 2015 bond to build along with other projects.

Ms. Bower said that the Booker Creek Basin Park plan had evolved to include additional amenities such as a concrete trail system, public art, and a creek overlook. The project had involved several Town departments, outside agencies, businesses, residents, and nearby RAM Development, she said. She presented a virtual walk through of the park and pointed out where landscaping needed to be filled in.

Ms. Bower said that approximately half of a 2015 bond had been spent on the Booker Creek Basin Park, and the remaining funds would be used to increase flood storage capacity near Redbud Lane, Lake Ellen, and to address Booker Creek Road culvert issues. Staff was hoping to receive

federal funding for two other projects at Piney Mountain Road and at Honeysuckle Road and would return with more details on those in the spring, she said.

Council Member Stegman confirmed with Ms. Bower that Eastwood Lake and Cedar Park sub-watershed studies should come to the Council in the spring and summer of 2021, respectively. Council Members asked about possible other projects, and Ms. Bower said that staff had been prioritizing those that bring the greatest public benefit for the least amount of money. She said she would return in the spring with a report on other types of interventions.

Council Member Gu asked if anything could be done to mitigate flooding at Eastgate, and Ms. Bower replied that the Elliot Road Flood Storage Project would help with 10-year and 25-year storms. The Town could not design a flood storage device that would contain hurricane levels of rainfall, she pointed out.

Chapel Hill residents Julie McClintock and Ed Harrison praised Booker Creek Basin Park. Ms. McClintock pointed out that wildlife depended on having fairly wide buffers along creeks and that the park presented an opportunity for shade trees. Mr. Harrison said that the project lit up the landscape and would be a treat for birdwatchers.

Mayor Hemminger pointed out that stormwater fees had been a good source of revenue as well. She mentioned that Chapel Hill resident Melissa McCullough had posted a comment online about an Atlanta Beltline Project.

This matter was received and filed

ADJOURNMENT

The meeting was adjourned at 8:27 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, February 24, 2021 7:00 PM Virtual Meeting

Virtual Meeting Notification

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The public is invited to attend the Zoom webinar directly online or by phone.

Register for this webinar:

<https://us02web.zoom.us/join/9tJfmo9vWa6> After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 865 2869 6924

Llame al (919) 969-5156 para obtener interpretación en español. Inserte el código 8876452#. Después del tono, diga su nombre y oprima #. (Call (919) 969-5156 for Spanish language interpretation. Enter Code 8876452#. After the tone, say your name and press #.)

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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 Communications Manager Ran Northam, Planning Director Colleen Willger, Police Chief and Executive Director for Community Safety Chris Blue, Crisis Unit Supervisor Megan Johnson, Emergency Management Coordinator Kelly Drayton, Planner II Michael Sudol, Assistant Business

Town Council

Meeting Minutes - Draft

February 24, 2021

Management Director Matt Brinkley, Business Management Director Amy Oland, Principal Planner Corey Liles, Senior Planner Jake Lowman, Manager of Engineering & Infrastructure Chris Roberts, 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 announced the agenda. She said that Spanish interpreters would be present through Item 9, which was closed to public comment.

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

ANNOUNCEMENTS BY COUNCIL MEMBERS

0.01 Mayor Hemminger Regarding Death of Chapel Hill Firefighter. [\[21-0151\]](#)

Mayor Hemminger said that Donnie Morrisey, a Chapel Hill fire inspector since 2006, had recently passed away. She extended condolences to his family and friends and said that he would be deeply missed.

0.02 Proclamation: COVID Remembrance Day. [\[21-0152\]](#)

Mayor Hemminger pointed out that March 3, 2021, would mark one year since the first case of COVID-19 was reported in North Carolina. Since that time, more than 11,000 state residents and 500,000 people across the country had died, she said. The Town, UNC Health, Orange County and other state jurisdictions were proclaiming March 3, 2021, as COVID Remembrance Day, she said, and she urged all to continue caring for one another and showing support for front-line and essential workers.

0.03 Mayor Hemminger Regarding Food for Students Successes Video. [\[21-0153\]](#)

The Council viewed a short Celebrating Successes video about a Food for Students program that had served more than one million meals and distributed 5,000 books since July 2020. She characterized that as an incredible feat and thanked all who had worked so hard to feed so many during the pandemic. The Town would continue the program as best it could, she said.

0.04 Mayor Hemminger Regarding Wegmans Opening. [\[21-0154\]](#)

Mayor Hemminger announced that Wegmans had opened. The new store had hired 450 people from the community and was sourcing some of its produce from local farmers and growers, she said. She thanked Economic Development Officer Dwight Bassett and Town partners at Orange County for bringing the project to Chapel Hill.

0.05 Mayor Hemminger Regarding Boards and Commissions Applications. [\[21-0155\]](#)

Mayor Hemminger encouraged citizens to apply for seats on community boards and commissions. Those interested could send an email to advisoryboards@townofchapelhill.org or call the number listed on the Town website, she said. She pointed out that no experience was required for most seats and that child care and transportation assistance would be available.

0.06 Mayor Hemminger Regarding Upcoming Meeting. [\[21-0156\]](#)

Mayor Hemminger said that the Council Committee on Economic Sustainability would meet virtually at 8:00 a.m. on March 5, 2021. Related information was on the Town's website calendar page, 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 Linda Brown Regarding 101-111 Development on Erwin Road. [\[21-0157\]](#)

Linda Brown said that proposed developments at 101-111 Erwin Road would pose stormwater problems for surrounding neighbors -- especially Summerfield Crossing -- by greatly increasing the amount of impervious surface and stormwater runoff. She petitioned the Council to have the Stormwater Utility Advisory Board recommend a solution.

0.08 Savannah and Christopher Bowers Regarding 1200 and 1204 MLK Project. [\[21-0158\]](#)

The petitioners had questions about Agenda Item 9, but Mayor Hemminger repeated her earlier notice that Item 9 was now closed to public comments.

0.09 Parks, Recreation, and Greenways Commission Request Regarding Facilities Repair. [\[21-0159\]](#)

Mayor Hemminger said that a petition from the Town's Parks and Recreation Commission requesting funds for repair work was in the Council's packets.

1. Shaw Design Associates Request for Expedited Review and Fee Waiver for 1751 Dobbins Drive Project. [\[21-0128\]](#)

Heath Shaw asked for a modification that would increase the amount of allowed square footage in his conditional zoning permit. He explained that Council approval would not affect project specifications but would help to facilitate financing. He also requested expedited approval and a waiver of additional fees.

Mayor Hemminger said that staff had been meeting with Mr. Shaw and was prepared to bring a proposal for Council consideration on March 10th or a little later.

A motion was made by Mayor pro tem Parker, seconded by Council Member Anderson, that petitions 0.07, 0.09, and 1 be received and referred to the 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 Stegman, that R-1 be adopted, which approved the Consent Agenda. The motion carried by a unanimous vote.

2. Approve all Consent Agenda Items. [\[21-0129\]](#)

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

3. Approve a Contract Extension for Audit Services Contract for Fiscal Year 2020-21. [\[21-0130\]](#)

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

4. Approve the Annual Percent for Art Plan 2020-2021. [\[21-0131\]](#)

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

5. Adopt a Resolution of Intent to Issue Two-Thirds Bonds in April 2021. [\[21-0132\]](#)

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

6. Call a Public Hearing for Land Use Management Ordinance Text Amendments-Proposed Changes to Section 3.6.2 Historic Districts Related to Review Criteria and Section 8.4 Historic District Commission on March 24, 2021. [\[21-0133\]](#)

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

INFORMATION

7. Receive Upcoming Public Hearing Items and Petition Status List. [\[21-0134\]](#)

This item was received as presented.

DISCUSSION

8. Update on Town Efforts to Respond to the COVID-19 Crisis. (no attachment) [\[21-0135\]](#)

Emergency Management Coordinator Kelly Drayton presented changes that relaxed some aspects of the state's COVID-19 mandate. She pointed out that the mandate to wear masks would remain, and she strongly urged all to continue washing hands frequently and waiting a safe distance apart. Information and links regarding the changes could be found at townofchapelhill.org/coronavirus, she said.

Ms. Drayton reported that the NC Department of Health and Human Services had released its latest iteration of a map that showed 27 counties experiencing critical levels of COVID-19 spread. However, North Carolina had been experiencing its lowest average of reported new cases and daily hospitalizations since November 2020, and all key metrics were trending downward, she said.

Ms. Drayton said that two-million vaccines had been administered in the state, with 12.8 percent of NC residents having received at least one dose. More than half of those vaccinated were 65 and older. The state would now begin vaccinating educators and remaining essential workers, she said. She mentioned that some Walgreens stores had begun receiving a small number of vaccines. Complete information could be found at orangecountync.gov/getyourshot, she said.

Ms. Drayton said that staff hoped to complete a final version of the Town's Long Term Recovery Plan by late March 2021. She reported that the Food Bank was continuing weekly operations and that the Emergency Housing Assistance Program had administered more than \$1.1 million to help Chapel Hill households in need. Ms. Drayton also provided details on plans to reinforce community standards during an upcoming UNC v. Duke men's basketball game.

Mayor Hemminger said that there was no data to suggest doing anything other than what the governor had proposed but that the Town would react if that started to change. She said that local leaders had been meeting to discuss expediting vaccinations for educators and that Orange County's healthcare workers had been reaching out to vulnerable communities to ensure that they had access to vaccines.

This item was received as presented.

9. Consider an Application for 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). [\[21-0136\]](#)

Planner Michael Sudol gave a PowerPoint presentation on a Conditional Zoning request for a 13.9-acre site at 1200 and 1204 Martin Luther King Jr. Boulevard that was currently zoned Residential 4 and Neighborhood Commercial. The applicant, Stackhouse Properties, was requesting a rezoning to Office Institutional 2, for a self-storage and mobile home park, and Neighborhood Commercial for a gas station, he said.

Mr. Sudol outlined changes to the application since the last public hearing. The applicant had requested flexibility regarding a driveway and had created a relocation plan on the site that includes 10 new units, he said. He noted that the applicant had committed to keeping existing mobile home units on site for 15 years and to extend the option for existing lease holders to convert to annual leases from 30 to 60 days of entitlement.

Mr. Sudol said that three advisory boards had voted in favor of the rezoning, with conditions, and two (the Community Design Commission and the Planning Commission) had recommended denial. He asked the Council to consider adopting or denying the Resolution of Consistency, enacting or denying the Conditional Zoning (revised Ordinance A), and adopting or denying revocation of the existing Special-Use Permit (SUP).

Developer Dan Jewell, of Coulter Jewell Thames, said that the project had been a 2.5-year process that had begun as an effort to preserve as much of the existing mobile home park (MHP) community as was practical. When Stackhouse Properties approached him with a plan that would keep most of the residents in place, he had been optimistic that the opportunity to not displace that community would outweigh Town concerns about the self-storage facility, he said.

Mr. Jewell noted that the applicant had worked with the Town to create a

plan that would keep all of the existing mobile homes on the site and also make room for more. He listed several added benefits and proposed improvements and pointed out that there had been many meetings with residents over the past two-and-a-half years. The Council currently had an opportunity to bring residents' uncertainty to an end, he said.

Bill Brian, an attorney with Morningstar Law, said that the applicant had made offers that went far beyond anything that could legally be done to protect the MHP. He said that approval would give tenants more protections than those afforded to any other MHP in North Carolina, as far as they knew. Mr. Brian stated that the applicant had taken those steps to reassure everyone involved that voting in favor would protect Tarheel MHP residents.

Council Member Ryan asked why Stipulation 26 had recently been inserted and what change that represented. Interim Planning Director Judy Johnson replied that staff had felt the addition would ensure that the Town Manager would review the strategy behind any plan to displace residents during the 15-year period.

Council Member Ryan asked why such displacement would happen when there was supposed to be a guarantee that it would not. The Town's legal staff explained that the applicant had proposed 10 additional units. The stipulation had been put in to address any potential downsizing from that proposed maximum 83 to 73 units, they said.

Council Member Ryan asked that the language be clarified so that it did not appear that the 73 units were imperiled. Mayor Hemminger asked when there had been a switch from 73 to 83 units. Where would the additional 10 units go, the Mayor asked.

Mr. Jewell replied that 83 pads had been approved in the 1979 Special-Use Permit and that Stackhouse Properties had consistently reserved the right to have up to that number. Eighty-three would allow the possibility of adding smaller mobile homes in the future, he said.

Mayor pro tem Parker confirmed that units that were currently in the RCD would remain there and that the applicant would not install any new units in the RCD. He expressed concern about the possibility of a future requirement that mobile homes be below a certain size and wanted to make sure that no tenants would be forced to reduce the size of their homes.

Mr. Jewell replied that he had never thought of that and it was not the applicant's intent.

Mayor pro tem Parker confirmed that 16 mobile homes had been moved

from the portion of the site that would be developed for storage, and Mr. Jewell explained how each of those had been accommodated.

Mayor pro tem Parker said that he wanted to ensure that a provision against short-term rentals would not give MHP residents fewer rights than other homeowners. Town Attorney Ann Anderson recommended clarifying that in the agreement.

Mayor Hemminger suggested putting the word "dedicated" before "STRs", assuming that doing so would be compatible with the underlying zoning. She said that there was a precedent for that with a townhouse project on Homestead Road that prohibited dedicated STRs.

Mayor pro tem Parker questioned a stipulation for a \$15,000 contribution to the BRT stop. He confirmed with Transit Director Brian Litchfield that the current estimate for a BRT station at such a location was about \$585,000. Transit would likely recommend that an adjacent developer pay 10 to 20 percent of that cost, Mr. Litchfield said.

Mr. Jewell replied that Town staff had put \$15,000 in the resolution and that was what the applicant could and would do.

Council Member Gu asked about legal requirements for adding new information after a public hearing had been closed, and Attorney Anderson said that any significant element could warrant a reopening. Ms. Anderson and Council Member Gu discussed how the restrictive covenants had been proposed as an additional condition at the last public hearing but the document itself had not been presented.

Attorney Brian said that details of the covenants had all been discussed at public meetings and that the changes had been made in response to Council questions or comments. The applicant had submitted the covenants for staff review weeks ago, had been working with staff on those ever since, and there should be nothing new, he said.

Ms. Anderson said that the covenants mirrored and enforced existing conditions and ordinance changes had clarified, not expanded, limitations on the project. Nothing had been made more permissive than before, and the changes did not materially alter the project, she said.

Council Member Gu asked if the developer thought the process had been fair to the public and if the presentation to advisory boards had been accurate and respectful of the review process.

Mr. Brian replied that the applicant had followed the process as prescribed by the Town and had gone well above the letter of the law by holding multiple community meetings and public hearings. He thought the

process had been the fairest to the public that he had ever seen in any community in North Carolina, he said.

Council Members verified with staff that the size of the self-storage building would be about 134,000 square feet. They also confirmed that a proposed fence would comply with Town code but would not be chain-link. They verified that existing impervious surface was 185,732 square feet and that 271,416 square feet was being proposed.

Mayor Hemminger asked about the possibility of returning to 73 units, but Mr. Jewell replied that the applicant would like to keep it at 83. The Mayor confirmed that no new sites would be in the RCD, and that the applicant was also committed to building a playground.

Council Member Anderson said that the project did not meet the Town's land use, affordable housing, or environmental goals. The covenants and conditional uses did not protect residents from being priced out or removed before 15 years, she said. She said that Tarheel MHP residents had been used as pawns in a land use game and that she refused to be manipulated or threatened into a decision.

Council Member Stegman said that the Town had put in many measures to protect Tarheel MHP residents. In the future, the Council needed to do all it could to find a better solution than displacement support, she said.

Council Member Ryan said that the applicant had been willing to evict MHP residents if the project were not approved. She said that placing a storage facility the size of a football field right on a future BRT route did not make sense considering the Town's plans for the future. The proposal would leave tenants vulnerable to displacement and was not good land use for the Town, she said.

Council Member Gu said that the storage facility would have a significant negative impact on Tarheel MHP residents and other citizens of the Town. The proposed rezoning would significantly increase the value of the land, and the protective covenants for residents could be challenged in court and easily struck down, she said.

Mayor pro tem Parker said that the Council had found itself having to approve sub-optimal land use in order to preserve a neighborhood. He did not like being bullied and it was disingenuous to say that building the storage facility was the only way to preserve the MHP, he said. Threatening to evict people with six month's notice was hardly making preservation of their homes and neighborhood the first priority, he said.

Council Member Buansi agreed that the proposal contradicted the Town's Future Land-Use Map and was not in keeping with its climate change

goals. He pointed out that affordable housing, however, was a Town priority as well. Since the applicant had threatened to sell the property and let the buyer displace the 73 households if the Town did not approve the application, protecting residents was the superseding principle for him, he said.

All Council Members commented on the need to work with Orange County to develop a relocation strategy for residents facing displacement. Mayor Hemminger said that the Council felt torn by the very tough decision. She said she would choose to keep MHP residents in the community rather than pushing them out with nowhere to go, especially during a pandemic, she said.

The Council voted 5-3 on the Resolution of Consistency as well as revised Ordinance A, with Council Members Anderson, Ryan and Gu voting nay. Since the vote did not reach a two-thirds majority, the item is scheduled to return for a second reading on March 10, 2021.

Council Member Gu posed the idea of having a moratorium on evictions. She proposed opening that up for public comment and actively seeking solutions from professionals in the community. Attorneys at UNC's School of Law and its School of Government were eager to help with that, she said.

Mayor Hemminger replied that the Town Attorney could investigate that idea, but the hearing on the Tarheel MHP could not be reopened. Attorney Anderson said that any proposed moratorium would be a completely separate legal proceeding and would not dovetail, legally or procedurally, with the current application.

A motion was made by Mayor pro tem Parker, seconded by Council Member Stegman, that R-6 be adopted. The motion carried by the following vote:

Aye: 5 - Mayor Hemminger, Mayor pro tem Parker, Council Member Buansi, Council Member Stegman, and Council Member Huynh

Nay: 3 - Council Member Anderson, Council Member Gu, and Council Member Ryan

A motion was made by Council Member Huynh, seconded by Council Member Stegman, that O-1 be enacted as amended. The motion failed by the following vote and will return for a second reading:

Aye: 5 - Mayor Hemminger, Mayor pro tem Parker, Council Member Buansi, Council Member Stegman, and Council Member Huynh

Nay: 3 - Council Member Anderson, Council Member Gu, and Council Member Ryan

10. Initial Budget Public Forum on the Annual Budget, Capital Program, Use of Grants and Related Items, and Potential Legislative Requests. [\[21-0137\]](#)

Assistant Director of Business Management Matt Brinkley gave a PowerPoint presentation on the Town's FY 2201-2022 budget. He said that the Operating Budget included funds for Police and Fire protection, Public Works operations, Parks and Recreation, Library Services, Planning, Zoning Inspections, Administrative and Legal Services, Affordable Housing, and Pay-As-You-Go. The Capital Program was a plan for investment in capital projects over the next 15 years, he said.

Mr. Brinkley said that the Community Development Block Grant (CDBG) award from the federal government in FY 2020-2021 had been \$417,591. An initial public forum had been held on November 4, 2020, and the application due date for FY 2021-2022 funding was January 14, 2021, he said. He explained that a CDBG Review Committee was currently looking at applications. Staff would present a preliminary plan for comment on April 7th and Council approval of that and the HOME Program was scheduled for May 5, 2021, he said.

Mr. Brinkley said that federal HOME Program funds would be allocated to the Orange County HOME Consortium. The deadline for completing applications for that was February 26th and the HOME Program Review Committee would make recommendations to local officials in April, he said. The Annual Action Plan and a Five-Year Consolidated Plan would be submitted to HUD by May 15, 2021, he said.

Mr. Brinkley said that the FY 2022 amount of Housing Capital Funds Program was not yet known but was estimated at \$891,521. A final recommended plan would be presented for Council consideration in April 2021. He said that federal public transportation grants were estimated to be \$1.9 million. The level of state funding and the amount of federal planning grants available through the Metropolitan Planning Organization were still unknown, he said.

Mr. Brinkley said that the Downtown Service District had designated a 7.0 cent tax to be used for improvements and that estimated FY 2022 funding was \$388,000, a \$6,000 increase over the current year. He noted that the amount was subject to change, however.

Mr. Brinkley said that Council Members would meet with the Town's legislative delegation regarding proposals for the 2020-2021 session before the short session begins in May. The deadline for filing bills was March 3rd and proposals from citizens would be considered at an upcoming

Council meeting, he said. He reviewed the budget calendar and said that adoption of the FY 2021-2022 budget was slated for June 9, 2021.

The public could make comments to the Mayor and Council by letter or email and additional information could be found at townofchapelhill.org/budget, Mr. Brinkley said.

This item was received as presented.

11. Consider Amending the Criminal Justice Debt Program and Enacting a Budget Ordinance Amendment. [\[21-0138\]](#)

Emma Bruckenstein, Criminal Justice Debt Relief Program Committee chair, provided four recommendations for Council consideration: 1) Expand the program to allow Carrboro residents to participate and incorporate \$7,500 from Carrboro to be used by its residents; 2) Remove a restriction that prevents an applicant from applying more than once a year, in some circumstances; 3) Modify eligibility requirements to allow community members to apply regardless of their criminal history, with certain exceptions; and 4) Expand the program to pay court debts due outside Orange County for Town residents.

Council Member Stegman explained where and how the language had been improved to clarify requirements and procedures, and Ms. Bruckenstein pointed out that a requirement regarding partial payments was no longer included.

Council Member Anderson asked for examples of non-violent felonies, and Ms. Bruckenstein mentioned drug offences, larceny, and property crimes. She said that violent felonies were those that had an element of physical harm.

Council Member Gu confirmed with Ms. Bruckenstein that, as proposed, someone who had committed a violent physical crime would be able to apply for funding (after five years) for charges unrelated to that felony. Ms. Bruckenstein said that the Committee believed that was in line with its charge to help people re-enter the community and to combat some of the inequities of the criminal justice system.

Council Member Gu asked if there was any data on tendencies to repeat violent crimes. Ms. Bruckenstein said that there was good information on how resources such as the Debt Relief Program helped to prevent that.

Committee Member Corey Root commented that offsetting the racial inequities inherent in the criminal justice system was a part of the reason for establishing the Criminal Justice Debt Relief Program. It was to help people make a clean start and rebuild their lives, she said.

Council Member Gu asked for more data on whether or not the funds actually did help with that. She had concerns about applying it to those with violent felony convictions, she said.

Ms. Bruckenstein said that the Committee's role was to help people who were truly in need. Every applicant had to show financial need and explain how s/he was trying to overcome societal barriers, she said. She explained that the Committee was not recommending that everyone who applied should receive funding; it was seeking to remove a barrier that some applicants faced.

Council Member Ryan confirmed with Attorney Anderson that the revisions Council Member Stegman had described would be summarized in the resolution. "However, the Council should decide if substantive changes to the program are what they understood them to be," Ms. Anderson said, and showed the resolution on the screen.

A motion was made by Council Member Stegman, seconded by Council Member Buansi, that R-9 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 Stegman, Council Member Huynh, and Council Member Ryan

Nay: 1 - Council Member Gu

At the end of the meeting, a motion was made by Mayor pro tem Parker, seconded by Council Member Stegman, that O-2 be enacted. The motion carried by a unanimous vote.

12. Consider a Land Use Management Ordinance Text Amendment - Proposed Changes to Section 3.11 for Townhomes in the Blue Hill District. [\[21-0139\]](#)

Planner Cory Liles gave a PowerPoint presentation on proposed changes to the Land Use Management Ordinance (LUMO) regarding townhomes in the Blue Hill District (BHD). He said that the proposal would change existing townhome standards regarding non-residential use and minimum floor/land/lot width. He noted development opportunities for small infill sites, a broader variety of housing types, and more options for housing prices.

Mr. Liles noted that staff had outlined the steps that would be needed in order to study the feasibility of encouraging or requiring accessory dwelling units (ADUs) in townhomes. He showed examples of townhomes

and said that the stacked type, which were common in other parts of the country, would present ADU opportunities and could be joined together with many possible architectural styles.

Mr. Liles discussed building scale. He recommended letting the parcel configuration drive building size and avoiding regulations that become too prescriptive. He noted the possibility of wrapping and screening a parking deck with townhomes, but added that doing so would not be a typical approach.

Mr. Liles recommended that the Council adopt three text amendments that would: 1) exempt small townhomes from the non-residential requirement; 2) reduce the non-residential requirement for medium townhome projects; and 3) adjust lot requirements to better reflect the possible size for townhomes.

Mr. Liles recommended that the Council adopt the Resolution of Consistency and enact Ordinance A for approval. Next steps could include outreach to the development community regarding new standards, he said. Staff would report on any discussion or proposal of townhome projects during its semiannual BHD update to Council, said Mr. Liles.

Council Member Ryan confirmed with Mr. Liles that subdividing a larger site for townhomes would be possible but might not be the best opportunity from an economic development perspective. Council Members asked for more information about limiting townhomes geographically and on the implications of removing the minimum parking requirement.

Julie McClintock, a Chapel Hill resident, said that the absence of shared parking in the BHD was a big problem. She recommended being cautious about building townhomes in areas, such as the south side of Elliott Road, where they could push retail businesses out.

Susanna Dancy, a Chapel Hill resident, said that eliminating parking minimums would not mean eliminating parking. It would give developers more flexibility in how much parking they require, she said.

Council Member Ryan proposed that staff determine a way to limit development of parcels with commercial retail on them.

Mayor Hemminger ascertained that the majority of Council Members would like to defer voting and have staff return with more information. She spoke in favor of having more townhomes in the community overall. Anything staff could do to make that middle housing option more likely would be helpful, she said.

The Council continued the Public Hearing by consensus to a future date with

an additional public notice.

13. 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). [\[21-0140\]](#)

Senior Planner Jake Lowman gave a PowerPoint presentation on changes to a Conditional Zoning application for Columbia Street Annex that included: 1) a new condition requiring the developer to hire professionals to analyze current stream conditions, and 2) a requirement for a plan to remove all non-native invasive plants within the stream buffer and have the homeowner's association be responsible for ongoing maintenance.

Mr. Lowman noted new information related to traffic. This included street-lighting along South Columbia Street and a payment-in-lieu for signal upgrades and crosswalks at the intersection of NC 54. He presented a chart that listed advisory board comments and pointed out that the Planning Commission had submitted a revised letter of support for the project.

Mr. Lowman asked the Council to comment on Agenda Items 13 and 14 and to possibly move to close both public hearings and consider their enactment on March 24, 2021.

Architect Phil Szostak recapped comments from the last Council meeting regarding RCD encroachment, building scale, pedestrian safety, parking allocation, and options for reducing parking spaces. He said that he had met with the Town's urban designer regarding ideas for changing the building. He also described how changing a stream determination from intermittent to perennial (based on one tenth of a point) had caused the issue regarding the RCD.

Mr. Szostak outlined design changes that he and Town staff had arrived at and presented a more open design with public pedestrian access between buildings with open space behind the development. He indicated where building height had been reduced and discussed the proposed location of crosswalks, sidewalks and the bike paths.

Mr. Szostak said that 69 parking spaces were being allocated for 60 units. There would be space for car services, provisions for two EV charging stations, and conduit to every parking space, he said. He explained that a price reduction would be offered to those who buy a unit without a parking space.

Mayor pro tem Parker asked staff about the implications of the applicant's stormwater proposal. Senior Engineer Ernest Odei-Larbi said that the

applicant had stated that nitrogen and phosphorus would remain below Jordan Lake regulations after development but staff had not yet received that data. Mayor pro tem Parker confirmed with him that it would be reasonable to stipulate a numerical target in the regulations.

The Mayor and Council verified that the applicant would keep the same number of units, or fewer, with the new design, and that one more affordable unit would be added if the total number of units increased to 60. They confirmed that the project would contain only condos, no apartments. In response to an inquiry from Council, Mr. Lowman showed the proposed locations for three signalized pedestrian crossings along South Columbia Street. He pointed out, however, that final locations would need NC Department of Transportation (DOT) approval.

The Council confirmed with the applicant that not having a car would likely reduce the purchase price by \$30,000. They ascertained from staff that pedestrians would control the crossing signal by starting a blinking light. They verified with Mr. Odei-Larbi that staff would make sure that stormwater runoff did not exceed pre-development conditions for one-, two- and three-year storms. Mayor Hemminger confirmed that the applicant was committed to having a solar ready roof.

Kimberly Brewer, a Chapel Hill resident, said she had remaining concerns about the proposed crosswalk at the Purefoy/Columbia intersection, since there was a blind curve just north of that location. She asked if there would be a flashing warning sign. In addition, the two crosswalks could create traffic-flow problems, she said, and asked how that would be addressed.

Ms. Brewer also asked if an existing bus stop at Purefoy and Columbia Streets would be removed when the proposed BRT station came on line. She said that the applicant's plan to monitor stream damage after the project had been built would greatly undermine the Town's RCD ordinance and its stream protections.

Sam Eberts, a Chapel Hill resident, said that neighbors were concerned about the Council making an irrevocable decision with no way to fix it if it failed. Any increase in traffic along South Columbia would lead to the Westwood Neighborhood being a cut-through to Town, he said. He proposed reducing the number of parking spaces and adding a restriction against allowing retail at the location.

John Rees, a Chapel Hill resident, shared a live video of himself standing at the bus stop location in order to illustrate that it was currently a very dark place with no sidewalks. The proposed project would activate the space and make it much safer, he said.

Susanna Dancy, Community Design Commission (CDC) chair but speaking only for herself, said that she strongly supported the improved project. The plan included things the CDC always asked for but rarely got -- such as permeability, human scale massing, and engagement with the street -- she said. She said that she could not think of a better location for higher intensity use.

Andrew Buchanan, a Chapel Hill resident, asked for assurance that the proposed condos would not be turned into apartments, and Mr. Szostak replied that he would be happy to stipulate that.

Julie McClintock, a Chapel Hill resident, agreed that the project had improved but said that people having to stop at a blinking crosswalk would create a public-safety hazard. Additionally, she did not have much confidence that the stream restoration would work, given all the exemptions from RCD regulations, she said. She recommended that the Council keep the public hearing open so the public could have a chance to respond to the new information.

Martin Johnson, a Chapel Hill resident who lives in the neighborhood, expressed support for the project. He said that the Columbia Street Annex represented everything the Council had said it wanted to support.

The Mayor and Council said that they appreciated the changes and the applicant's responsiveness to community and Council concerns. They liked the housing choice, the affordable housing plan, the approach to parking, the pedestrian crossing improvements, and the thoughtful design, they said.

Mayor Hemminger praised the terracing plan and said it would be good if people could actually get down to the stream. Council Member Ryan noted that there might be opportunities to create an amenity back there. Council Member Stegman confirmed that the proposed number of bicycle spaces had increased and that there would be indoor bike storage at plaza level.

Council Member Ryan said that having a BRT stop south of the NC 54 entrance/exit ramp was a horrible idea and she was strongly against that moving forward.

Council Member Anderson said she wished the intersection could be figured out before the project began, but she acknowledged that the Town did not have control over what the NC-DOT would do. Council Member Buansi said he hoped the blind curve problem could be addressed, and other Council Members stressed the importance of having strong stipulations regarding RCD incursion.

Council Member Gu confirmed that the developer and staff would return on March 14th with metrics regarding stream repair. She inquired about having a traffic review one year after completion, but Mayor Hemminger recommended bringing that up again when the Council voted on the project.

Mayor Hemminger proposed stipulating "no dedicated STRs", and Council Member Ryan encouraged the applicant to try and maintain the character of the area by adding large canopy trees.

The Council voted unanimously to close the public hearings on Agenda Items 13 and 14 and to schedule final consideration on March 24, 2021.

A motion was made by Mayor pro tem Parker, seconded by Council Member Stegman, to close the public hearings regarding the Conditional Zoning Applications for Columbia Street Annex and the Request to Close a Portion of an Unmaintained and Unimproved Monroe Street Public Right-of-Way and receive comment for an additional 24-hours. 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. [\[21-0141\]](#)

APPOINTMENTS

15. Appointments to the Historic District Commission. [\[21-0142\]](#)

The Council appointed Anne Perl De Pal to the Historic District Commission.

ADJOURNMENT

This meeting was adjourned at 11:48 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, March 10, 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_7-B8ps5QRvOWk7NP_Uq_fg After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 850 9468 6814

Llame al (919) 969-5156 para obtener interpretación en español. Inserte el código 887 6452#. Después del tono, diga su nombre y oprima #. (Call (919) 969-5156 for Spanish language interpretation. Enter Code 887 6452#. After the tone, say your name and press #.)

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, Assistant Planning Director Judy Johnson, Business Management Director Amy Oland, Emergency Management Coordinator Kelly Drayton, Planning Director Colleen Willger, Economic Development Officer Dwight Bassett, Housing and Community Assistant Director Sarah Viñas, Fire

Town Council

Meeting Minutes - Draft

March 10, 2021

Chief Vencelin Harris, Police Chief and Executive Director for Community Safety Chris Blue, Senior Planner Anya Grahn, Public Housing Director Faith Brodie, Planner II Michael Sudol, Affordable Housing Manager Nate Broman-Fulks, 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 called the virtual meeting to order at 7:00 p.m. and previewed the agenda. She said that Spanish interpreters would be present through Item 5 but that public comment would no longer be allowed on that item.

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

ANNOUNCEMENTS BY COUNCIL MEMBERS

0.01 Mayor Hemminger Regarding Listening Sessions for Re-Imagining Community Task Force.

[\[21-0187\]](#)

Mayor Hemminger announced four virtual sessions for community members to share experiences and ideas about creating a safer and more inclusive community. The first would be held on March 13th, from 2:00 p.m. - 3:30 p.m., and the second would be held in Spanish on March 16th at 7:00 p.m., she said. Two additional sessions were listed on the Town's calendar and that all were open to the public, she said.

0.02 Mayor Hemminger Regarding Applications for Advisory Boards and Commissions.

[\[21-0188\]](#)

Mayor Hemminger urged residents to volunteer for Town advisory boards, which were currently being held virtually. No experience was required for most boards and childcare and transportation assistance would be available, she said. Applications would be accepted through March 15, 2021, and those interested could contact a Council Member or send an email to: advisoryboards@townofchapelhill.org, she said.

0.03 Mayor Hemminger Regarding Next Week's Council Work Session.

[\[21-0189\]](#)

Mayor Hemminger said that the next Council Work Session would be held on March 17th at 6:30 p.m.

0.04 Mayor Hemminger Regarding NAACP Youth Vigil for Breonna Taylor.

[\[21-0190\]](#)

Mayor Hemminger announced that a NAACP youth vigil in remembrance of Breonna Taylor, who died on March 13, 2020, would be held at the Peace and Justice Plaza on March 13th at 5:00 p.m.

0.05 Mayor Hemminger Regarding James Taylor's Birthday and Visitor Center. [\[21-0191\]](#)

Mayor Hemminger pointed out that March 12th would be James Taylor's birthday and said that the Chapel Hill/Orange County Visitors Bureau was working on incorporating his life and music into the Visitors Center.

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 Steven Fleck on Behalf of Estes Neighbors Group Regarding Aura Development. [\[21-0192\]](#)

Steven Fleck, representing several Estes Road area neighborhoods, expressed concern about a proposed development at the intersection of Estes Drive and Martin Luther King Jr. Boulevard. He asked the Council to deny the review process for a Conditional Zoning Use Permit because that development would increase congestion and jeopardize public safety. The neighborhood objected to proceeding with advisory board reviews before undertaking an analysis of the cumulative traffic impact of recent development in the area, he said.

This item was received as presented.

0.07 Council Member Gu Request Regarding Restricted Residential Manufactured Home Zoning District. [\[21-0193\]](#)

Council Member Gu petitioned the Council to designate a restricted residential manufactured homes zoning district. The goal would be to prevent excessive real estate speculation, protect the health, safety and well-being of low-income families, and preserve the character of existing mobile home parks, she said.

Mayor Hemminger ascertained from Town Attorney Ann Anderson whether or not to receive a petition from a Council Member was in the Council's discretion. Ms. Anderson cautioned, however, that addressing a petition related to a matter on the current agenda could cause confusion.

The Council confirmed with Attorney Anderson that receiving and referring the petition would give the Town Manager discretion regarding how to proceed, unless the Council specified otherwise. They asked for a legal opinion on the merits of the petition, but Ms. Anderson did not feel comfortable giving that without a more thorough review.

Council Member Ryan expressed doubt that the petition would offer real protections for the Town's mobile home park communities since future Councils could undo any zoning overlay. She did not want to raise false hope by giving the appearance of solving the issue, she said.

Council Member Gu said that other communities had such restrictions. She argued that the Council owed it to mobile home park residents and the community at large to at least explore the idea.

Council Member Buansi said that neither the UNC School of Law nor the UNC School of Government had been consulted regarding the petition. He said that Council Member Ryan was correct about how overlay districts do not ultimately protect mobile home park residents.

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 Council Member Anderson, 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. [\[21-0176\]](#)

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

2. Adopt the 2020 Update to the Eno-Haw Hazard Mitigation Plan. [\[21-0177\]](#)

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

INFORMATION

3. Receive Upcoming Public Hearing Items and Petition Status List. [\[21-0178\]](#)

This item was received as presented.

DISCUSSION

4. Update on Town Efforts to Respond to the COVID-19 Crisis. (no attachment) [\[21-0179\]](#)

Orange County Health Department (OCHD) Director Quintana Stewart reported that COVID-19 vaccination efforts appeared to be working, with daily case counts currently being in single digits in Orange County. She said that 15.8 percent of the County's population had been fully vaccinated, and she provided a demographic breakdown of those who had.

Ms. Stewart described how Orange County had been reaching out to historically under-served, un-sheltered and homeless populations. She encouraged those who had been vaccinated to continue wearing a mask, washing hands, waiting a safe distance apart, and getting tested if they have COVID-like symptoms.

The Mayor and Council thanked Ms. Stewart for all that she and her team had been doing and the manner in which they had done it. Mayor Hemminger pointed out that Orange County Health Department employees had spent extensive time answering questions while also trying to do their work.

This item was received as presented.

5. Second Reading to Consider Application for Conditional Zoning - 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). [\[21-0180\]](#)

Mayor Hemminger said that there had been three public hearings and a first reading of the Conditional Zoning application in Agenda Item 5 and that public comment was currently closed. She and the Council appreciated all of the input that they had received, she said.

Planner Michael Sudol gave a brief PowerPoint presentation on the second reading of a Conditional Zoning application for a 13.9-acre site at 1200 & 1204 Martin Luther King Jr. Boulevard. He said that the site was currently zoned Residential-4 and Neighborhood Commercial and the applicant was requesting a rezoning to Office Institutional-2, for a self-storage facility and a mobile home park (MHP), and an expansion of Neighborhood Commercial in order to rebuild a gas station and construct a storage facility.

Mr. Sudol noted that a February 24, 2021 Council vote (5-3) for approval had not met the two-thirds majority required for passage during the first reading; therefore, the application had returned for a second reading and

action, he said. He said Conditions 26 and 29 in Ordinance A had been clarified and that Condition 24 has been revised at the applicant's request. He recommended that the Council enact or deny Revised Ordinance A and adopt or deny revoking the Special Use Permit.

Developer Dan Jewell, of Coulter Jewell Thames, explained recent changes to the plan would affect the market review process and lengthen the amount of time that current rental rates would be frozen. In addition, Stackhouse Properties had volunteered to reduce the size of the storage building by 10,000 square feet, he said. Mr. Jewell said that the applicant was very sincere about keeping the Tarheel MHP open.

In response to a question from Council Member Gu, Mr. Jewell said that market rate adjustments would be based on an analysis by an appraiser and that MHP residents would not be involved in that. However, as stipulated, the analysis would be sent to the Town Attorney for corroboration, he pointed out.

Council Member Gu said that the agreement lacked important information regarding safe connections to and through the Tarheel MHP. She asked if the community would be able to review the road and sidewalk structure, and Mr. Jewell replied that a plan submitted with the application showed safe ways of walking to existing and future bus stops.

Council Member Gu stated that the Transportation and Connectivity Advisory Board had wanted to see safe connections from the front of the property to inside the MHP, and Mr. Sudol said that the applicant had not provided a plan for that.

Council Member Gu asked if the applicant would be open to having a mobile home conservation committee, which would allow residents to voice concerns about Stackhouse's community rules.

Mr. Jewell replied that it was not a zoning issue and the applicant could not commit to it at the current time. Residents always had the opportunity to discuss concerns with the property owner, he said.

Council Member Gu asked if the applicant would be open to having a relocation package if the property changed hands.

Mr. Jewell said that was why the covenants had been put in place and Mayor Hemminger pointed out that such issues had been addressed by stipulations in the ordinance. The Council would have to agree to any change in the 15-year agreement, the Mayor said.

Council Members stressed the need for continuing to work with Orange County on a manufactured home strategy and a funded action plan. They thanked those who had worked to improve the plan. They also thanked the community organizations that had helped the Council understand

Tarheel MHP residents' concerns.

Council Members emphasized the importance of providing MHPs with the same level of protection as other communities that were under threat of having to leave their homes. They noted that the proposed project conflicted with the Town's land planning goals but said that ensuring housing security for Tarheel MHP residents for the next 15 years took precedence over land use plans.

Council Member Huynh pointed out that the MHPs situation had opened an opportunity for the Town to leverage its membership in the Government Alliance for Racial Equity and institutionalize its toolkit in land use planning and policy-making.

The Council expressed strong support for continuing to provide resources to community-based organizations, such as EmPOWERment and El Centro Hispano, for building channels of communication between the Council and the Town's vulnerable neighborhoods.

Council Members Anderson, Ryan and Gu expressed opposition to the proposed project. Council Member Gu described the applicant's proposal as "predatory" and Council Member Ryan called it "repellent". Council Member Anderson said that the Town had given away all of its leverage at the start of the process, and Council Member Ryan said that the applicant had used the lives of residents as a bargaining chip. The resolution before the Council represented bad planning and did not adequately protect the Tarheel MHP community, they said.

Mayor Hemminger pointed out that the decision had been very difficult for the Town, which valued communities such as the Tarheel MHP and had made land-use plans that did not include having a project such as the one being proposed on a bus rapid transit corridor. In the end, she worried most about how the Town did not have anywhere else for Tarheel MHP residents to go, she said.

Council Member Buansi moved to adopt Revised Ordinance A and Council Member Huynh seconded.

Council Member Gu asked to add a stipulation for a community conservation committee to mediate on behalf of Tarheel MHP residents.

Town Attorney Anderson pointed out that all stipulations must be accepted by the applicant, and Mr. Jewell repeated his earlier refusal.

The motion passed, 5-3, with Council Members Anderson, Ryan and Gu voting against.

Mayor Hemminger said that the Town had recently worked with the

developer on additional protections for Tarheel MHP residents. The developer was willing to discuss rotating the storage unit to the side of the property, she said, and she confirmed with Mr. Jewell that he would work with Urban Designer Brian Peterson on change as well as safety and screening issues.

Mayor Hemminger asked Council Members to support having staff bring back recommendations for changing land-use descriptions pertaining to self-storage. She then asked Tarheel MHP residents to stay engaged, speak up, and consider serving on Town advisory boards.

A motion was made by Council Member Buansi, seconded by Council Member Huynh, to enact O-1 as amended. The motion carried by the following vote:

Aye: 5 - Mayor Hemminger, Mayor pro tem Parker, Council Member Buansi, Council Member Stegman, and Council Member Huynh

Nay: 3 - Council Member Anderson, Council Member Gu, and Council Member Ryan

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

6. Consider an Application for Conditional Zoning for Phi Gamma Delta, 108 W. Cameron Avenue to Rezone from Office/Institutional-1 (OI-1) to Office/Institutional-3-Conditional Zoning District (OI-3-CZD). [\[21-0181\]](#)

Senior Planner Anya Grahm gave a brief PowerPoint presentation regarding a petition to rezone property at the corner of South Columbia Street and West Cameron Avenue from Office Institutional-1 to Office Institutional-3 Conditional Zoning District. She explained that the applicant, Phi Gamma Delta, had exceeded its allowed floor area by enclosing a back porch and adding 1,044 square feet while removing some existing parking. The applicant was asking for approval to abandon a 1997 SUP and to replace it with Conditional Zoning District in order to keep those changes, she said.

Ms. Grahm showed a site plan and explained that the application had been through multiple rounds of review. She explained how advisory board questions had been addressed and recommended that the Council adopt the Resolution of Consistency and enact Ordinance A, which would approve the rezoning.

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

7. Update from Orange County Partnership to End Homelessness. [\[21-0182\]](#)

Orange County Partnership to End Homelessness Manager Corey Root gave a PowerPoint update on four service programs: Housing Helpline, Housing Access, Rapid Re-housing, and Street Outreach Harm Reduction and Deflection. She described each program in detail and discussed a rapid increase in the number of people needing service in 2020 due to the COVID-19 pandemic.

Ms. Root said that the Partnership had served about 60 households a month prior to the pandemic, but had recently received 95 calls and 78 emails in just one day. While the number of people receiving housing had increased, the number experiencing chronic homelessness had gone down, though, due in large part to the Partnership's focus on permanent supportive housing, she said.

Ms. Root said that the Partnership had received a large increase in 2020 funding through federal CARES Act emergency funds. It had secured \$1.7 million in 2020 federal funding, and a total of \$11.2 million since the partnership began in 2005, she said. She said that 51 percent of Orange County's homeless people were Black even though only 12 percent of them were African American. She discussed the importance of incorporating racial equality into the work to end homelessness.

Council Member Stegman asked for more information on the Street Outreach Program, and Ms. Root explained that it had three full-time staff and had served more than 120 people. The program had housed 20 people since the fall of 2020 and had been working with the Orange County Health Department to get COVID-19 vaccines to about 16 un-sheltered people, she said. Ms. Root explained that the Partnership had provided direct mental health services to about 25 and had worked with the Chapel Hill Police Department to deflect potential arrest more than 20 times.

The Council confirmed with Ms. Root that the CARES Act grant would end in September 2021 and the Partnership was currently looking for a source of annual funding. They thanked her for doing such impressive work under difficult circumstances and several Council Members expressed eagerness to provide help.

This item was received as presented.

8. Receive the Second Quarter Fiscal Year (FY) 2021 Affordable Housing Report. [\[21-0183\]](#)

Assistant Director for Housing and Community Sarah Viñas presented the Affordable Housing (AH) report for the first two quarters of FY 2020-21. This included background information on rising housing costs and on the Town's AH Investment Plan. She pointed out that taxpayers had approved a \$10 million AH Bond.

Ms. Viñas said that staff expected to complete development of 15 units and would have preserved 400 units by end of FY 2021. Those preservation projections were higher than previous years due to an increase in emergency housing assistance during COVID-19, she said. She reported that the Town had already exceeded its five-year preservation target by 300 percent and was about halfway toward reaching its development target for 2023.

Ms. Viñas said that nearly all funded projects were on track to be completed on time and within budget. Eighty-four percent of available funding had been allocated, and the Town had dedicated more than \$1.29 million to emergency assistance, she said.

Affordable Housing Manager Nate Broman-Fulks commented on a huge increase in the need for AH over the last three quarters due to the pandemic. He hoped that would begin to subside now that COVID-19 vaccines were becoming available but anticipated a significant need for the foreseeable future, he said.

Mr. Broman-Fulks discussed various development projects that were or would soon be underway. He commented on homes in the Northside Neighborhood that were permanently affordable through Community Home Trust and provided an update on the Town's 2200 Homestead Road project.

Mr. Broman-Fulks said that the Town had selected a development partner for a project on Jay Street, had been putting together a visioning process for a Bennett Road project, and was making progress on rehabilitating Trinity Court. Staff anticipated about 500 new affordable homes coming on line over the next five to seven years, he said.

Mr. Broman-Fulks stated that staff would continue to provide emergency assistance. They would focus on manufactured home strategies that included a draft relocation plan based on Council guidance, he said. Staff would also increase the Town's Transitional Housing Program inventory and create opportunities in its Employee Housing Program through a master leasing arrangement, he said.

Public Housing Director Faith Brodie discussed her department's efforts to improve its US Department of Housing and Urban Development (HUD) assessment score. She said that Public Housing was presenting its first

quarterly report covering the period from October to December 2020 as part of the effort to raise that score.

Ms. Brodie said that the Town had identified a development partner for Trinity Court and was drafting a related memo of understanding. She would return to the Council in 45 days with a more specific timeline for a community engagement process and development schedule, she said.

Management Analyst for Public Housing Stacy Todd discussed HUD expectations and outlined steps that Public Housing had been taking regarding the physical condition of properties, financial and management operations, grant funds, and community engagement. She reported that amounts due to vendors had decreased and that bills were being paid in a more timely fashion. Several preservation projects and upgrades were being planned for 2021, she said, and described efforts to increase occupancy.

Ms. Todd said that two people had attended a first Public Housing Residents Council meeting in January and that two additional residents had come to the February session. The goal was to have a representative from each neighborhood, she said.

Mayor pro tem Parker confirmed with staff that they had been working to better connect the Orange County Home Preservation Coalition with mobile home parks. Mr. Broman-Fulks said that Preservation Coalition coordinators had joined the Orange County Housing Coalition's Manufactured Home Committee in order to coordinate that work.

Council Member Ryan determined from Ms. Viñas that "preserved homes" meant maintaining existing affordable stock with home repair projects and emergency housing assistance. She recommended that it be clarified in staff reports when it means keeping people in subsidized housing.

Council Member Gu inquired about the Town's strategy for those below 30 percent of area median income (AMI), and Mr. Broman-Fulks said that at least five of the 15 homes that staff expected to complete in the coming year would be for that income range. Three others would be for 30-60 percent AMI, and many in the pipeline would be tax credit projects, which must serve 60 percent and below, he said.

Council Member Gu said that she was waiting for staff to develop options for protecting mobile home park residents, and Mayor Hemminger said that she expected staff to return with a plan sometime in the spring.

Council Member Buansi confirmed with Ms. Todd that the technology required for virtual meetings during COVID-19 might have prevented some residents from participating in Residents Council meetings. Ms. Todd said

that the four who had attended had expressed interest in returning in March and were actively trying to engage their neighbors.

This item was received as presented.

9. Consider Number of Lanes and Parking Technology as related to the East Rosemary Parking Deck. [\[21-0184\]](#)

Economic Development Officer Dwight Bassett gave a PowerPoint presentation on the East Rosemary Parking Deck. He recommended that the Council adopt two resolutions: one would determine the number of lanes at the entrance and the other would determine the parking technology. Those decisions were critical to finalizing the plan and proceeding toward construction, he said.

Mr. Bassett proposed changes to the vehicle entrance and exit configuration that he said would make the deck work more efficiently, especially during peak periods. These included designing the western East Rosemary Street entrance to be for bikes and pedestrians only and the North Street entrance to be three lanes with one being reversible.

Mr. Bassett said that staff believed those changes would improve traffic conditions on East Rosemary Street. The reversible lane could be switched for significant Town events, he said. He pointed out that the proposed changes would mean additional equipment costs and would require raising the first level. The change could also require shortening the building by 12 feet to accommodate the third lane, he said.

Mayor pro tem Parker verified that shortening the building by 12 feet might mean losing 40 to 50 of the 1,100 parking spaces. He wondered how critical losing those would be, he said, noting that the Town would save on parking space construction costs. He confirmed with Mr. Bassett that the estimated maximum cost of shortening the building and adding a top floor was \$250,000.

Council Member Ryan expressed concerns about how possible parking in the North Street area would be configured and said that looked problematic to her.

Council Member Anderson left the meeting at 9:26 pm.

Geoffrey Posluszny, of Walker Consultants, gave a PowerPoint presentation regarding PARCS (parking access and revenue control systems) and APGS (automated parking guidance systems) technologies. He said that the Town had received six bids for PARCS and three for APGS, and he proposed that the Council determine which level of APGS service it wanted.

Mr. Posluszny explained how PARCS would function for both monthly contract holders and transient visitors. A license plate would be scanned and electronically tied to a prepaid ticket, or guests could pay at the exit, he said. He showed a spreadsheet that compared bids and said that the next step would be to recommend a vendor. The Town would then create a Technology Selection Committee that would provide a recommendation to the general contractor, he said.

Council Member Ryan confirmed that the overall cost could range from \$450,000 to \$1.3 million, depending on the technology chosen, but Mr. Bassett pointed out that the base technology would require also having to pay a full-time person to patrol the deck.

The Council confirmed with Mr. Posluszny that the general contractor could run conduit for APGS to the individual floors while the system itself could be deferred. They verified that the vendor would provide maintenance for the first year and the Town could then select additional years, if desired.

Mayor pro tem Parker expressed concern about trying to make such a decision without knowing the total cost of the project, and Mr. Bassett recommended that the Council decide on the APGS at a later time. Staff currently only needed decisions regarding the additional lane at the Eastern Rosemary Street entrance and whether or not the Council wanted the base PARCS equipment, he said.

Mr. Bassett said that staff would return to the Council in April with a final construction budget. He then reviewed the potential schedule from that point to the start of construction in late summer 2021.

In response to questions from Ed Harrison, a Chapel Hill resident, Mr. Posluszny explained that technology would not be required to use the system and Mr. Bassett said that the Town's urban designer's recommendations would calm Rosemary Street and improve conditions for cyclists. In response to a "chat" question, they said that a typical parking deck allowed widths of 9 feet for normal spaces and 8.5 feet for compact cars.

Mayor Hemminger "highly recommended" that the Council consider the three-lane version, which would expedite traffic flow.

A motion was made by Mayor pro tem Parker, seconded by Council Member Huynh, that R-7 be adopted. The motion carried by a unanimous vote. Council Member Anderson did not vote.

A motion was made by Mayor pro tem Parker, seconded by Council Member Stegman, that R-8 be adopted. The motion carried by a unanimous vote.

Council Member Anderson did not vote.

10. Introduction of Bond Orders for Two-Thirds Bonds and Call for a Public Hearing for the Issuance of Two-Thirds Bonds. [\[21-0185\]](#)

Director of Business Management Amy Oland gave a PowerPoint presentation on a proposed Two-Thirds Bonds issuance in April 2021. She introduced the bond orders and recommended that the Council adopt a resolution that would set a public hearing for March 24, 2021.

Ms. Oland explained that the Town was eligible for \$3,205,000 in Two-Thirds Bonds and that the average annual debt service on that would be approximately \$198,000 per year over 20 years. She listed several Parks and Recreation Department facility improvements that a \$1,155,000 bond order would go toward. A second bond order of \$500,000 would go toward replacing fire engine 33, and a third order for \$1.5 million would address a significant backlog of street and sidewalk maintenance projects, she said.

Ms. Oland outlined a plan to issue \$4,755,000 of the approved \$10 million AH Bond in April as well. She recommended that the Council adopt the resolution to set a public hearing for March 24, 2021 and said that staff would return on April 7th to ask Council to adopt the bond order and issuance resolution for the Two-Thirds and Affordable Housing Bonds. The bond closing would be on May 13, 2021 and staff's goal was to return on May 19th or June 6th and ask the Council to appropriate funds, she said.

In response to Council questioning, Ms. Oland explained that the Town did have the capacity to repay the debt. The issuance would put the Town slightly over some of its target debt ratios for a couple of years, but a plan was in place to bring those down again, she said.

Council Member Stegman commented on the great opportunity to take advantage of current low interest rates.

A motion was made by Council Member Stegman, seconded by Mayor pro tem Parker, that R-9 be adopted. The motion carried by a unanimous vote. Council Member Anderson did not vote.

11. Consider Response to Petition for Limited Scope Review of a Conditional Zoning Modification Application for 1751 Dobbins Drive. [\[21-0186\]](#)

At Town Attorney Ann Anderson's request, the Council voted unanimously to excuse Council Member Anderson, who had not felt well and left the meeting.

A motion was made by Council Member Ryan, seconded by Council Member

Huynh, to excuse Council Member Anderson from the meeting. The motion carried by a unanimous vote. Council Member Anderson did not vote.

Assistant Planning Director Judy Johnson gave a brief PowerPoint presentation regarding a February 24, 2021 petition for a limited scope review and reduction or waiver of fees regarding a request for additional square footage at 1751 Dobbins Drive. She said that the Council had approved a Conditional Zoning application in November 2019 for a 5,747 square-foot office building, and the applicant was requesting slightly more than a 25 percent increase in size due to a rapid increase in building costs.

Ms. Johnson noted that the Town's Land-Use Management Ordinance required Council approval for increases of more than 10 percent. She said that the applicant had also asked for a waiver of additional fees and that Town policy was to waive those only for affordable housing, Town projects, and service projects associated with non-profit organizations.

Ms. Johnson said the staff had some concern about setting a precedent and had therefore separated the two resolutions: Resolution-10 was to consider a limited scope review; Resolution-10.1 was to consider a reduced fee.

The Council confirmed that the applicant's fee would be roughly \$9,000 and that "limited review" meant the Planning Department would merely check the numbers to make sure that the application met Town standards.

Keith Shaw, the applicant, confirmed with Ms. Johnson that specific language regarding the increase in square footage would be resolved when the project came before the Council for review and action.

Mayor Hemminger thanked staff for coming back with a way to help make the adjustment.

A motion was made by Council Member Ryan, seconded by Council Member Huynh, that R-10 be adopted as amended. The motion carried by the following vote:

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

Excused: 1 - Council Member Anderson

A motion was made by Council Member Ryan, seconded by Council Member Huynh, that R-10.1 be adopted. The motion carried by the following vote:

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

Excused: 1 - Council Member Anderson

ADJOURNMENT

The meeting was adjourned at 10:43 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, March 17, 2021 6:30 PM Virtual Meeting

Revised item Order as of March 16, 2021

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_ZsEea_7vQd-QTogjl2OaKg After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 897 5131 1566

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, Assistant Planning Director Judy Johnson, Senior Planner Anya Grahm, Planning Director Colleen Willger, Transit Director Brian Litchfield, 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 work session at 6:30 p.m.

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

0.01 Mayor Hemminger Regarding Shootings in Atlanta.

[\[21-0218\]](#)

Mayor Hemminger denounced a recent shooting in Atlanta that left several people dead, six of whom were Asian Americans. She said that crimes against Asians had increased dramatically in the US during 2020 and was taking a toll on Asians across the country. "We value you, and we want to make sure that you are safe," she said to those in Chapel Hill's Asian American community.

0.02 Mayor Hemminger Regarding Community Safety Listening Sessions.

[\[21-0219\]](#)

Mayor Hemminger said that the Town would hold two more listening sessions on March 20th and 23rd to solicit ideas from the community on how to make the Town a safer, more inclusive place for all.

AGENDA ITEMS

3. Glen Lennox Master Plan Update.

[\[21-0199\]](#)

Whitney St. Charles, representing Grubb Properties, gave a PowerPoint update on Phase 1 of the Glen Lennox Master Plan and provided background on Grubb's involvement with that property since the early 2000s. She said that Phase 2 of the project would include a commercial core with retail, office, multi-family units, townhomes, and a possible hotel.

Ms. St. Charles said that building heights in Phase 2 would transition downward toward the nearby Oakwood Neighborhood. She shared plans to introduce a new road and protected bike lanes and described a possible 0.8-acre village green at the center of the commercial district. In addition, Grubb might add a greenway to the east side of the property, she said.

Mayor Hemminger pointed out that no current Council Member had been in office when the original Glen Lennox Development Agreement (DA) was approved. She had asked Grubb Properties to come and make a presentation so that the Council could better understand the project before any new requests came forward, she said.

Council Members confirmed with Assistant Planning Director Judy Johnson that modifying a DA would include a public hearing and Council action but would not require advisory board review. They verified with Ms. St. Charles that the changes being envisioned would not trigger a major

modification and that updated traffic studies would be performed as soon as possible if roads were changed.

The Council requested additional information on whether there would be any changes to the affordable housing agreement. They also asked if the project would link into a broader Town connectivity plan that included the University of North Carolina at Chapel Hill.

Mayor Hemminger confirmed with Ms. St. Charles that Grubb Properties would continue working with Town staff throughout the spring and summer. Any submission would likely occur in September and Grubb would present a side-by-side comparison of current and proposed plans in order to show what would be shifted, Ms. St. Charles said.

This matter was received and filed

2. Short-Term Rental (STR) Regulations Discussion. [\[21-0198\]](#)

Planner Anya Grahn gave a PowerPoint presentation on the Town's effort to develop a short-term rental (STR) ordinance. She proposed that the Council discuss its interest in allowing Dedicated STRs and perhaps set a cap on them. Additionally, staff was hoping to find agreement with revised definitions that separated Hosted and Unhosted STRs from Dedicated ones, she said.

Ms. Grahn proposed that a definition such as "Primary Residence" would capture both Hosted and Unhosted STRs and allow accessory dwelling units (ADUs) to be used as STRs if they were part of a primary residence. She said that Hosted STRs, as currently defined, were listed under Home Occupation in the Town's Land-Use Management Ordinance.

Ms. Grahn explained that about 71 percent of the active STRs in Town were whole-house rentals and 29 percent were private rooms. She said that a Town pilot program could require STR operators to obtain zoning compliance permits, which would enable staff to know where they were and if there were any issues with them.

Rebecca Badgett, an attorney with the UNC School of Government, said that most other communities allowed Dedicated STRs only in commercial and mixed-use zones. It would be uncommon to allow them in residential zones with a cap, she said. She recommended that such an approach be part of a pilot program, which could begin by allowing Dedicated STRs in commercial zones without a cap and would perhaps allow and cap them in residential zones.

The Mayor and Council discussed problems that had resulted from not knowing where STRs are located. They deliberated over requiring all STRs to register and perhaps grandfathering in those that already exist.

Council Members said that they did not want to allow Dedicated STRs in residential districts.

The Council confirmed with staff that Dedicated STRs were allowed in the Blue Hill District because multi-family buildings there were considered commercial use. Mayor Hemminger said that the majority of Council Members seemed willing to consider grandfathering existing Dedicated STRs and then getting recommendations from staff regarding caps on multi-family units. The Council agreed that STRs needed to be registered but that it should not be considered a pilot program.

With regard to enforcement, Council Member Huynh and Ms. Grahn pointed out that Wilmington, NC had had a good experience with outsourcing its monitoring function, but Ms. Badgett pointed out that Wilmington's ordinance was currently in the NC Court of Appeals because state statute prohibits residential registries.

Ms. Badgett said that the first step should be to issue zoning permits and regulate STRs that way, since adding a rental registry requirement first could be problematic. Mayor Hemminger confirmed with her that zoning permits could be issued annually, as was being done with food trucks.

Ms. Grahn verified with Council Members that they supported allowing primary residential STRs (Hosted and Unhosted) and moving forward with an ordinance. Mayor Hemminger affirmed that Council Members did not want to allow Dedicated STRs in residential zones.

The Council discussed possibly having criteria for grandfathering, and Ms. Badgett said that having STR operators apply for Special-Use Permits would be another option. Town Attorney Ann Anderson commented that grandfathering was especially messy when the use was one that had never been technically allowed before. Having standards to determine who was qualified was almost essential, she said.

Mayor Hemminger raised the idea of requiring Home Occupation Permits for hosted STRs, but Ms. Grahn said that the definition for Home Occupation was very specific and limited space to 35 percent of floor area or 750 square feet.

Mayor Hemminger pointed out that the Council would have more information once zoning permits had been pulled. Residents would have opportunities to provide input at public hearings in the future, she said.

This matter was received and filed

1. Orange County Transit Plan and Proposed Commuter Rail Update. [\[21-0197\]](#)

Chapel Hill Transit Director Brian Litchfield gave a PowerPoint overview of the Orange County (OC) Transit Plan. He explained that OC Transit was managed by the County, GoTriangle, and the Metropolitan Planning Organization. He said that funding sources included a 1/2 cent sales tax, 5 percent vehicle rental tax, a \$3.00 increase in GoTriangle's regional vehicle registration fee, and a \$7.00 county vehicle registration fee.

Mr. Litchfield described where \$63 million in total revenue, which had been generated between FY 2014 to FY 2020, had been spent. He said that the Plan was expected to generate about \$10 million a year from 2021 to 2025 and that it would increase annually through FY 2040.

Mr. Litchfield said that Phase 2 of the Plan would include developing conceptual scenarios and that there would be more public engagement opportunities once those had been developed. He reported that Chapel Hill Transit had invested about 14,000 hours of service in the Plan since FY 2013 and had purchased five buses and improved 20-25 bus stops with funding from the Plan.

Council Member Anderson asked how the Town could become a voting member of the OC Transit Plan working group, and Mr. Litchfield replied that an inter-local agreement was being updated and would address that. He pointed out that Mayor pro tem Parker and others were on the OC Policy Committee.

The Council confirmed with Mr. Litchfield that a project website included a number of ways through which the public could provide feedback on the Transit Plan to Orange County staff and the consultant team. There had been virtual town hall sessions in the fall of 2020 and there would be more in the future, he said.

Council Members stressed the important role that Chapel Hill Transit would play if the Town's mobile home park residents were relocated to OC. They confirmed that Chapel Hill Transit had used about \$6 million in CARES Act funding to cover the state shortfall and buy UV systems that were keeping people safe during the pandemic. The Transit Partnership had not yet determined uses for an additional \$6-7 million in American Rescue Plan funds, but they had discussed using it to buy capital or purchase vehicles, Mr. Litchfield said.

The Council ascertained from Mr. Litchfield that some Chapel Hill Transit funding would go toward improving bicycle and sidewalk connections over the next five years. They confirmed that Transit's unfunded list included expanding the Senior Shuttle and looking at other changes that would lead to wider and more flexible service. Mayor Hemminger determined that connecting to Chatham County would be a Town priority over the next 5-10 years and beyond.

GoTriangle CEO Charles Lattuca gave a PowerPoint presentation on a commuter rail project study that GoTriangle had been working on since May 2020. He said that Phase 2 of the 3-phase study should be completed by the end of 2021. The commuter rail system would run 37 miles from East Durham to Garner -- and perhaps even to Clayton -- using an existing railroad corridor and Piedmont Transit, he said.

GoTriangle Senior Transportation Planner Jay Heikes displayed a map that showed the regional connections in the OC Transit Plan. He said that substantial regional plan updates were underway, based on an estimated increase of more than 600,000 in the Triangle area population over the next 20 years.

Mr. Heikes discussed the major steps that the Transit Plan envisioned for the commuter rail project. He said that GoTriangle would provide detailed information to elected officials and the community as it tries to reach a decision on whether or not to proceed with the project.

Mr. Heikes described the type of service that was being projected for 2029 and said that a rough estimate of cost was \$1.8 billion to build the segment from Durham to Garner and \$300 million more if it goes all the way to Clayton. Annual operations could be \$29 million and \$37 million, respectively, he said.

Mr. Heikes said that planners were currently refining ridership estimates and trying to understand the capacity of existing train tracks. An opportunity analysis, led primarily by Triangle J Council of Governments, had been looking at secondary benefits, such as affordable housing, job access, and the potential to create walkable connected communities around transit stations, he said.

Mr. Heikes explained that a third major component of the work would be stakeholder and public engagement and that GoTriangle hoped to achieve regional consensus on the project concept. A first round of public engagement had been completed and more than 2,700 online participants had left more than 5,000 comments, he said.

The Council confirmed with Mr. Heikes that current funding was coming from Durham, Wake, and Johnston Counties. The Town Council had indirect influence on the Plan through its representation on the Metropolitan Planning Organization and the GoTriangle board, he said.

Mayor Hemminger pointed out that Mayor pro tem Parker was involved with the OC Transit Plan and with Chapel Hill Transit Partners, in addition to chairing the GoTriangle board. Council Members could contact him, Mr. Litchfield, or Mr. Heikes with any additional comments or questions, she

said.

This matter was received and filed

**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 closed session as authorized by General Statute Section 143-318.11(a)(3) to consider and give instructions concerning a potential or actual claim, or judicial action and by General Statute 143-318.11(a)(6) to discuss a personnel matter. The motion carried by a unanimous vote.

ADJOURNMENT

The Council recessed the meeting at 9:04 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, March 24, 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/join/96182828282> After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 812 8315 6915

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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, Assistant Planning Director Judy Johnson, Planning Director Colleen Willger, Emergency Management Coordinator Kelly Drayton, Fire Chief Vencelin Harris, Business Management Director Amy Oland, Police Chief and Executive Director for Community Safety Chris Blue, Senior Planner Anya Grahm, Senior Planner Jake Lowman, Traffic Engineering Manager Kumar Neppalli, 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 meeting at 7:00 p.m. She pointed out that

Town Council

Meeting Minutes - Draft

March 24, 2021

Agenda Item 15 had been removed and would return at another time.

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

ANNOUNCEMENTS BY COUNCIL MEMBERS

0.01 Mayor Hemminger Regarding a Resolution in Support of the Hate Crimes Prevention Act. [\[21-0249\]](#)

Mayor Hemminger commented on a recent shooting in Atlanta that had left eight people dead, including six Asian women. She expressed deep concern about the increasing violence against the Asian American and Pacific Islander (AAPI) community, and noted that there had been a recent gathering at the Town's Peace and Justice Plaza to show support.

Council Member Buansi presented a resolution (R-1.1) that expressed the Council's support for the Hate Crimes Prevention Act. He hoped that recent events would spur the NC General Assembly to act on that bill, he said.

The Council voted unanimously to adopt Resolution-1.1. Mayor Hemminger thanked Senators Valerie Foushee and Verla Insko and Representative Tim Moore for sponsoring the legislation. She encouraged AAPI residents to reach out and said that anyone experiencing a hate crime could call the Town hotline or contact Council Members directly.

A motion was made by Council Member Buansi, seconded by Council Member Huynh, to adopt R-0.1. The motion carried by a unanimous vote.

0.02 Celebrating Successes: Chapel Hill Public Housing. [\[21-0250\]](#)

The Council watched a "Celebrating Successes" video about Chapel Hill's Public Housing Department's rehabilitation projects, which included new community signs, new roofs, and more. The video explained that the Department had distributed more than 10,000 masks and more than 15,000 boxes of food to more than 52,000 families during the COVID-19 pandemic. It discussed a reintroduction of the Residents Council, where representatives of Public Housing could meet and address community concerns.

0.03 Mayor Hemminger Regarding Carolina Economic Development Strategy. [\[21-0251\]](#)

Mayor Hemminger said that the University of North Carolina at Chapel Hill (UNC-CH) and the Town had recently announced a Carolina Economic Development Strategy called Downtown Together, which would increase UNC-CH's economic impact across the Triangle region. The initiative would include making Downtown an innovation district by recruiting

business and research entities with a UNC affinity, she said.

0.04 Mayor Hemminger Regarding Carolina Donor Services Groundbreaking. [\[21-0252\]](#)

Mayor Hemminger announced that Carolina Donor Services, the first company to be developed in the Town's Enterprise Zone, had recently broken ground on Millhouse Road. The company would provide life-saving organs and related services to more than 100 hospitals and four major transplant centers, she said.

0.05 Mayor Hemminger Regarding Upcoming Public Meetings. [\[21-0253\]](#)

Mayor Hemminger said that a public information session regarding a new Downtown office building would be held at 5:15 p.m. on March 25th at 150 East Franklin Street. Information regarding other events, such as a public information meeting on traffic modeling software, was posted on the Town website, 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.

0.06 Council Member Anderson Request Regarding Manufactured Home Parks. [\[21-0254\]](#)

Council Member Anderson petitioned the Council to begin developing a targeted strategy for mobile home parks. She said that all Council Members should have received a proposed resolution and that she was hoping to get the Town's partners involved in figuring out a collaborative way to serve residents.

Mayor Hemminger expressed appreciation for the effort and intent of the petition, which she said had spurred great conversations with community partners regarding the matter's urgency. She proposed that the Council receive and refer the petition and have the group working on the issue to bring back recommendations.

A motion was made by Council Member Ryan, seconded by Council Member

Huynh, that this Petition be received and referred to the Manager and Mayor. The motion carried by a unanimous vote.

0.07 Mayor Hemminger Request Regarding Self Storage. [\[21-0255\]](#)

Mayor Hemminger petitioned the Council to ask staff to bring forward options for changing the LUMO in a way that would restrict the number of self-storage facilities on the Town's main arterial roads.

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

0.08 Kalkidan Miller Regarding Hate Crimes Prevention Act. [\[21-0256\]](#)

Kalkidan Miller, a Guilford College student, thanked the Mayor and Council for supporting the Hate Crime Prevention Act resolution that Council Member Buansi had introduced in Agenda Item 0.01. She pointed out that there were about 32 hate groups in North Carolina, and said that she had been a victim of hate crimes.

0.09 Delores Bailey Regarding Mobile Home Park Petition. [\[21-0257\]](#)

Delores Bailey, executive director at EmPOWERment, Inc., thanked the Mayor and Council for accepting the Mobile Home Park petition (Agenda Item 0.06). She emphasized the importance of taking immediate action and said she wondered if there was enough time to get a petition going when there was so much urgency.

Mayor Hemminger assured Ms. Bailey that conversations had already begun and that she would be included in the group that was being put together.

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 Huynh, 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. [\[21-0220\]](#)

2. Call a Public Hearing to Consider Amendments to the Town Code that Establish Compliance with Chapter 160D of the North [\[21-0221\]](#)

Carolina General Statutes for April 21, 2021.

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

3. Call a Public Hearing for a Land Use Management Ordinance Text Amendment Regarding Short-Term Rental Regulations Related to Articles 3, 4, and 6 of Appendix A for May 19, 2021. [\[21-0222\]](#)

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

4. Authorize a Text Amendment Process to Revise Membership, Quorum, and/or Voting Rules for the Community Design Commission (CDC). [\[21-0223\]](#)

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

5. Extend the Reimagining Community Safety Task Force Members' Terms to June 30, 2021. [\[21-0224\]](#)

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

6. Extend the Criminal Justice Debt Program Advisory Committee Members' Terms to June 30, 2022. [\[21-0225\]](#)

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

7. Amend the 2020-21 Council Calendar. [\[21-0226\]](#)

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

INFORMATION

8. Receive Upcoming Public Hearing Items and Petition Status List. [\[21-0227\]](#)

This item was received as presented.

9. Receive 2020 University of North Carolina Annual Development Plan Report on Transportation. [\[21-0228\]](#)

This item was received as presented.

10. University of North Carolina at Chapel Hill Semi-Annual Campus Development Report. [\[21-0229\]](#)

This item was received as presented.

11. Blue Hill Semiannual Report #13. [\[21-0230\]](#)

This item was received as presented.

DISCUSSION

12. Update on Town Efforts to Respond to the COVID-19 Crisis. (no attachment) [\[21-0231\]](#)

Emergency Manager Kelly Drayton gave an update on NC Governor Cooper's new executive order regarding changes to COVID-19 restrictions. She said that the order allowed increased capacities at local establishments and increased gathering limits in general. Details could be found at townofchapelhill.org/coronavirus, she said.

Ms. Drayton pointed out that the Town had provided housing and shelter for 66 individuals experiencing homelessness during the pandemic. The Town had also assisted 495 low-income households through the Emergency Housing Assistance Program, responded to 863 calls to the Emergency Call Center, and distributed more than 15,000 boxes of food and more than 25,000 face masks, she said.

Ms. Drayton displayed an NC Department of Health and Human Services alert map, which showed key metrics trending in the right direction. More than 20 percent of Orange County residents had been fully vaccinated, she pointed out. She emphasized the importance of continuing to follow the 3Ws: wear a mask, wash hands frequently, wait a safe distance apart, however. She said that contact information regarding vaccines and providers could be found at orangecountync.gov/getyourshot.

The Mayor and Council gave Ms. Drayton and staff a round of applause for the impressive work that they had done throughout the pandemic. "We are so proud of you, and so grateful," Mayor Hemminger said.

Council Members asked when the Public Library would reopen, and Ms. Drayton replied that there was not yet any change in status. Council Member Anderson added that Library staff had been working on a phased reopening plan but had not yet set a date for that.

Mayor Hemminger commented on Orange County's low and stable rate of positive COVID-19 cases. She said that local leaders would comply with the Governor's orders but would reassess if there were any change in status.

This item was received as presented.

13. Consider an Application for Conditional Zoning for Columbia Street Annex, 1150 S. Columbia Street, from Residential-2 (R-2) to Mixed Use-Village-Conditional Zoning District (MU-V-CZD). [\[21-0232\]](#)

Mayor Hemminger said that public hearings on the Columbia Street Annex had ended but that staff would be presenting additional information. The

Council would determine how to proceed after asking clarifying questions, she said.

Senior Planner Jake Lowman explained several revisions to stipulations regarding stream restoration and preservation of the western portion of the property. He said that language had been added to address nutrient reduction and to clarify Homeowner Association (HOA) responsibilities regarding stream maintenance. Other stipulations addressed land disturbance associated with stream restoration and there was also a performance guarantee regarding funding for that, he said.

Mr. Lowman asked Council Members to consider adopting Resolution-A, and enacting Ordinance-A to approve the development. He recommended that they adopt the accompanying Resolution of Right-Of-Way Closure (Agenda Item 14) as well.

Traffic Engineering Manager Kumar Neppalli provided background information on area road improvement discussions since 2019, when NC-DOT completed a feasibility study of NC 15-501 from South Columbia Street to Eastowne/Lakeview Drive. A project that would make improvements along that entire section was on the waiting list for funding in 2030-2040, he said.

Mr. Neppalli discussed the South Columbia Street/Highway 15/501 intersection ramp in particular. He said that a traffic impact analysis several years back for an Obey Creek development had shown the intersection to be failing. Concept plans for a long-term improvement project had been incorporated and approved at that time, but no funding had yet become available, he said.

Mr. Neppalli showed a "Diamond with Loop" concept plan for 1150 South Columbia Street that was scheduled for funding in eight years. He did not think that project would impact the proposed Columbia Street Annex, he said, adding that he would continue working with NC-DOT on signal timing and other ways to relieve traffic in the area.

Council Members confirmed with Mr. Neppalli that there had been an ongoing problem with left turns and delays in the area prior to the Obey Creek approval. They verified that Obey Creek had not moved forward and that the area might develop in a less intense manner. The Council confirmed with Mr. Lowman that a stipulation regarding the HOA prohibiting Dedicated STRs could be added as part of the Council's action.

Dan Jewell, of Coulter Jewell Thames, said that the applicant, CH Hotel Associates, would include a statement about not allowing STRs in the HOA documents. The applicant would also commit to making a solar-ready roof and would be removing invasive plants from the entire

site, he said. He clarified that there would be 69 parking spaces, several of which would be dedicated to ride-share and zip cars.

Mr. Jewell said that the applicant would be willing to restrict residents to 22 or older, if the Council so wished. The applicant had also agreed to move the BRT station to the front of its site and would provide \$10,000 to the HOA for future stream maintenance, he said. Additionally, the applicant was agreeing to plant canopy trees along the front buffer, he pointed out.

Mr. Jewell proposed several bike and pedestrian improvements and said that the applicant would build a sidewalk along the entire frontage down to the NC 54 ramp. The applicant would also provide a payment in lieu for future crosswalks at two locations, he said.

Town Attorney Ann Anderson said that staff could add the changes that Mr. Jewell was proposing as long as the Council addressed their substance before the vote. She asked Council Members to clarify in any motion whether STR meant less than 30 or 60 days in duration.

Mayor pro tem Parker confirmed with Mr. Jewell that the applicant would be able to create more bicycle spaces in the future, if needed. Council Member Gu asked if a traffic safety analysis could be done after one year, and Mr. Jewell replied that he would need input from staff on what the magnitude of that might be. Council Members commended the applicant for creating an improved and accessible wildlife area and praised its design team for working with Town staff to address community concerns.

With respect to the proposed age restriction, Mr. Jewell said that the applicant had not had time to fully vet the mechanics and legality of that recent suggestion. Council Member Ryan pointed out that the Town's ultimate interest was in not creating a place where parents would buy units for their undergraduate children.

Attorney Anderson said that she was not sure that the Town had the authority to prevent someone under a certain age from living in the building but would check on the legality of that.

Mayor Hemminger and Mayor pro tem Parker proposed that the HOA consider stating that renters must be 22 or older, and Mr. Jewell agreed that doing so made sense.

The Council voted unanimously to adopt the Resolution of Consistency and enact Revised Ordinance A, as revised to request that the HOA limit rentals to age 22 and above.

A motion was made by Council Member Anderson, seconded by Mayor pro

tem Parker, that R-8 be adopted. The motion carried by a unanimous vote.

A motion was made by Council Member Anderson, seconded by Council Member Huynh, that O-1 be enacted as amended. The motion carried by a unanimous vote.

14. Consider Closing a Portion of an Unmaintained and Unimproved Monroe Street Public Right-of-Way. [\[21-0233\]](#)

The Council voted unanimously to close the Monroe Street Right-Of-Way.

A motion was made by Mayor pro tem Parker, seconded by Council Member Stegman, that R-10 be adopted. The motion carried by a unanimous vote.

15. Consider Request to Extend Jurisdiction for UNC Police Department. [\[21-0234\]](#)

This item was postponed.

16. Open the Public Hearing: Issuance of Two-Thirds Bonds to Fund Parks and Recreation, Public Safety, and Streets and Sidewalks Projects in the Capital Improvements Plan (CIP). [\[21-0235\]](#)

Director of Business Management Amy Oland gave a PowerPoint presentation on the Town's Two-Thirds Bond orders, which included: \$1.155 million for Parks and Recreation facilities; \$550,000 to replace fire engine #33; and \$1.5 million for street and sidewalk maintenance projects. She outlined the process for adopting bond orders and issuing the resolution.

Ms. Oland said that an issuance resolution for \$4.75 million of the Affordable Housing Referendum Bonds and the \$3.205 million in Two-Thirds Bonds would come before the Council April 7, 2021. Local Government Commission approval of the sale was scheduled for April 13th. The bond closings would be on April 12th and 13th, and the actual bond sale would be on April 27, 2021, she said. She said that staff would then return to the Council to appropriate the funds.

Ms. Oland pointed out that the Town was able to consider issuing Two-Thirds Bonds because of additional capacity in the Debt Fund due to a delay in the Municipal Services Center project. She recommended that the Council open the public hearing and authorize the issuance of Two-Thirds General Obligation Bonds in the maximum amount of \$3.205 million, receive public comment for 24 hours, and consider adopting the bond orders and issuance resolutions on April 7, 2021.

Diane Willis, a Chapel Hill resident, stressed the need for repair and

ongoing maintenance of Town recreational facilities and encouraged the Council to vote in favor of issuing the bonds.

Tyler Steelman, speaking on behalf of the Chapel Hill Parks, Greenways and Recreation Commission, said that issuing bonds for the projects listed would address problems across many Town facilities and amenities and would improve the quality of life for all.

Council Member Gu confirmed with Ms. Oland that staff intended to present options for a long-term maintenance plan at the next two Council Work Sessions.

A motion was made by Council Member Anderson, seconded by Council Member Huynh, to close the public hearing, and allow 24 hours for additional comments. The motion carried by a unanimous vote.

SPECIAL USE PERMIT

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

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

17. Open the Public Hearing: Limited Scope Special Permit Modification -- Signature Health Care of Chapel Hill, 1602 E. Franklin Street. [\[21-0236\]](#)

Planner Anya Grahn outlined a limited scope revision of the special-use permit (SUP) for 1602 East Franklin Street that would adjust the construction start date from October 25, 2019 to March 24, 2023. She showed plans that indicated the applicant's compliance with a condition of the original 2017 SUP approval regarding the location of trash receptacles.

Mayor Hemminger confirmed with Attorney Anderson that the Council could close the public hearing, allow 24 hours for additional comment, and consider taking action on April 21, 2021.

A motion was made by Council Member Anderson, seconded by Mayor pro tem Parker, to close the public hearing, and allow 24 hours for additional comments. The motion carried by a unanimous vote.

18. Open the Public Hearing: Land Use Management Ordinance Text Amendments - Proposed Changes To Section 3.6.2 Historic Districts Related To Review Criteria And Section 8.4 Historic District Commission. [\[21-0237\]](#)

Ms. Grahn opened a public hearing on a Land-Use Management Ordinance (LUMO) text amendment related to Historic District Commission (HDC) review criteria. She explained that recent updates to 160D of the NC General Statutes required the HDC to adopt Design Principles and Standards for determining congruity when reviewing Certificate of Appropriateness applications and to rely solely on those standards.

Ms. Grahn explained that 160D required the Town to replace the term "Design Guidelines" with "Design Standards" and that the HDC had adopted the updated Design Principles and Standards on March 18, 2021. She said that the HDC had asked that language in the LUMO be amended to reflect the NC Historic Preservation Office's model preservation ordinance and that staff had done so.

Ms. Grahn discussed edits that the Town Attorney had made to specific definitions, and she recommended that the Council open the public hearing, receive comments for 24 hours, and move to close the public hearing and enact the ordinance on April 21, 2021.

Council Members stressed the importance of educating new HDC members and others on how the new document should be used. In response to a comment by Council Member Ryan, Ms. Grahn agreed to add an item in the LUMO regarding how the HDC did not regulate paint colors. The Council confirmed with Ms. Grahn that related information was posted online. Mayor Hemminger said that transparency and clarity were the goals and she hoped the change would be a big step in that direction.

A motion was made by Council Member Anderson, seconded by Council Member Ryan, 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.

19. Concept Plan Review: The Flats, 607-617 MLK Jr. Blvd.; 121 Stinson St. (Project #21-006) [\[21-0238\]](#)

Assistant Planning Director Judy Johnson gave a PowerPoint presentation on a concept plan for The Flats, an approximate 200-unit, five-to-six story building on property currently zoned Residential-4 at the corner of Martin Luther King Jr. Boulevard (MLK) and Stinson Street. She explained that the proposal included a wrapped parking deck and she described various resident amenities.

Ms. Johnson said that the site had been identified in the Town's Future Land Use Map (FLUM) as part of a focus area that would primarily be multi-family residential and include an activated street frontage. She noted that bus rapid transit (BRT) stations were located both north and south of the site and that the Town's Comprehensive Plan proposed a multi-use path and upgrades to sidewalks and bike lanes along MLK.

Ms. Johnson said that the Community Design Commission had expressed concerns about the building's transition to nearby existing properties. She said that the Town's urban designer had reviewed the concept plan and provided feedback to the applicant.

Mayor Hemminger confirmed with Ms. Johnson the FLUM recommended typical uses, such as multi-family and commercial, for the area. Council Member Ryan pointed out that during FLUM discussions, the Planning Commission had emphasized the importance of putting an office component at the location.

George Retschle, of Ballentine & Associates, gave a PowerPoint presentation on existing conditions and surrounding zoning. He said that

the project complied with all descriptions in the FLUM and was the right use and layout for the site. He showed a massing diagram that had been created before the CDC's and urban designer's comments.

Architect Jeff Davis presented the building design, which included changes made in response to the CDC's and urban designer's comments. He said that the concept plan was a study of what might meet the developer's program for a student housing development at the site. He described a five-to-seven story building that would wrap a parking deck and include a courtyard. He said that a 32-foot change in grade on the site was the biggest design challenge.

Mr. Davis explained that the changes had been in response to feedback regarding connectivity, creating more of a neighborhood amenity, and activating the MLK frontage. He described a community terrace at the street and showed how buildings would step back from that.

Bruce Ballentine discussed the Town's affordable housing (AH) requirement and offered the idea of renovating public housing as a means of contributing to that.

Mayor Hemminger asked if the applicant would consider sponsoring additional units in a current AH project, and Mr. Ballentine replied that he liked the idea of working with Habitat for Humanity on its Weavers Grove project.

Council Members verified that the building's MLK facade would be 400 feet long and that the structure would be seven stories high in some places. They confirmed with Mr. Davis that the building would be four stories with an 8-to-10 foot step-back to six stories on the MLK side. It would be four stories with a 10-foot step-back to five stories on the neighborhood side, Mr. Davis said.

The Council determined that the proposed terrace would sit about six feet above the sidewalk. Council Members asked if the townhouses could be AH units, and Russ Greer, of Progressive Capital Group, replied that interconnecting families and students would be extremely difficult to program.

The Council questioned the size of the parking area, and Mr. Ballentine said that students would likely use it mainly to store their cars. Mr. Greer pointed out that parking was expensive to build and said that the applicant would not include it if they did not need it to satisfy student demand. Mr. Davis added that 80 percent of the students renting the apartments would have cars.

Mayor Hemminger pointed out that the Town was in the process of

building a large, new parking garage nearby. In addition, UNC had parking for its students in the Horace Williams Airport area, she said.

Council Member Anderson asked staff what guidance was being given to applicants regarding the FLUM, and Ms. Johnson replied that staff typically explained the Council's long-term vision for four stories at the street and then up to eight stories, with a mix of uses.

Martin Johnson, a Chapel Hill resident, suggested that the Council encourage the applicant to separate parking fees from rental rates and see how having to pay \$100 a month for parking affected demand.

All Council Members expressed negative reactions to the concept plan, which they did not feel would meet the Town's environmental, economic, or transit-oriented goals. The proposed building was too large for the site and would infringe upon a historically African American neighborhood that the Town had made efforts to protect, they said.

The Council objected to inadequate transitions to surrounding areas and a parking deck that would feed onto very narrow neighborhood roads. They said that at least the bottom floor should be activated if the building were to be considered an extension of Downtown. Mayor pro tem Parker said that the FLUM clearly indicated four stories at the street, not what would essentially be six.

The Council stressed their desire to incentivize transit use, not cars, and said that the proposed number of parking spaces would aggravate walkability and safety problems. They pointed out that they had been making a strong effort to avoid wrapped parking decks. They said that using land on the BRT line, right near Downtown, to build 400 parking spaces for students at a place so close to campus made no sense. Several Council Members stressed the importance of revisiting a Town/University study and determining how much student housing the Town wanted and where it wanted it.

Mayor Hemminger confirmed with Council Members that they wanted more AH units, not more payments in lieu. Several spoke in favor of an AH partnerships between applicants and organizations, such as Habitat for Humanity, EmPOWERment Inc., or CASA. Several said they were open to the applicant making Public Housing contributions, but Council Member Anderson pointed out that other resources were available for that and Mayor Hemminger said it seemed like just a different form of payment in lieu.

Mayor Hemminger said that the goal of connectivity was to help the neighborhood, not to take advantage of it. Any kind of access that had cars and people coming and going with that level of density into the

Northside Neighborhood would not be of interest at all, she said. She said that the FLUM was specific about scale and height and transitions to neighborhoods.

Mr. Ballentine replied that the Council's feedback was clear. However, the FLUM did not show a transition zone on that side of MLK, he said. He said that it was not possible to lower the building on all four sides and still have a project that worked, unless someone were to purchase all or half of the block. No project would be feasible at that location if it needed to be whittled down to match the scale of the buildings around it, he said.

Mayor Hemminger asked staff to check the FLUM and to determine whether not having a transition zone on that side of MLK had been done on purpose.

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

APPOINTMENTS

20. Appointment to the Community Policing Advisory Committee. [\[21-0239\]](#)

Mayor Hemminger pointed out that all Town boards had openings and she encouraged people to apply.

The Council appointed Nikkima Santos to the Community Policing Advisory Committee.

ADJOURNMENT

The meeting was adjourned at 10:34 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, March 31, 2021 **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_Cj9KiNcgQbqWCJPQ3j76lg After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 817 4467 3529

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

Roll Call

- Present:** 6 - Mayor Pam Hemminger, Mayor pro tem Michael Parker, Council Member Jessica Anderson, Council Member Hongbin Gu, Council Member Karen Stegman, and Council Member Amy Ryan
- Absent:** 2 - Council Member Allen Buansi, and Council Member Tai Huynh

Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Florentine Miller, Town Attorney Ann Anderson, Assistant Planning Director Judy Johnson, Business Management Director Amy Oland, Assistant Business Management Director Matt Brinkley, 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

Mayor Hemminger opened the virtual work session at 6:30 p.m. She said that

Town Council

Meeting Minutes - Draft

March 31, 2021

the Council would take public comments at the meeting, if time allowed. She pointed out that members of the public were always welcome to call or email Council members and to participate in regular Council meetings. She said that several upcoming public information sessions were listed on the Town's website.

The Council congratulated the East Chapel High Women's Lacrosse Team on recently winning the state championship. They noted that the Men's Lacrosse Team had made it to the championships as well.

Mayor Hemminger said that Council Members Buansi and Huynh would be absent for personal reasons.

AGENDA ITEMS

1. Greene Tract Update.

[\[21-0272\]](#)

Mayor Hemminger explained that the three Greene Tract (GT) owners (Orange County, Chapel Hill and Carrboro) were bringing forth a memo of understanding (MOU) and asking for feedback from each of their boards. That MOU included information based on a recent environmental assessment (EA) that identified the GT's most environmentally sensitive areas, she said.

Mayor Hemminger pointed out that the three jurisdictions wished to be owners, not developers, of the GT parcels. She said that the GT was in the Town's extraterritorial jurisdiction and would go through Chapel Hill's regulatory process even though the Town was one of the three landowners. She reminded Council Members that the Chapel Hill-Carrboro City Schools System had been promised space for a school on the GT site.

Mayor Hemminger said that there would be community-wide discussions regarding the EA and the road network. Staffs from all three jurisdictions had been trying to determine the best way to do that during COVID-19, she said. She pointed out that the three jurisdictions would need to work together on a section where they had joint jurisdiction.

Assistant Planning Director Judy Johnson explained that the approximate 164-acre property was comprised of two tracts: a northern 60-acre headwaters reserve that Orange County owned exclusively and the remaining 104 acres, which were jointly owned by all three jurisdictions. She displayed a map and showed where the joint portion of the GT was mostly in Chapel Hill's jurisdiction with the exception of one portion in Carrboro.

Ms. Johnson reviewed the site's history since 1984, when the three jurisdictions had purchased it for a future landfill. They had adopted a resolution in 2002 to put affordable housing and open space there and a 2012 neighborhood-generated plan that was guided by the Historic Rogers Road Task Force's "Mapping Our Community's Future" plan.

Ms. Johnson said that all three jurisdictions had then adopted resolutions in 2019 agreeing to using 22 acres for a joint preserve, 16 acres for a school site/recreation facility, and 66 acres for housing and other mixed uses. They had adopted a path forward, hired a consultant, and launched the EA in 2020, she said.

Ms. Johnson pointed out that COVID-19 had halted many aspects of the project. However, work on the EA had continued, she said. She described environmental features of the property, which included about 40 acres of regulated wetland stream buffers. She said that about half of the site would be preserved in some way. She said that the three jurisdictions had agreed that the 164 acres should be assessed and that lot lines could be moved to preserve the most sensitive 60 acres.

Ms. Johnson said that staff had been working on a community engagement process. That could include a webinar but public engagement ultimately needed to be done in person, she said. She explained that planners were continuing to determine an internal and external road network that would not intrude into wetlands, and she described the rationale behind two different possibilities.

Town Attorney Ann Anderson characterized the MOU as a fairly straightforward Interlocal agreement in which the parties agreed to begin a final discussion about ultimate uses for the 104 jointly-owned acres. The ultimate goal was to reach a final decision about uses within 18 months, she said. She pointed out that the Council would be voting the following week on whether to sign the MOU approving the current phase of the Interlocal agreement.

Council Members stressed the importance of setting realistic goals and conveying those to the community. They asked that information on soil limitations be provided early in the process. They emphasized that plans for the road network should take school traffic into account. They stressed the importance of providing realistic options rather than asking the community open ended questions about what it might want.

Council Member Anderson confirmed with Mayor Hemminger that the Mayors, Managers & Chair group had not yet discussed housing types. She stressed that having 70-90 percent market rate housing would not be in line with the "Mapping Our Community" document.

Several Council Members said they hoped the plans would include space for the Town's manufactured and mobile home residents. They recommended that it include recreation space beyond what would come with the school. They recommended that transit be part of the Town's affordability goals by connecting people and providing them with transportation to work.

The Council recommended having a detailed work plan that clearly laid out tasks, responsibilities, time-frames, and deadlines. They stressed the importance of having transparency at every stage of the process, such as advertising topics ahead of time, so the public would be able to provide input and the Council would be prepared. The Council noted the importance of having a good estimate of cost so that all three jurisdictions could budget ahead for it.

Mayor Hemminger said that she would bring the Council's interests back to the Mayors, Managers & Chair group. She pointed out that such a huge project would need to be done in phases, and she agreed that funds should be dedicated ahead of time. She reminded Council Members that the Town was still paying \$20,000 per year for the 20-year Rogers Road Sewer Project.

Mayor Hemminger emphasized the importance of community engagement. Although webinars could help, she wanted to also be able to have in-person meetings at the Rogers Road Community Center, she said.

Council Member Anderson left the meeting at 7:23 p.m.

This item was received as presented.

2. FY 2021 Budget Update and Preliminary FY 2022 Budget Discussion.

[\[21-0273\]](#)

Director of Business Management Amy Oland gave a financial update on the third quarter of FY 2021 and a preliminary discussion of the FY 2022 budget. She said that property tax collections through the end of March 2021 had been strong and were in line with the previous three years. She described fluctuations in sales taxes, which ended with \$1 million more than had been budgeted. The Town's growth rate for the first six months was also very strong, currently at 7.79 percent, she said.

Ms. Oland reported that occupancy taxes (hotels, motels, Airbnb) had been down by \$569,000 (65.5 percent) for the first eight months of 2020. Department fees had been down as well, she said, explaining that a \$1.5 million decrease had been due to reductions in commercial garbage collection, police, and parks and recreation.

Ms. Oland said that the Town could use Fund Balance or decrease its expenditures to make up for the reduced revenues. However, with \$1 million in sales tax revenue, steady property tax collection, a hiring freeze that had saved \$1.5 million, and \$1.2 million in operating cuts, the Town had spent only 67.5 percent of its budget, versus a typical 72 percent, she said.

Ms. Oland said that it was possible to break even, but that the Town was

facing erratic revenue patterns related to sales taxes, deferred maintenance, operating costs trending higher each year, and the continuing financial impacts of COVID-19. She pointed out that addressing deferred needs and implementing recovery efforts would require additional funding.

Town Manager Maurice Jones presented preliminary information on the FY 2021-22 budget and how it would relate to Council priorities. He listed what he understood to be the Council's investment priorities: a climate action plan, affordable housing, human services, diversity/equity/inclusion, infrastructure/maintenance, parks and recreation facilities, and investing in Town employees. He noted that the Council was also interested in being able to respond to ideas that the Re-imagining Community Safety Taskforce would generate.

Mr. Jones pointed out that the Council had discussed establishing a Priorities Reserve Fund to address issues that might come up that had not been considered during the budget process. He asked for more guidance from Council Members regarding their goals for the FY 2021-22 Budget, which he planned to formally present on May 5, 2021.

Council Member Stegman mentioned a series of recent "terrible, if not deadly," traffic interactions, and Mr. Jones replied that those interactions had primarily occurred at crosswalks. Staff had been discussing adding another crosswalk on Martin Luther King Jr. Boulevard, educating the public, and possibly increasing enforcement, he said.

Council Member Stegman asked about making the COVID-related outdoor dining on Franklin Street permanent, and Mr. Jones said that staff intended to keep that in place for a while. He planned to discuss improving the appearance with the Council and the NC Department of Transportation, he said.

Mayor Hemminger pointed out that some American Rescue Plan funds would be used to help Downtown businesses, which could include making outdoor dining permanent and more attractive. That entire plan should be on the Council's priorities list as well, she said.

Mr. Jones said that property revaluation would be a big driver of FY 2021-2022 budget discussions, since values had increased. He explained that a "revenue neutral" tax rate would generate the same amount of revenue that the Town had received the prior year, if the Town lowered the tax rate. The Town was not required to adopt a revenue neutral rate and doing so would make it difficult to take on any of the new initiatives, he said.

Mr. Jones reviewed the Town's property tax history over 10 years and

pointed out that the current tax rate was lower than it had been 12 years ago and remained in the middle of the Town's peer group. Chapel Hill's conservative approach had allowed the Town to absorb many changes to investments without significantly raising the tax rate, he said. However, the point had come where some deferred needs must be addressed, he pointed out.

Mr. Jones said that he anticipated receiving approximately \$10.4 million from the American Rescue Plan, half of which should be available within 30 days with the remainder released in a year. Those funds were intended to address the negative economic impacts of COVID-19, he said, and he mentioned possible uses. He reviewed the upcoming budget process schedule, from April 14 to June 9, 2021, and pointed out that the information was available at www.townofchapelhill.org/budget.

Mayor pro tem Parker confirmed with Mr. Jones that anticipated federal funding for Chapel Hill Transit would be separate from American Rescue funds. Mayor Hemminger verified that the Town would have until December 2024 to spend the \$10.4 million in American Rescue Plan funding.

Council Members discussed the need to prioritize the items on their priorities list. They verified with Mr. Jones that there had been internal discussions about putting some affordable housing funds toward a mobile home park strategy. They commented on the need to help Town businesses regardless of where they were located. A Council member wondered if some funds could be applied to greenways, which had played such an import role during COVID-19.

The Council discussed a probable surge of un-sheltered people during the warmer months and the need for funds to address that during the ongoing pandemic. They pointed out that there still was food insecurity as well. They said that the cultural arts community was another group that had been hit hard by COVID-19.

Mayor Hemminger said that the Council would be seeking public input on how American Rescue funds should be used.

Mr. Jones asked where Council Members stood regarding the revenue neutral tax rate. He pointed out that their decision on that would have a significant impact on the Town budget.

The Mayor and Council discussed how the revaluation would affect businesses as well as homeowners. They said that they needed more details from Orange County regarding potential impacts.

Mr. Jones replied that he would get more information from Orange County

and then map out some scenarios for the Council to consider at its April 14, 2021 meeting. He said they anticipate having the County tax assessor at that meeting as well.

Mayor Hemminger confirmed with Ms. Oland that one cent on the assessed valuation would generate \$940,000 in revenue. She and Mayor pro tem Parker discussed the meaning of a "revenue neutral" tax rate. They agreed that Mr. Jones was asking Council Members if they wanted to consider decreasing the tax rate (to revenue neutral), or leaving it as it was, which would increase people's property taxes due to the revaluation.

Mr. Jones pointed out that any additional revenue would be used to invest in things that the Council and community had said they wanted. The Council should not expect that many of the investments it had been discussing would happen with a revenue neutral tax rate, he said.

Mayor Hemminger thanked staff for holding the line on expenses and reaching the end of FY 2020 without having to fill a huge hole. Council Member Gu confirmed with Mr. Jones that raising employee salaries would depend on revenues as well.

This item was received as presented.

ADJOURNMENT

The meeting was adjourned at 8:45 p.m.



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 12., **File #:** [21-0822], **Version:** 1

Meeting Date: 10/27/2021

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 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
- Open the Legislative Hearing: Land Use Management Ordinance Text Amendment - Section 3.6.2(E) Related to Historic District Commission Review Criteria
- Open the Legislative Hearing, Application for Conditional Zoning, 150 East Rosemary Street
- Concept Plan Review: 710 North Estes Drive.

November 10

- Close the Legislative Hearing and Consider the Rosemary/Columbia Street Hotel, 110 West Rosemary Street Conditional Zoning Application (PROJECT 20-076)
- Close the Legislative Hearing and Consider the Conditional Zoning: 101-111 Erwin Road (Project #20-082)
- Public Forum 2022-2023 CDBG Annual Program Plan Needs Assessment
- CONCEPT PLAN REVIEW: STANAT'S PLACE, 2516 HOMESTEAD ROAD (Planning Project #21-059)

November 17

- CONCEPT PLAN REVIEW: TRINITY COURT (Planning Project #21-071)

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
10/13/2021	Joe Patterson	Request Regarding Cobb Terrace and North Street Construction Traffic	Town Manager Ross Tompkins , Assistant to the Town Manager Phone: 919-968-2707 Council Committee on Boards and Commissions	Staff is preparing information to respond to this request.
10/13/2021	Tara Kachgal	Request Regarding 110 Jay Street.	Housing & Community Sarah Vinas , Interim Director Phone: 919-969-5079	Staff is preparing information to respond to this request.
10/13/2021	Savannah Bowers	Request Regarding Operational Transparency for Town Government	Town Manager Ross Tompkins , Assistant to the Town Manager Phone: 919-968-2707 Council Committee on Boards and Commissions	Staff is preparing information to respond to this request.
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	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	Council Members	Regarding Long Range Planning for Future Growth	Planning & Development Services	Staff is preparing information to respond to this request.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
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.
09/22/2021	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 discuss this at their 10/20/2021 work session. Staff will continue to evaluate locations, specifications, and costs for further Council consideration.
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.
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.
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.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
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.
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	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	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	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.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
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.
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.
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	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	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.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
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.
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	The attorney who submitted this petition is no longer representing the plot owner.
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	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.
03/24/2021	Mayor Hemminger	Request Regarding Self Storage	Planning & Development Services	Staff is preparing information 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.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
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.
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	The Town's partnership with UNC on the Downtown Together initiative will help inform the future of downtown development and the role that design standards may have in achieving Downtown Together objectives.
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.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
02/19/2020	Steve Moore	Request Regarding Cemetery Needs.	<p>Parks & Recreation Phillip Fleischmann, Parks and Recreation Director Phone: 919-968-2785</p> <p>Communications & Public Affairs Sabrina Oliver, Communications & Public Affairs Director Phone: 919-968-2757</p>	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.	<p>Town Manager Ross Tompkins, Assistant to the Town Manager Phone: 919-968-2707</p>	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.
11/20/2019	John Morris	Request Regarding Local & Regional Transit Planning.	<p>Transit Brian Litchfield, Transit Director Phone: 919-969-4908</p>	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.	<p>Technology Solutions Scott Clark, CIO Phone: 919-968-2735</p> <p>Communications & Public Affairs Sabrina Oliver, Communications & Public Affairs Director Phone: 919-968-2757</p>	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.	<p>Police Chris Blue, Police Chief Phone: 919-968-2766</p> <p>Planning & Development Services</p>	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.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
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.
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.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
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.
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 10/22/2021 3:15:08 AM



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 13., File #: [21-0823], Version: 1

Meeting Date: 10/27/2021

Close the Legislative Hearing and Consider a Land Use Management Ordinance Text Amendment - Sections 4.4 Zoning Amendments, 4.5 Special Use Permits, 4.7 Site Plan Reviews, and 4.8 Master Land Use Plans Related to Time Extension Periods Granted by the Town Manager.

See Staff Report on next page.

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

PRESENTER: Judy Johnson, Assistant Planning Director

- 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 close 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

RECOMMENDATION: That the Council consider extending the time extension periods granted by the Town Manager.



CLOSE THE LEGISLATIVE HEARING AND CONSIDER A LAND USE MANAGEMENT ORDINANCE TEXT AMENDMENT – SECTIONS 4.4 ZONING AMENDMENTS, 4.5 SPECIAL USE PERMITS, 4.7 SITE PLAN REVIEW, AND 4.8 MASTER LAND USE PLAN RELATED TO TIME EXTENSION PERIODS GRANTED BY THE TOWN MANAGER

STAFF REPORT

TOWN OF CHAPEL HILL PLANNING DEPARTMENT
Colleen Willger, Director
Judy Johnson, Assistant Director
Becky McDonnell, Senior Planner

<p>AMENDMENT REQUEST</p> <p>The purpose of this request is to remove the limitation of the number of time extensions that the Town Manager may grant. This amendment would apply to Conditional Zonings, Special Use Permits, Site Plans, and Master Land Use Plan project approvals. As development projects often take considerable time to secure financing and to prepare final construction plans, allowing the Town Manager to provide additional time extensions may reduce the number of items for Council review.</p>	<p>DATE</p> <p>October 27, 2021</p>
<p>TOWN MANAGER'S RECOMMENDATION</p> <p>That the Council close the legislative hearing and enact the Ordinance to extend the Town Manager's time extensions.</p>	
<p>UPDATES SINCE THE PUBLIC HEARING</p> <p>Staff has provided some clarifying language to the amendment. Staff also added language to include one application currently pending before the Town at the time of enactment.</p>	
<p>PROCESS</p> <p>The item before the Council is for approval of a Land Use Management Ordinance Text Amendment. The Council must consider whether one or more of the three findings for enactment of the Land Use Management Ordinance Text Amendment applies:</p> <ol style="list-style-type: none"> 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. 	<div> <div>1</div> <div>Call the Legislative Hearing</div> </div> <div> <div>2</div> <div>Planning Commission Review</div> </div> <div> <div>3</div> <div>Legislative Hearing</div> </div> <div> <div>4</div> <div>Consider Action on Text Amendment</div> </div>
<p>BACKGROUND</p> <p>Current language allows the Town Manager to grant a single twelve-month extension to construction starting time and construction completion time.</p> <ul style="list-style-type: none"> • Development projects often take considerable time to secure final approvals, funding, and construction contracts prior to beginning work. • Large development projects often take significant time to complete. • Expanding the Town Manager's authority to beyond a twelve-month period of time may reduce the number of items for Council review. • If the Town Manager determines there are paramount considerations of public health, general welfare, and public safety, then the project shall require Town Council re-approval. 	
<p>ATTACHMENTS</p>	<ol style="list-style-type: none"> 1. Technical Report 2. Draft Staff Presentation 3. Resolution of Consistency (For proposed Land Use Management Ordinance amendment) 4. Ordinance A (Enactment of Land Use Management Ordinance Text Amendment Proposal) 5. Resolution B (Deny Land Use Management Ordinance Text Amendment Proposal) 6. Planning Commission Recommendation



TECHNICAL REPORT:

TIME EXTENSION PERIODS GRANTED BY TOWN MANAGER

The following is a summary of the proposed LUMO text amendment that would allow the Town Manager to grant subsequent twelve month extension periods for Conditional Zonings, Special Use Permits, Site Plan Reviews, and Master Land Use Plans:

1. Amend Section 4.4.5 (f) Procedures – All Other Conditional Zoning District Rezoning

- (1) Starting time limit. If a final plans zoning compliance permit application is not filed with the town manager within twenty-four (24) months of the date of approval, or within such further time stipulated in the approval, the approval shall expire and the conditional zoning district shall be void and the property shall revert to its previous zoning classification. The town manager may grant ~~a single an~~ extension of the starting time limit for up to twelve (12) months. At any time within the initial period of extension, the town manager may grant one additional extension of the starting time limit for up to twelve (12) months. With respect to either request for extension, for paramount considerations of health, the general welfare, or public safety, the town manager may instead require council re-approval in accordance with the procedures set forth in subsections 4.4.1 and 4.4.5. All further requests for extension of time shall be reviewed in accordance with the procedures set forth in subsections 4.4.1 and 4.4.5. ~~unless he/she determines that paramount considerations of health, the general welfare, or public safety require town council re-approval. In such instances or in the instance the town manager has already granted a single extension of the time limit, the town manager shall require the application to be reviewed in accordance with the procedures set forth in subsections 4.4.1 and 4.4.5.~~
- (2) Completion time limit, if applicable. If all construction and actions authorized or required by the approval of the conditional zoning district and accompanying district-specific plans are not completed by the completion date stated in the approval or modification, the zoning compliance permit holder may request an extension of the completion time limit from the town manager. The town manager may grant ~~a single an~~ extension of the time limit for up to twelve (12) months if the town manager ~~he/she~~ determines that:
 - A. The zoning compliance permit holder submitted the request within sixty (60) days after ~~of~~ the ~~specified~~ completion date specified in the approval or modification;
 - B. The zoning compliance permit holder has proceeded with due diligence and good faith; and
 - C. Conditions have not changed so substantially as to warrant town council reconsideration of the approved development.

Under the standards required by (f)(2)(A) through (f)(2)(C), above, the town manager may approve one additional extension of the completion time limit for up to twelve (12) months. If all construction and actions authorized or required are still not completed by the final extended completion date granted by the town manager, the permit holder may, within sixty (60) days after the revised completion date, request additional extensions of the completion time limit from the town council. The town council may grant extensions of the time limit if it makes the determinations required by (f)(2)(A) through (f)(2)(C), above.

2. Amend Section 4.5.5 (b) and (c) Expiration and Revocation of Special Use Permit Approvals

(b) Starting time limit. If the use, construction, or activity authorized by town council approval of an application for a special use permit or modification of special use permit is not started within twenty-four (24) months of the date of approval or within such further time stipulated in the approval, the approval shall expire and any town permit issued pursuant to the approval shall be void. The town manager shall determine whether the use, construction, or activity has started. The town manager may grant ~~a single~~ an extension of the starting time limit for up to twelve (12) months~~7~~. At any time within the initial period of extension, the town manager may approve one additional extension of the starting time limit for up to twelve (12) months. With respect to either request for extension, for paramount considerations of health, the general welfare, or public safety, the town manager may instead unless he/she determines that paramount considerations of health, the general welfare, or public safety require town council re-approval. In such instances the town manager shall require the application to be reviewed in accordance with the procedures set forth in subsection 4.5.3. All further requests for extension of time shall be reviewed in accordance with the procedures set forth in subsection 4.5.3.

(c) Completion time limit. (1) If all construction and actions authorized or required by a special use permit or modification of special use permit are not completed by the completion date stipulated in the permit or modification, the permit holder may request an extension of the completion time limit from the town manager. The town manager may grant ~~a single~~ an extension of the time limit for up to twelve (12) months if he/she determines that:

- A. The permit holder submitted the request within sixty (60) days after the completion date;
- B. The permit holder has proceeded with due diligence and good faith; and
- C. Conditions have not changed so substantially as to warrant town council reconsideration of the approved development.

(2) Under the standards required by (c)(1)(A) through (c)(1)(C), above, the town manager may approve one additional extension of the completion time limit for up to twelve (12) months. If all of the construction and actions authorized or required by a special use permit or modification of special use permit are still not completed by the extended completion date granted by the town manager, the permit holder may, within sixty (60) after days of the revised completion date, request additional extensions of the completion time limit from the town council. The town council may grant extensions of the time limit if it makes the determinations required by (c)(1)(A) through (c)(1)(C), above.

3. Amend Section 4.7.6 (a) Expiration of Site Plan Review Approval

(a) Starting time limit.

If the use, construction, or activity authorized by approval of an application for a zoning compliance permit or modification of zoning compliance permit is not started within twelve (12) months of the date of approval, or within such further time stipulated in the approval, the approval shall expire and any town permit issued pursuant to the approval shall be void. The town manager may grant ~~a single~~ an extension of the starting time limit for up to twelve (12) months~~7~~. At any time within the initial period of extension, the town manager may approve one additional extension of the starting time limit for up to twelve (12) months. With respect to either request for extension, for paramount considerations of

~~health, the general welfare, or public safety, the town manager may instead unless he/she determines that paramount considerations of health, the general welfare, or public safety require planning commission re-approval. The town manager shall determine whether the use, construction, or activity has started.~~

4. Amend Section 4.8.2 (j). Expiration of master land use plan approval

(j) *Expiration of master land use plan approval.*

If an application for development of at least one phase has not been accepted by the town manager within two (2) years of the date of approval of the master land use plan, the approval shall automatically expire. After that time the applicant may resubmit the original application. The town manager may re-approve that application unless he/she determines that paramount considerations of health, the general welfare, or public safety require the application to be reviewed in accordance with the procedures set forth in subsections (a) through (h), above. The town manager may re-approve the application ~~only once~~, for a period of twelve (12) months. If requested within the initial re-approval period, the town manager may re-approve the application for one additional period of up to twelve (12) months.

- 5.** This ordinance shall be effective upon enactment and shall apply to applications and requests made after enactment and to requests for extension pending at the time of enactment.

TOWN COUNCIL

2021.10.27

Land Use Management Ordinance Text Amendment

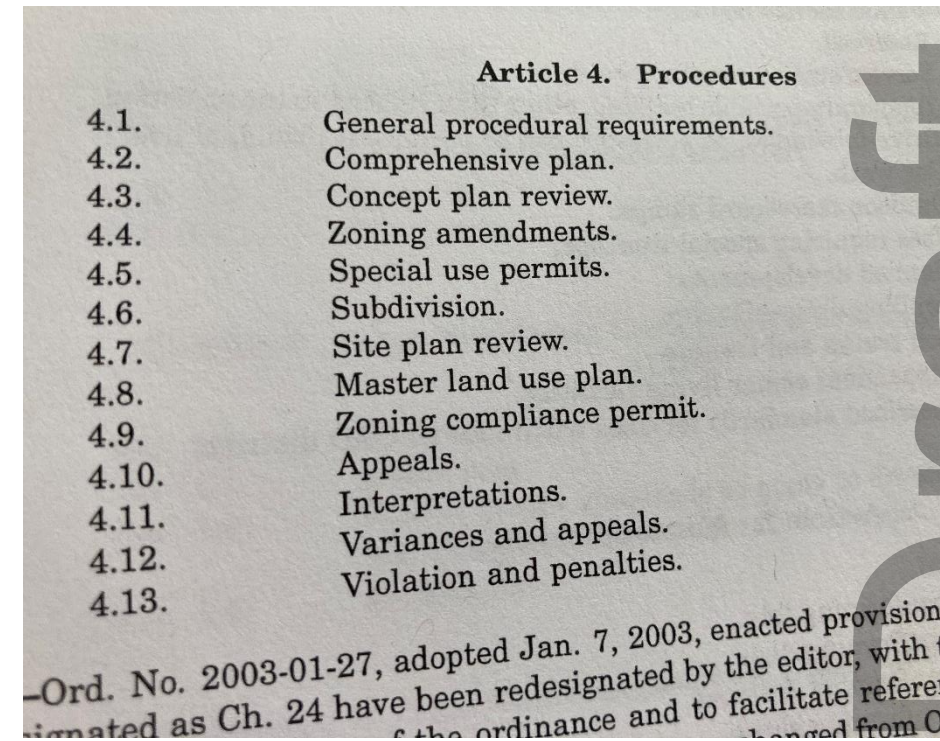
Sections 4.4, 4.5. 4.6. and 4.8

Draft



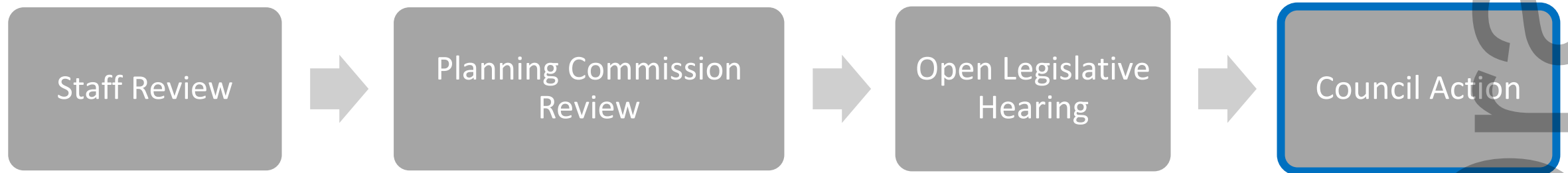
RECOMMENDATION

- ☐ Close the Legislative Hearing
- ☐ Receive comments
- ☐ Adopt Resolution X
- ☐ Enact Ordinance X





PROCESS





PROPOSED AMENDMENT

- Conditional Zoning Section 4.4.5(f)(1) and (2)
- Special Use Permit Section 4.5.5 (b) and (c)
- Site Plan Review Section 4.7.6 (a)
- Master Land Use Plan Section 4.8.3(j)

Current language - Town Manager may grant a single extension...

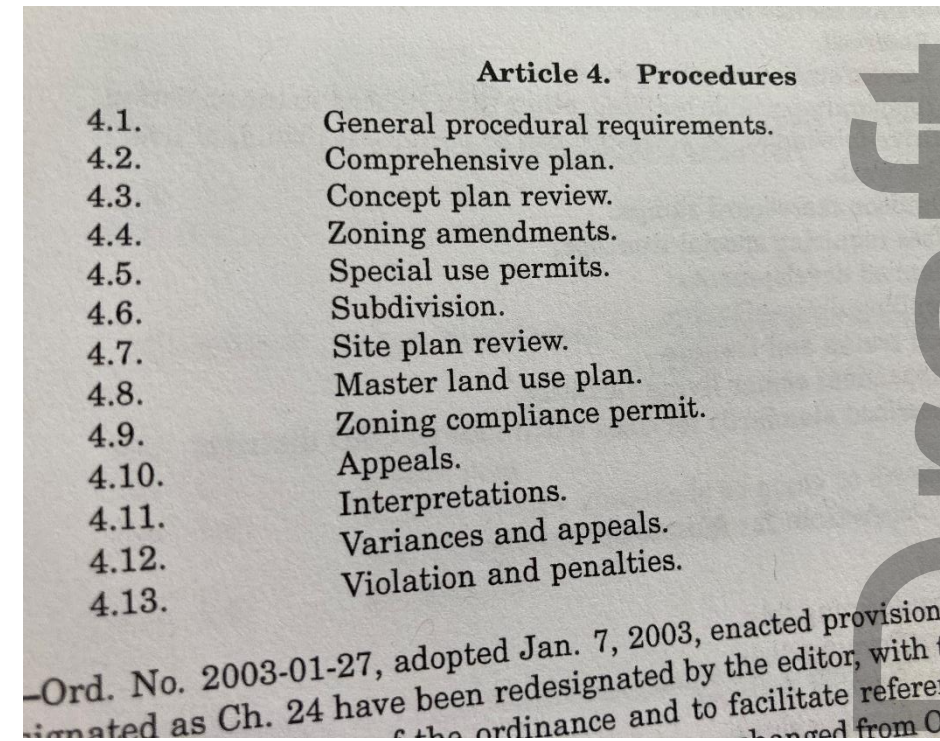
Proposed language – Town Manager may grant one additional extension...

Draft



RECOMMENDATION

- ☐ Close the Legislative Hearing
- ☐ Receive comments
- ☐ Adopt Resolution X
- ☐ Enact Ordinance X



RESOLUTION A
RESOLUTION OF CONSISTENCY
(Enacting the Land Use Management Ordinance Text Amendment proposal)

A RESOLUTION REGARDING AMENDING 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 AND CONSISTENCY WITH THE CHAPEL HILL 2020 COMPREHENSIVE PLAN (2021-10-27/R-11)

WHEREAS, the Planning Commission reviewed the text amendments to the Land Use Management Ordinance Sections 4.4, 4.5, 4.7 and 4.8 on September 7, 2021, and recommended that the Council enact the text amendments; and

WHEREAS, the Council called a Legislative Hearing to amend Sections 4.4, 4.5, 4.7 and 4.8 of the Land Use Management Ordinance as it relates to Town Manager granting of time extensions for the Council's September 22, 2021 meeting; and

WHEREAS, the Council of the Town of Chapel Hill has considered the proposed text amendment to the Land Use Management Ordinance (LUMO) Sections 4.4, 4.5, 4.7 and 4.8, related to the Town Manager time extension, 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 Chapel Hill 2020 Comprehensive Plan:

- Adopt an integrated development review process that is fair and transparent and that incorporates the Chapel Hill 2020 environmental goals (Nurture our Community.5)
- 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 (Develop Good Places New Spaces.5)
- 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 RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds the proposed text amendment to be consistent with the Town Comprehensive Plan.

This the 27th day of October, 2021.

ORDINANCE A

(Enacting the Land Use Management Ordinance Text Amendment proposal)

AN ORDINANCE AMENDING SECTIONS 4.4 ZONING AMENDMENTS, 4.5 SPECIAL USE PERMITS, 4.7 SITE PLAN REVIEW, AND 4.8 MASTER LAND USE PLAN RELATED TO TIME EXTENSION PERIODS GRANTED BY THE TOWN MANAGER (2021-10-27/O-7)

WHEREAS, the Town Manager currently has the authority to extend time periods for up to twelve (12) months for zonings, Special Use Permits, Site Plan Reviews, and Master Land Use Plan approvals; and

WHEREAS, development projects often take considerable time to secure financing and to prepare final construction plans; and

WHEREAS, removing the limitation of the number of time extensions that the Town Manager may grant may reduce the number of items for Council review; and

WHEREAS, the Planning Commission reviewed the text amendments to the Land Use Management Ordinance Sections 4.4, 4.5, 4.7 and 4.8 on September 7, 2021 and recommended that the Council enact the text amendments with modification; and

WHEREAS, the Council called a Legislative Hearing to amend Sections 4.4, 4.5, 4.7 and 4.8 of the Land Use Management Ordinance as it relates to Town Manager granting of time extensions for the Council's September 22, 2021 meeting; and

WHEREAS, the Council of the Town of Chapel Hill has considered the proposed text amendment to the Land Use Management Ordinance (LUMO) Sections 4.4, 4.5, 4.7 and 4.8, related to the Town Manager time extension, 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 Chapel Hill 2020 Comprehensive Plan:

- Adopt an integrated development review process that is fair and transparent and that incorporates the Chapel Hill 2020 environmental goals (Nurture our Community.5)
- 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 (Develop Good Places New Spaces.5)
- 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 the Town Code of Ordinances, Appendix A. Land Use Management Ordinance, Article 4. Procedures be amended as follows:

Section 1. Section 4.4.5 Procedures – All Other Conditional Zoning District Rezoning, subsection (f) Expiration of conditional zoning district rezoning approval is hereby revised to read as follows:

"(1) Starting time limit. If a final plans zoning compliance permit application is not filed with the town manager within twenty-four (24) months of the date of approval, or within such further time stipulated in the approval, the approval shall expire and the conditional zoning district shall be void and the property shall revert to its previous zoning classification. At any time within the twenty-four months from the date of approval, the town manager may grant ~~a single~~ an extension of the starting time limit for up to twelve (12) months. At any time within the initial period of extension, the town manager may grant one additional extension of the starting time limit for up to twelve (12) months. With respect to either request for extension, for paramount considerations of health, the general welfare, or public safety, the town manager may instead require council re-approval in accordance with the procedures set forth in subsections 4.4.1 and 4.4.5. All further requests for extension of time shall be reviewed in accordance with the procedures set forth in subsections 4.4.1 and 4.4.5.

(2) Completion time limit, if applicable. If all construction and actions authorized or required by the approval of the conditional zoning district and accompanying district-specific plans are not completed by the completion date stated in the approval or modification, the zoning compliance permit holder may request an extension of the completion time limit from the town manager. The town manager may grant ~~a single~~ an extension of the time limit for up to twelve (12) months if the town manager determines that:

- A. The zoning compliance permit holder submitted the request within sixty (60) days of the specified completion date specified in the approval or modification;
- B. The zoning compliance permit holder has proceeded with due diligence and good faith; and
- C. Conditions have not changed so substantially as to warrant town council reconsideration of the approved development."

Under the standards required by (f)(2)(A) through (f)(2)(C), above, the town manager may approve one additional extension of the completion time limit for up to twelve (12) months. If all construction and actions authorized or required are still not completed by the final extended completion date granted by the town manager, the permit holder may, within sixty (60) days of the revised completion date, request additional extensions of the completion time limit from the town council. The town council may grant extensions of the time limit if it makes the determinations required by (f)(2)(A) through (f)(2)(C), above.

Section 2. Section 4.5.5 (b) and (c) Expiration and Revocation of Special Use Permit Approvals is hereby revised to read as follows:

"(b) *Starting time limit.* If the use, construction, or activity authorized by town council approval of an application for a special use permit or modification of special use permit is not substantially commenced within twenty-four (24) months of the date of approval or within such further time stipulated in the approval, the approval shall expire and any town permit issued pursuant to the approval shall be void. The town manager shall determine whether the use, construction, or activity has substantially commenced. The town manager may grant ~~a single~~ an extension of the starting time limit for up to twelve (12) months. At any time within the initial period of extension, the town manager may approve one additional extension of the starting time limit for up to twelve (12) months. With respect to either request for extension, for paramount considerations of health, the general welfare, or public safety, the town manager may instead require the application to be reviewed in accordance with the procedures set forth in subsection 4.5.3. All further

requests for extension of time shall be reviewed in accordance with the procedures set forth in subsection 4.5.3.

(c) Completion time limit.

(1) If all construction and actions authorized or required by a special use permit or modification of special use permit are not completed by the completion date stipulated in the permit or modification, the permit holder may request an extension of the completion time limit from the town manager. The town manager may grant ~~a single~~ an extension of the time limit for up to twelve (12) months if he/she determines that:

- A. The permit holder submitted the request within sixty (60) days of the completion date;
- B. The permit holder has proceeded with due diligence and good faith; and
- C. Conditions have not changed so substantially as to warrant town council reconsideration of the approved development."

Section 3. Section 4.7.6 Expiration of Site Plan Review Approval is hereby revised to read as follows:

"(a) Starting time limit.

If the use, construction, or activity authorized by approval of an application for a zoning compliance permit or modification of zoning compliance permit is not started within twelve (12) months of the date of approval, or within such further time stipulated in the approval, the approval shall expire and any town permit issued pursuant to the approval shall be void. The town manager may grant ~~a single~~ an extension of the starting time limit for up to twelve (12) months. At any time within the initial period of extension, the town manager may approve one additional extension of the starting time limit for up to twelve (12) months. With respect to either request for extension, for paramount considerations of health, the general welfare, or public safety, the town manager may instead require planning commission re-approval. The town manager shall determine whether the use, construction, or activity has started."

Section 4. Section 4.8.3 (j). Expiration of master land use plan approval is hereby revised to read as follows:

"(j) Expiration of master land use plan approval.

If an application for development of at least one phase has not been accepted by the town manager within two (2) years of the date of approval of the master land use plan, the approval shall automatically expire. After that time the applicant may resubmit the original application. The town manager may re-approve that application unless he/she determines that paramount considerations of health, the general welfare, or public safety require the application to be reviewed in accordance with the procedures set forth in subsections (a) through (h), above. The town manager may re-approve the application ~~only once~~ for a period of twelve (12) months. If requested within the initial re-approval period, the town manager may re-approve the application for one additional period of up to twelve (12) months."

Section 5. This ordinance shall be effective upon enactment and shall apply to applications and requests made after enactment and to applications pending before the town at the time of enactment.

This the 27th day of October, 2021.

RESOLUTION B

(Denying the Land Use Management Ordinance Text Amendment Proposal)

A RESOLUTION DENYING AMENDING 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 (2021-10-27/R-12)

WHEREAS, the Planning Commission reviewed the text amendments to the Land Use Management Ordinance Sections 4.4, 4.5, 4.7. and 4.8 on September 7, 2021 and recommended that the Council enact the text amendments; and

WHEREAS, the Council called a Legislative Hearing to amend Sections 4.4, 4.5, 4.7. and 4.8 of the Land Use Management Ordinance as it relates to Town Manager granting of time extensions for the Council's September 22, 2021 meeting; and

WHEREAS, the Council of the Town of Chapel Hill has considered the proposed text amendment to the Land Use Management Ordinance (LUMO) Sections 4.4, 4.5, 4.7. and 4.8, related to the Town Manager time extension, and finds that the amendment, if enacted, is unreasonable, not in the public's interest, and inconsistent with the Town's Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby denies the proposed Land Use Management Text Amendments.

This the 27th 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 LAND USE MANAGEMENT TEXT AMENDMENT SECTIONS 4.4 ZONING AMENDMENTS, 4.5 SPECIAL USE PERMITS, 4.7 SITE PLAN REVIEWS, AND 4.8 MASTER LAND USE PLANS

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: 8-0

Yeas: Michael Everhart (Chair), James Baxter (Vice-Chair), Neal Bench, Jon Mitchell, Elizabeth Losos, John Rees, Louie Rivers, Stephen Whitlow

Nays: none

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.

Recommendation: **Approval** ☐ **Approval with Conditions** ☒ **Denial** ☐

Motion: Neal Bench moved and James Baxter seconded a motion to recommend that the Council adopt Ordinance A with the modification that the time extension be adjusted to 18 months (instead of the proposed 36 months).

Vote: 5-3

Yeas: Michael Everhart (Chair), James Baxter (Vice-Chair), Neal Bench, Elizabeth Losos, and John Rees

Nays: Jon Mitchell, Louie Rivers, and Stephen Whitlow

Special Considerations:

- The change of time from 12 months to 36 months seemed excessive and believed that an 18-month extension was appropriate.

Reasons for Nay Votes:

- Interest in pursuing alternative way to address issue by including longer start and completion timelines within the approving documents; interest in respecting the proposed three years; and exploring a process that meets the needs of public projects.

Prepared by: Judy Johnson, Assistant Planning Director



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 14., **File #:** [21-0824], **Version:** 1

Meeting Date: 10/27/2021

Close the Legislative Hearing and Consider Enacting a Land Use Management Ordinance Text Amendment - Section 3.11 Regarding Short Term Rental Standards in Blue Hill District.

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: Becky McDonnell, Senior Planner

- a. Update and recommendation
- b. Comments and questions from the Mayor and Town Council
- c. Motion to close the Legislative Hearing
- d. Motion to adopt the Resolution of Consistency
- e. Motion to enact Ordinance A.

RECOMMENDATION: That the Council close the legislative hearing and enact the Land Use Management Ordinance (LUMO) text amendment.



CLOSE THE LEGISLATIVE HEARING: LAND USE MANAGEMENT ORDINANCE TEXT AMENDMENT - SECTION 3.11 REGARDING SHORT-TERM RENTAL STANDARDS IN BLUE HILL DISTRICT

STAFF REPORT

TOWN OF CHAPEL HILL PLANNING DEPARTMENT
Colleen Willger, Director
Corey Liles, Planning Manager
Becky McDonnell, Senior Planner

<p>AMENDMENT REQUEST</p> <p>Amend the Use Category standards for the Blue Hill Form District to clearly distinguish between Short-Term Rental and Overnight Lodging Uses, and to apply the same operational standards for short term rentals (STRs) in Blue Hill District that apply in the rest of Chapel Hill.</p>	<p>DATE</p> <p>October 27, 2021</p>
<p>TOWN MANAGER'S RECOMMENDATION</p> <p>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 close the Legislative Hearing, adopt the Resolution of Consistency, and enact Ordinance A.</p>	
<p>UPDATES SINCE LEGISLATIVE HEARING</p> <p>No changes have been made since the September 22, 2021 Council meeting.</p>	
<p>PROCESS</p> <p>The item before the Council is for approval of a Land Use Management Ordinance Text Amendment. The Council must consider whether one or more of the three findings for enactment of the Land Use Management Ordinance Text Amendment applies:</p> <ol style="list-style-type: none"> 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. <div style="display: flex; align-items: center;"> <div style="margin-right: 10px;"> <p>1</p><p>2</p><p>3</p><p>4</p><p>5</p> </div> <div> <p>Previous LUMOTA's – Short-Term Rentals and Blue Hill Use Categories</p> <p>Call the Legislative Hearing</p> <p>Planning Commission Review</p> <p>Legislative Hearing</p> <p>Consider Action on Text Amendment</p> </div> </div>	
<p>DECISION POINTS</p> <p>Tonight's proposal is to amend the Blue Hill Form District (Section 3.11) of the Land Use Management Ordinance including the following changes:</p> <ul style="list-style-type: none"> • Section 3.11.3.5.A.5, Short-Term Rental – amend to make operational standards for STRs applicable in the Blue Hill Form District • Section 3.11.3.5.C.7, Overnight Lodging - amend to add criteria that clearly distinguish a hotel or similar operation from an STR 	
<p>ATTACHMENTS</p>	<ol style="list-style-type: none"> 1. Technical Report 2. Draft Staff Presentation 3. Resolution A, Resolution of Consistency with the Comprehensive Plan 4. Ordinance A, Enacting the Land Use Management Ordinance Text Amendment Proposal 5. Resolution B, Denying the Proposal



TECHNICAL REPORT: SHORT-TERM RENTAL STANDARDS IN THE BLUE HILL DISTRICT

The following is a summary of the proposed text amendment that would amend LUMO to establish standards for STRs and Overnight Lodging:

1. Amend Section 3.11.3.5.A.5, Short-Term Rental, to make operational standards for STRs applicable in the Blue Hill Form District

This amendment would cross-reference [Article 6](#), which is not applicable in Blue Hill unless otherwise specified. STRs would be subject to the same operational standards that apply in other zoning districts. This amendment includes a limitation on the number of units in a multifamily building that can operate as STRs (three (3) percent of total units maximum).

2. Amend Section 3.11.3.5.C.7, Overnight Lodging, to add criteria that clearly distinguish a hotel or similar operation from an STR

This amendment would prevent an operator of a collection of STRs from asserting they are an Overnight Lodging use. Both uses are allowed, but STRs are not considered non-residential space for satisfying the Mixed Use Building/Site criteria in Blue Hill.

BACKGROUND AND NEXT STEPS

May 26, 2021	Council legislative hearing related to Residential Uses in the Blue Hill Form District
June 16, 2021	Council approves Land Use Management Ordinance Text Amendment related to Residential Uses in the Blue Hill Form District
June 23, 2021	Council approves Town-wide STR ordinance
September 1, 2021	Council calls a legislative hearing to consider the LUMO text amendment on STR Standards in Blue Hill
September 7, 2021	Planning Commission review and recommendation on proposed LUMO text amendment on STR Standards in Blue Hill
September 22, 2021	Council legislative hearing to consider LUMO text amendment on STR Standards in Blue Hill
October 27, 2021	Council to consider action on LUMO text amendment on STR Standards in Blue Hill

TOWN COUNCIL

2021.10.27

Land Use Management Ordinance Text Amendment

Section 3.11 Blue Hill Form District

3.11

3.11. Blue Hill Form District.

3.11.1.1 Purpose. The Blue Hill Form District, previously known as the Ephesus/Fordham Form District, established in Section 3.11 is intended for the specific area of the town designated as a focus area in the Comprehensive Plan 2020. This Form District fosters a residential, mixed use and pedestrian-friendly area. Unlike conventional zoning, this Form District fosters more predictable results and a high-quality public realm. This is achieved by prescribing the physical form of buildings and other elements, by addressing the relationship between building façades and the form of the district, by specifying the form and types of buildings, and by specifying the scale and types of buildings. The district is intended to be constructed, except in compliance with the design and development standards and the standards contained in the Manual.

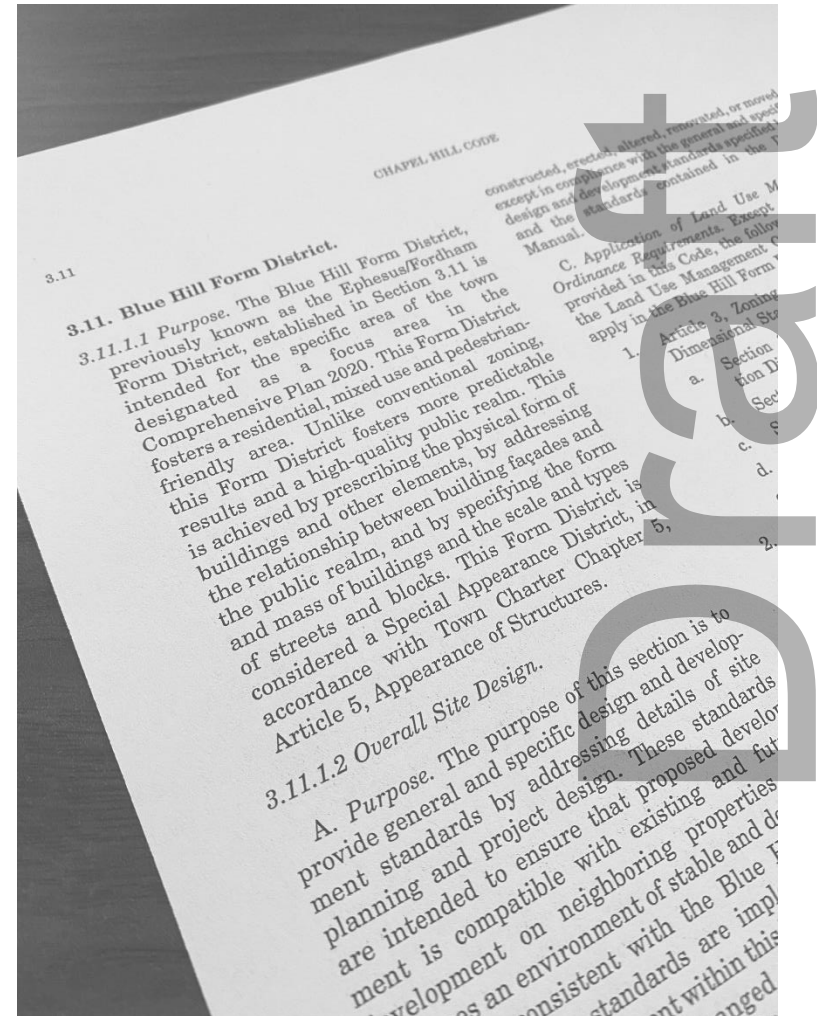
C. Application of Land Use Management Ordinance Requirements. Except as provided in this Code, the following provisions of the Land Use Management Ordinance apply in the Blue Hill Form District.

1. Article 3, Zoning Ordinance.
 - a. Section 3.11, Zoning Ordinance.
 - b. Section 3.11, Zoning Ordinance.
 - c. Section 3.11, Zoning Ordinance.
 - d. Section 3.11, Zoning Ordinance.



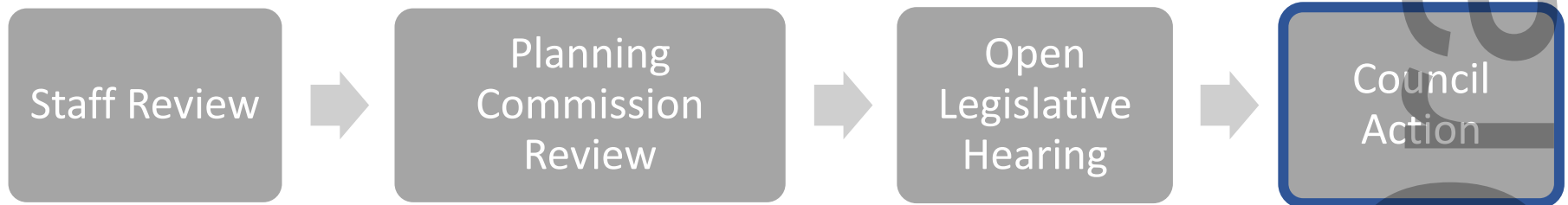
RECOMMENDATION

- ☐ Close the Legislative Hearing
- ☐ Adopt the Resolution of Consistency
- ☐ Enact Ordinance A





PROCESS





INTERESTS

1. Council consideration of applying Town-wide operational standards in Blue Hill
2. Criteria to distinguish Overnight Lodging from Short-Term Rentals

Draft



PROPOSED AMENDMENT

Section 3.11.3.5.A.5

5. Short-Term Rental. ~~See Section 6.27.3 Definitions.~~
Establishments as defined in Section 6.27.3 of this appendix, and in addition, any configuration of lodging units that does not meet the definition of Overnight Lodging under Section 3.11.3.5.C.7. Short-term rentals shall be subject to the requirements of Section 6.27 of this appendix.

draft



PROPOSED AMENDMENT

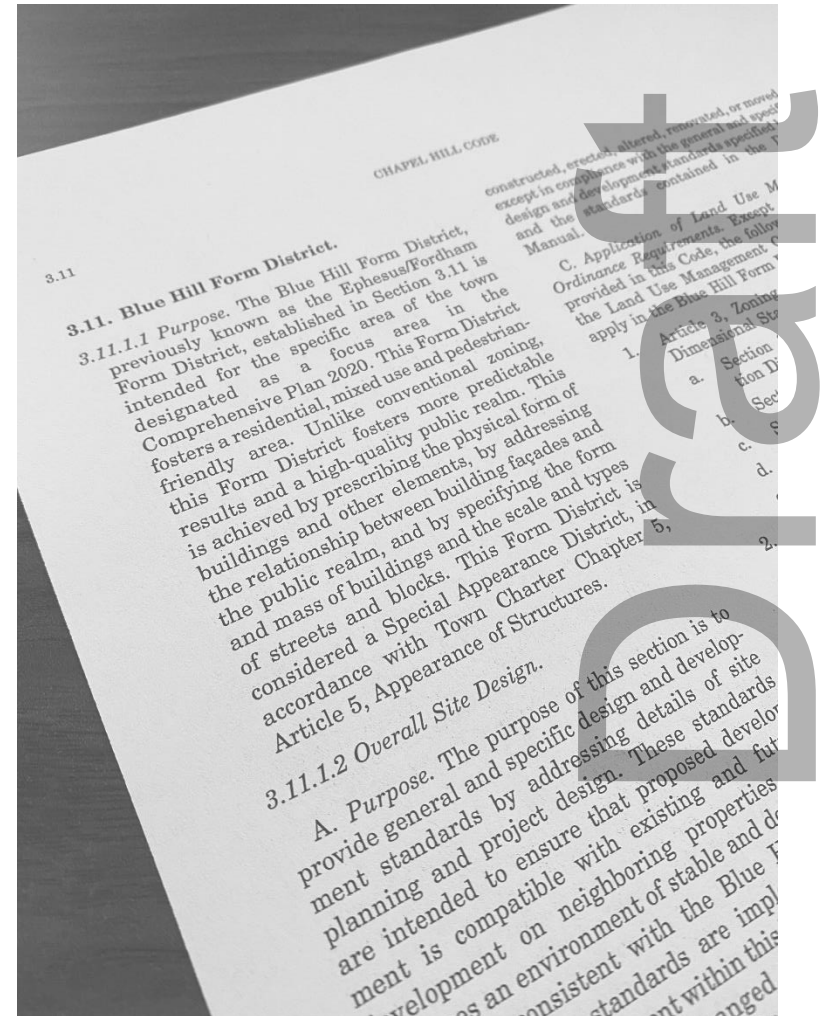
Section 3.11.3.5.C.7

7. Overnight lodging. Accommodations arranged for short term stays of less than thirty (30) days for rent or lease-, consisting of a collection of lodging units that are serviced by on-site staff and are not otherwise defined as Short-Term Rentals. In a building that includes both Household Living and Overnight Lodging, each use shall constitute a distinct portion of the building with separate access points.



RECOMMENDATION

- ☐ Close the Legislative Hearing
- ☐ Adopt the Resolution of Consistency
- ☐ Enact Ordinance A



**RESOLUTION A
RESOLUTION OF CONSISTENCY**

A RESOLUTION REGARDING AMENDING ARTICLE 3, SECTION 3.11 OF THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE REGARDING SHORT-TERM RENTAL STANDARDS IN THE BLUE HILL FORM DISTRICT AND CONSISTENCY WITH THE CHAPEL HILL 2020 COMPREHENSIVE PLAN (2021-10-27/R-13)

WHEREAS, the Planning Commission reviewed the text amendment to the Land Use Management Ordinance Article 3, Section 3.11 on September 7, 2021 and recommended further consideration of the Ordinance provisions; and

WHEREAS, the Council called a Legislative Hearing to amend Article 3, Section 3.11 of the Land Use Management Ordinance as it relates to short-term rental standards in the Blue Hill Form District for the Council's September 22, 2021 meeting; and

WHEREAS, the Council of the Town of Chapel Hill has considered the proposed text amendment to the Land Use Management Ordinance (LUMO) Article 3, Section 3.11, related to the Blue Hill Form District, 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 Chapel Hill 2020 Comprehensive Plan:

- A range of housing options for current and future residents (Create a Place for Everyone.2)
- Adopt an integrated development review process that is fair and transparent and that incorporates the Chapel Hill 2020 environmental goals (Nurture our Community.5)
- 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 (Develop Good Places New Spaces.5)
- 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 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 27th day of October, 2021.

ORDINANCE A

(Enacting the Land Use Management Ordinance Text Amendment proposal)

AN ORDINANCE AMENDING ARTICLE 3, SECTION 3.11 OF THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE REGARDING SHORT-TERM RENTAL STANDARDS IN THE BLUE HILL FORM DISTRICT (2021-10-27/O-8)

WHEREAS, a form-based zoning district was adopted for Blue Hill in July 2014; and

WHEREAS, development in the Blue Hill District is subject to the regulations and definitions in Section 3.11 of the Land Use Management Ordinance, which are distinct from the regulations and definitions in parallel sections of the Land Use Management Ordinance; and

WHEREAS, the Council adopted a Town-wide ordinance regulating Short-Term Rentals on June 23, 2021; and

WHEREAS, the Short-Term Rental use category in Section 3.11 of the Land Use Management Ordinance needs further refinement to ensure consistency with the Town-wide Short-Term Rental ordinance; and

WHEREAS, the Planning Commission reviewed the text amendments to the Land Use Management Ordinance Article 3, Section 3.11 on September 7, 2021 and recommended further consideration of the Ordinance provisions; and

WHEREAS, the Council called a Legislative Hearing to amend Article 3, Section 3.11 of the Land Use Management Ordinance as it relates to short-term rental standards in the Blue Hill Form District for the Council's September 22, 2021 meeting; and

WHEREAS, the Council has considered the proposed text amendment to the Land Use Management Ordinance (LUMO) Article 3, Section 3.11, related to the Blue Hill Form District; and

WHEREAS, upon consideration the Council 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 Chapel Hill 2020 Comprehensive Plan:

- A range of housing options for current and future residents (Create a Place for Everyone.2)
- Adopt an integrated development review process that is fair and transparent and that incorporates the Chapel Hill 2020 environmental goals (Nurture our Community.5)
- 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 (Develop Good Places New Spaces.5)
- 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 the Town Code of Ordinances, Appendix A. Land Use Management Ordinance, Article 3, Zoning Districts, Uses, and Dimensional Standards be amended as follows:

Section 1. Section 3.11.3.5. Use Categories, subsections A through C are hereby revised to read as follows:

"A. *Residential Uses.*

1. *Household living.* Residential occupancy of a dwelling unit by a family on a monthly or longer basis in structures with self-contained dwelling units, including kitchens. The term household living includes an establishment with support and supervisory personnel that provides room and board, personal care and habitation services in a family environment for not more than six (6) residents who are handicapped, aged, disabled, or who are runaway, disturbed or emotionally deprived children and who are undergoing rehabilitation or extended care. The household living does not include a fraternity or sorority, club, rooming house, institutional group or the like. Household living includes the following:
 - a. *Detached living.* One (1) or two (2) dwelling units in a single principal structure.
 - b. *Attached living.* Three (3) or more dwelling units in a single principal structure where each unit is separated vertically by a common side wall. Units cannot be vertically mixed.
 - c. *Multifamily living.* Three (3) or more dwelling units vertically and horizontally integrated.
2. *Group living.* Residential occupancy of a structure by a group of people that does not meet the definition of family. Tenancy is usually arranged on a monthly or longer basis. Generally, group living facilities have a common eating area for residents, and residents may receive care or training. Group Living does not include a fraternity or sorority, club, rooming house, institutional group or the like.
3. *Social service living.* Uses not considered Household Living that primarily provide treatment of those with psychiatric, alcohol, or drug problems, and transient housing related to social service programs.
4. *Limited Use.* Residential uses in the WX-5 and WX-7 subdistricts must include a non-residential use as part of the same application, in order to accomplish the Form District intent for a mixture of uses. For purposes of this section, a non-residential use includes any use listed in the Permitted Use Table (Sec. 3.11.3.4) that is not listed in the residential use category. To satisfy this requirement, the application must satisfy at least one of the criteria below. A building or site with non-residential floor area exceeding the minimum defined below may utilize the Upper Story Floor Area Bonus established in Section 3.11.2.7.T.1.a.
 - a. *Mixed Use Building.* Where each building contains a vertical mix of uses, a minimum of 10% of the building floor area must contain a non-residential use. A certificate of occupancy must be issued for at least 50% of the non-residential floor area prior to issuance of a certificate of occupancy for more than 90% of the residential floor area.
 - b. *Mixed Use Site.* A site with multiple buildings may include buildings with a single use, so long as a minimum of 15% of the total floor area for the site contains a non-residential use.
5. *Short-Term Rental.* ~~See Section 6.27.3 Definitions.~~ **Establishments as defined in Section 6.27.3 of this appendix, and in addition, any**

configuration of lodging units that does not meet the definition of Overnight Lodging under Section 3.11.3.5.C.7. Short-term rentals shall be subject to the requirements of Section 6.27 of this appendix.

B. *Public uses.*

1. *Civic/place of worship.* Places of public assembly that provide ongoing life safety, educational and cultural services to the general public, as well as meeting areas for religious practice.
2. *Parks and open space.* Public gathering areas for passive or active outdoor recreation, and having few structures.
3. *Utilities, minor.* Public or private infrastructure serving a limited area with no on-site personnel.
4. *Utilities, major.* Public or private infrastructure serving the general community, or with on-site personnel.

C. *Commercial uses.*

1. *Commercial parking.* Facilities providing parking that is not accessory to a principal use. Facilities may or may not charge a fee.
2. *Day care.* Uses providing care, protection, and supervision of children or adults on a regular basis away from their primary residence. Care is typically provided to a given individual for fewer than eighteen (18) hours each day, although the facility may be open twenty-four (24) hours each day.
3. *Indoor recreation.* Commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities in an indoor setting.
4. *Medical.* Uses providing medical or surgical care to patients. Some uses may offer overnight care.
5. *Office.* Activities conducted in an office setting and generally focusing on business, professional or financial services.
6. *Outdoor recreation.* Commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities either wholly outdoors or within outdoor structures.
7. *Overnight lodging.* Accommodations arranged for short term stays of less than thirty (30) days for rent or lease-, **consisting of a collection of lodging units that are serviced by on-site staff and are not otherwise defined as Short-Term Rentals. In a building that includes both Household Living and Overnight Lodging, each use shall constitute a distinct portion of the building with separate access points.**
8. *Personal service.* Facilities involved in providing personal services or repair services to the general public.
 - a. *Animal care.* A facility where four or more domesticated animals more than four months of age are housed, groomed, bred, boarded, trained or sold. No outdoor activity associated with care of animals is permitted.
9. *Restaurant/bar.* Establishments that prepare and sell food or drink for on- or off-premises consumption.
10. *Retail sales.* Facilities involved in the sale, lease or rental of new or used products.
 - a. *Fuel sales.* The sale or dispensing of fuels for motor vehicles. The zoning lot on which fuel sales are located must have a minimum gross land area of twenty thousand (20,000) square feet. The zoning lot must front on an arterial or collector street. Adequate provision must be made for ventilation and the dispersion and removal of fumes, and for the removal of hazardous chemicals and fluids. Driveways for a

service station/convenience store may not be located within three hundred (300) feet of any intersecting street or within seven hundred fifty (750) feet of driveways intersecting the same street and serving another existing or approved service station. These distances are measured centerline to centerline.

11. *Vehicle sales/service.* Direct sales, rental, leasing or servicing of passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Maximum land area of one (1) acre is permitted. Vehicle parking areas must be screened as required in Section 3.11.4.2.C. All servicing or repair of vehicles must occur indoors. All storage of parts and other similar items must occur indoors."

Section 2. This ordinance shall be effective upon enactment.

This the 27th day of October, 2021.

RESOLUTION B**(Denying the Land Use Management Ordinance Text Amendment Proposal)****A RESOLUTION DENYING AMENDING THE LAND USE MANAGEMENT ORDINANCE ARTICLE 3, SECTION 3.11 REGARDING SHORT-TERM RENTAL STANDARDS IN THE BLUE HILL FORM DISTRICT (2021-10-27/R-14)**

WHEREAS, the Council called a Legislative Hearing to amend Article 3, Section 3.11 of the Land Use Management Ordinance as it relates to short-term rental standards in the Blue Hill Form District for the Council's September 22, 2021 meeting; and

WHEREAS, the Council of the Town of Chapel Hill has considered the proposed text amendment to the Land Use Management Ordinance (LUMO) Article 3, Section 3.11, related to the Blue Hill Form District, 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 proposed Land Use Management Text Amendment.

This the 27th day of October, 2021.



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 15., **File #:** [21-0825], **Version:** 1

Meeting Date: 10/27/2021

Open the Legislative Hearing: Land Use Management Ordinance Text Amendment - Section 3.6.2(E) Related to Historic District Commission Review Criteria.

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: Anya Grahm, Principal Planner

- a. Introduction and preliminary 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 recess the Legislative Hearing to November 17, 2021
- f. Referral to the Manager and Attorney.

RECOMMENDATION: That the Council open the legislative hearing on the Land Use Management Ordinance (LUMO) text amendment, receive public comment, and continue the hearing to November 17, 2021.



OPEN THE LEGISLATIVE HEARING: LAND USE MANAGEMENT ORDINANCE TEXT AMENDMENT - SECTION 3.6 REGARDING HISTORIC DISTRICT COMMISSION PROCEDURES AND PROVIDE DESIGN-MAKING CLARITY

STAFF REPORT

TOWN OF CHAPEL HILL PLANNING DEPARTMENT
Colleen Willger, Director
Judy Johnson, Assistant Director
Anya Grahn, Principal Planner

AMENDMENT REQUEST Amend the Historic District Commission (HDC) sections of the Land Use Management Ordinance (LUMO) to improve HDC procedures and provide clarity to decisions of the HDC.	DATE October 27, 2021
STAFF RECOMMENDATION That the Council open the legislative hearing on the Land Use Management Ordinance (LUMO) text amendment, receive public comment, and continue the hearing to November 17, 2021.	
PROCESS The item before the Council is to approve a Land Use Management Ordinance Text Amendment. The Council must consider whether one or more of the three findings for enactment of the Land Use Management Ordinance Text Amendment applies: <ol style="list-style-type: none"> 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. 	
<div> <div>1</div> <div>Previous LUMOTA – Review Criteria Language amended in April 2021</div> </div> <div> <div>2</div> <div>Call the Legislative Hearing</div> </div> <div> <div>3</div> <div>Planning Commission Review</div> </div> <div> <div>4</div> <div>Legislative Hearing</div> </div> <div> <div>5</div> <div>Consider Action on Text Amendment</div> </div>	
DECISION POINTS & BACKGROUND <ul style="list-style-type: none"> • In 2019, the Planning Department committed to amending the A-J criteria the Historic District Commission (HDC) used to determine congruity following the adoption of the revised Design Principles & Standards in March 2021. • In April 2021, the Town Council approved text amendments removing the A-J from LUMO 3.6.2.(e)(4) criteria and made additional updates to LUMO 3.6.2 Historic Districts to address changes to Chapter 160D of the North Carolina General Statutes. • Additional language is required to ensure the Town’s preservation ordinance is consistent with North Carolina General Statute 160D-947(a). 	
TEXT AMENDMENT OVERVIEW On April 21, 2021 ¹ , the Town Council approved text amendments to LUMO 3.6.2(e) that removed additional review criteria pertinent to the Historic District Commission’s review of Certificate of Appropriateness (COA) applications. Staff proposes adding additional language to the LUMO so that this section better aligns with GS 160D-947(a) ² by requiring that the HDC make findings whether COA applications are incongruous with the special character of the historic district and deter such projects that would harm the special character of the district. The proposed changes do not change the HDC’s current practice of determining congruity. The HDC will continue to apply the Design Principles & Standards to determine whether exterior changes to sites and structures within the Town’s local historic districts are incongruous with the special character of the district.	
ATTACHMENTS	<ol style="list-style-type: none"> 1. Text Amendment Summary 2. Draft Staff Presentation 3. Resolution A (Resolution of Consistency) 4. Ordinance A (Enactment of Land Use Management Text Amendment Proposal) 5. Resolution B (Deny Land Use Management Text Amendment Proposal) 6. Advisory Board Recommendations

¹ <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=4916685&GUID=333205B7-F0B6-490D-AD90-260BDD05566B>

² https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_160D/GS_160D-947.pdf



PROPOSED CHANGES: TEXT AMENDMENTS TO THE LAND USE MANAGEMENT ORDINANCE ARTICLES 3

The following is a summary of the proposed text amendment to amend the LUMO:

1. Section 3.6.2 Historic Districts

- Amend the text in Section 3.6.2(e) Historic Districts to align with NC [GS 160D-947\(a\)](#):

(e) *Review criteria.*

(1) When considering the application, the commission shall apply the Design Principles and Standards and shall, in approving, approving with conditions, disapproving, or deferring an application, make findings of fact indicating ~~the extent to which the application is or is not in compliance with the Design Principles and Standards~~ **whether the application is incongruous with the special character of the historic district,** and shall cause these findings of facts to be entered into the minutes of its meetings. The minutes shall also contain a summary of any citation to evidence, testimony, studies, or other authority upon which the commission based its decision.

(2) The review shall not consider interior arrangement or use.

(3) The review shall not consider plantings and other vegetation.

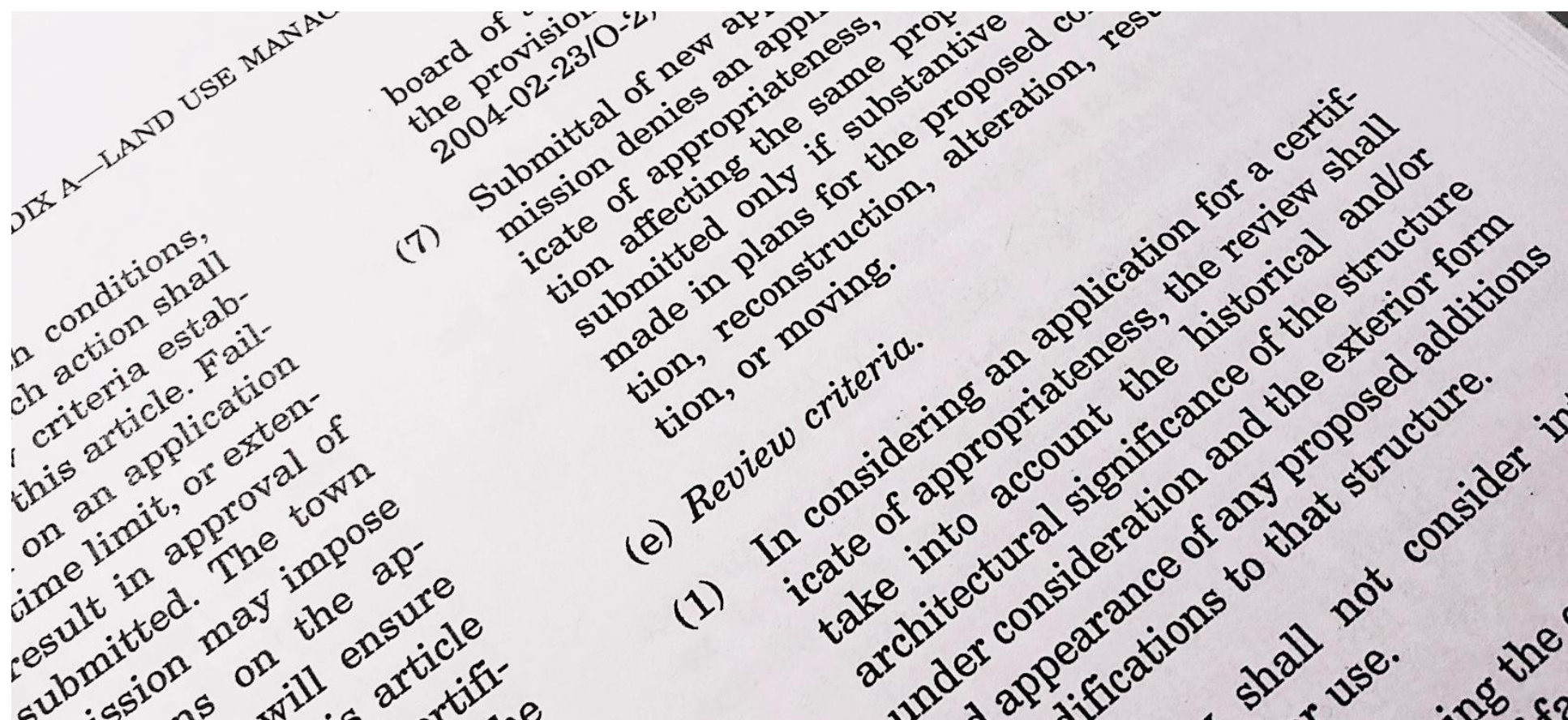
(4) The review shall not consider paint color.

TOWN COUNCIL

2021.10.27

Land Use Management Ordinance Text Amendment

Section 3.6 Historic District Commission

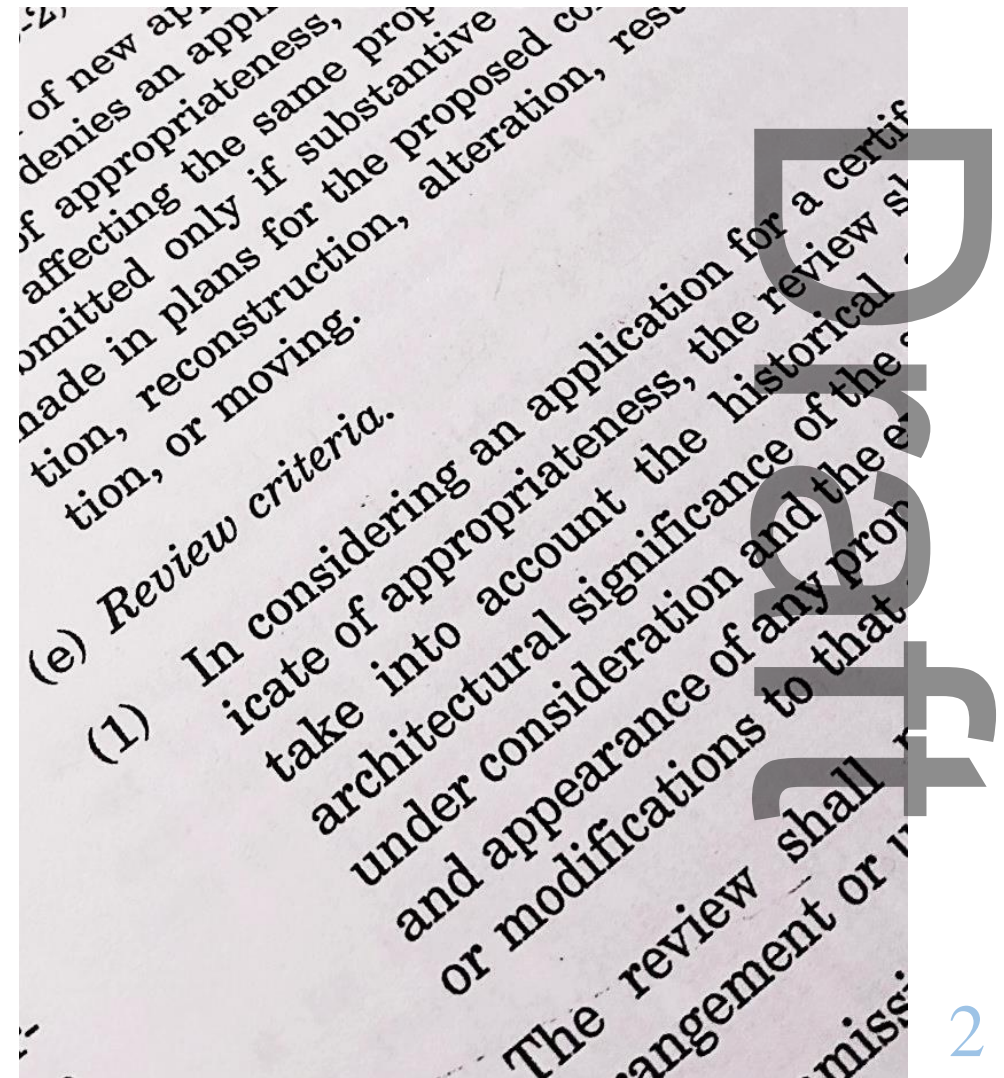


Draft



RECOMMENDATION

- ❑ Open the Legislative Hearing, receive comments, and continue the hearing to the November 17, 2021 meeting
- ❑ Enact the Ordinance at the November 17, 2021 Town Council Meeting





PROCESS





PREVIOUS TEXT AMENDMENT

- Removed the A through J criteria
- NC GS 160D Updates
- Design Guidelines replaced with Design Principles & Standards

Historic District
Commission

2/9/2021



Planning
Commission
Review

3/2/2021



Council Approval

4/21/2021



HDC ORDINANCE

- Align the Historic District Commission's (HDC) review criteria with the General Statutes

Historic District
Commission
10/12/2021



Planning
Commission
Review
10/17/2021



Council Approval
11/17/2021



PROPOSED AMENDMENT

Section 3.6.2 Historic Districts

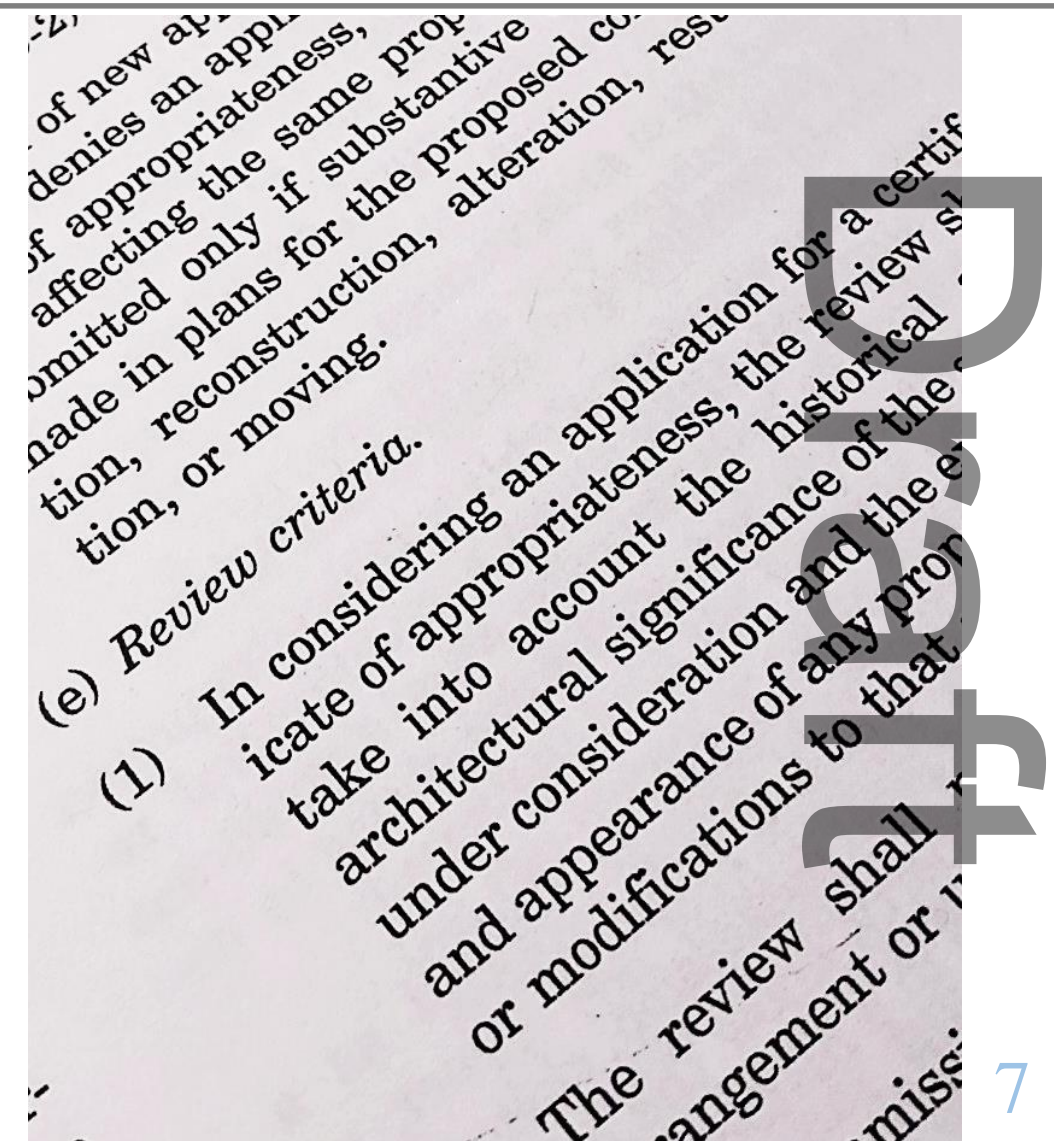
(e) *Review criteria.*

- 1) When considering the application, the commission shall apply the Design Principles and Standards and shall, in approving, approving with conditions, disapproving, or deferring an application, make findings of fact indicating ~~the extent to which the application is or is not in compliance with the Design Principles and Standards~~ whether the application is incongruous with the special character of the historic district, and shall cause these findings of facts to be entered into the minutes of its meetings. The minutes shall also contain a summary of any citation to evidence, testimony, studies, or other authority upon which the commission based its decision.
- 2) The review shall not consider interior arrangement or use.
- 3) The review shall not consider plantings and other vegetation.
- 4) The review shall not consider paint color.



RECOMMENDATION

- ❑ Open the Legislative Hearing, receive comments, and continue the hearing to the November 17, 2021 meeting
- ❑ Enact the Ordinance at the November 17, 2021 Town Council Meeting



RESOLUTION A
RESOLUTION OF CONSISTENCY

(Enacting the Land Use Management Ordinance Text Amendment proposal)

A RESOLUTION REGARDING AMENDING SECTION 3.6.2 HISTORIC DISTRICTS OF THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE RELATED TO CERTIFICATE OF APPROPRIATENESS REQUIRED AND REVIEW CRITERIA AND CONSISTENCY WITH THE CHAPEL HILL 2020 COMPREHENSIVE PLAN (2021-X-X/R-#)

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, the Historic District Commission adopted the Design Principles & Standards on March 18, 2021; and

WHEREAS, on April 21, 2021 the Town Council approved amendments to the LUMO to remove the A through J criteria used by the Historic District Commission in their review of Certificate of Appropriateness (COA) applications and reflect legislative updates in Chapter 160D of the North Carolina General Statutes and from Sec. 947(a), which requires the Commission to apply the adopted Design Standards to determine whether proposed changes are incongruous with the special character of the Town’s local historic district; 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; and

WHEREAS, additional LUMO language is now required to clarify the Historic District Commission’s review process; and

WHEREAS, North Carolina General Statutes 160D-947(a) requires that the historic district Commission (HDC) find that COA applications are not incongruous with the special character of the historic district; and

WHEREAS, the Historic District Commission reviewed the text amendments to the Land Use Management Ordinance Article 3, Section 3.6.2 on October 12, 2021 and recommended that the Council enact/deny the text amendments; and

WHEREAS, the Planning Commission reviewed the text amendments to Land Use Management Ordinance Article 3, Section 3.6.2 on October 19, 2021 and recommended that the Council enact/deny the text amendments; and

WHEREAS, the Council called a legislative hearing on October 27, 2021 to amend Article 3, Sections 3.6.2 of the Land Use Management Ordinance as it relates to the Historic District Commission’s Review Criteria applied to Certificates of Appropriateness application; and

WHEREAS, the Council held that legislative hearing on October 27, 2021; and

WHEREAS, the Council of the Town of Chapel Hill has considered the proposed text amendment to the Land Use Management Ordinance (LUMO) Article 3, Section 3.6.2 Historic Districts regarding Certificate of Appropriateness Required and Review Criteria applied to Certificate of Appropriateness applications and Article 8, Section 8.4 Historic District Commission, 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 Chapel Hill 2020 Comprehensive Plan:

- A vibrant, diverse, pedestrian-friendly, and accessible downtown with opportunities for growing office, retail, residential, and cultural development and activity (Good Places, New Spaces.2)
- 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)
- 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)

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 ____ day of _____, 2021.

ORDINANCE A

(Enacting the Land Use Management Ordinance Text Amendment proposal)

**AN ORDINANCE AMENDING THE CHAPEL HILL LAND USE MANAGEMENT
ORDINANCE SECTION 3.6.2 HISTORIC DISTRICTS RELATED TO CERTIFICATE OF
APPROPRIATENESS REQUIRED AND REVIEW CRITERIA (2021-X-X/O-#)**

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, the Historic District Commission adopted the Design Principles & Standards on March 18, 2021; and

WHEREAS, on April 21, 2021 the Town Council approved amendments to the LUMO to remove the A through J criteria used by the Historic District Commission in their review of Certificate of Appropriateness (COA) applications and reflect legislative updates in Chapter 160D of the North Carolina General Statutes and from Sec. 947(a), which requires the Commission to apply the adopted Design Standards to determine whether proposed changes are incongruous with the special character of the Town’s local historic district. ; 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

WHEREAS, additional LUMO language is now required to clarify the Historic District Commission’s review process; and

WHEREAS, North Carolina General Statute 160D-947(a) requires that the historic district Commission (HDC) find that COA applications are not incongruous with the special character of the historic district; and

WHEREAS, the Historic District Commission reviewed the text amendments to the Land Use Management Ordinance Article 3, Section 3.6.2 on October 12, 2021 and recommended that the Council enact the text amendments; and

WHEREAS, the Planning Commission reviewed the text amendments to Land Use Management Ordinance Article 3, Section 3.6.2 on October 19, 2021 and recommended that the Council enact the text amendments; and

WHEREAS, the Council called a legislative hearing on October 27, 2021 to amend Article 3, Sections 3.6.2 of the Land Use Management Ordinance as it relates to the Historic District Commission’s Review Criteria applied to Certificates of Appropriateness application; and

WHEREAS, the Council continued and held that legislative hearing on October 27, 2021; and

WHEREAS, the Council of the Town of Chapel Hill has considered the proposed text amendment to the Land Use Management Ordinance (LUMO) Article 3, Section 3.6.2 related to Historic District Commission's Review Criteria applied to Certificates of Appropriateness application 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 Chapel Hill 2020 Comprehensive Plan:

- A vibrant, diverse, pedestrian-friendly, and accessible downtown with opportunities for growing office, retail, residential, and cultural development and activity (Good Places, New Spaces.2)
- 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)
- 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)

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that the Town Code of Ordinances, Appendix A. Land Use Management Ordinance, be amended as follows:

Section 1. Section 3.6.2., *Historic Districts*, subsection (e) *Review criteria* is hereby revised to read as follows:

"(e) *Review criteria*.

(1) When considering the application, the commission shall apply the Design Principles and Standards and shall, in approving, approving with conditions, disapproving, or deferring an application, make findings of fact indicating ~~the extent to which the application is or is not in compliance with the Design Principles and Standards~~ **whether the application is incongruous with the special character of the historic district**, and shall cause these findings of facts to be entered into the minutes of its meetings. The minutes shall also contain a summary of any citation to evidence, testimony, studies, or other authority upon which the commission based its decision.

(2) The review shall not consider interior arrangement or use.

(3) The review shall not consider plantings and other vegetation.

(4) The review shall not consider paint color."

Section 4. This ordinance shall be effective upon enactment.

This the ____ day of _____, 2021.

RESOLUTION B

(Denying the Land Use Management Ordinance Text Amendment Proposal)

A RESOLUTION DENYING AMENDING THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE SECTION 3.6.2 HISTORIC DISTRICTS RELATED TO CERTIFICATE OF APPROPRIATENESS REQUIRED AND REVIEW CRITERIA (2021-X-X/R-#)

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, the Historic District Commission adopted the Design Principles & Standards on March 18, 2021; and

WHEREAS, on April 21, 2021 the Town Council approved amendments to the LUMO to remove the A through J criteria used by the Historic District Commission in their review of Certificate of Appropriateness (COA) applications and reflect legislative updates in Chapter 160D of the North Carolina General Statutes and from Sec. 947(a), which requires the Commission to apply the adopted Design Standards to determine whether proposed changes are incongruous with the special character of the Town’s local historic district. ; 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

WHEREAS, additional LUMO language is now required to clarify the Historic District Commission’s review process; and

WHEREAS, North Carolina General Statute 160D-947(a) requires that the historic district Commission (HDC) find that COA applications are not incongruous with the special character of the historic district; and

WHEREAS, the Historic District Commission reviewed the text amendments to the Land Use Management Ordinance Article 3, Section 3.6.2 on October 12, 2021 and recommended that the Council enact the text amendments; and

WHEREAS, the Planning Commission reviewed the text amendments to Land Use Management Ordinance Article 3, Section 3.6.2 on October 19, 2021 and recommended that the Council enact the text amendments; and

WHEREAS, the Council called a legislative hearing on October 27, 2021 to amend Article 3, Sections 3.6.2 of the Land Use Management Ordinance as it relates to the Historic District Commission’s Review Criteria applied to Certificates of Appropriateness application; and

WHEREAS, the Council continued and held that legislative hearing on October 27, 2021; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby denies the proposed Land Use Management Text Amendments finding it to be unreasonable, not in the public interest, and inconsistent with the Town's Comprehensive Plan.

This the ____ day of _____, 2021.

HISTORIC DISTRICT COMMISSION

To promote, enhance, and preserve the character of the Chapel Hill Historic District.

RECOMMENDATION LAND USE MANAGEMENT ORDINANCE TEXT AMENDMENTS Section 3.6.2(e) Historic District Review Criteria October 13, 2021

Recommendation: **Approved** ☒ **Approval with Conditions** ☐ **Denied** ☐

Motion: Gurlitz moved and Perl de Pal seconded recommending that the Town Council approve the proposed text amendments.

Vote: 9 - 0

Ayes: Sean Murphy, Josh Gurlitz, Anne Perl de Pal, Polly Van de Velde, Nancy McCormick, Duncan Lascelles, Chris Berndt, David Schwartz

Nays:

Prepared by: David Schwartz, Chair, Historic District Commission; Anya Grahn, Planning Staff

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

LAND USE MANAGEMENT ORDINANCE TEXT AMENDMENTS

Section 3.6.2(e) Historic District Review Criteria

October 19, 2021

Recommendation: **Approved** ☒ **Approval with Conditions** ☐ **Denied** ☐

Motion: Baxter moved and Mitchell seconded recommending that the Town Council approve the proposed text amendments as amended to read “whether the application is not incongruous with the special character of the historic district.”

Vote: 6 - 0

Ayes: Michael Everhart (Chair), James Baxter (Vice-Chair), Neal Bench,
Elizabeth Losos, Jon Mitchell, John Rees

Nays: None

Prepared by: Anya Grahm, Principal Planner



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 16., **File #:** [21-0826], **Version:** 2

Meeting Date: 10/27/2021

Open the Legislative Hearing: Application for Conditional Zoning, 150 East Rosemary Street.

See Staff Memorandum and Technical 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 preliminary report and any other materials submitted at the hearing for considerations by the Council will be entered into the record
- b. Introduction and preliminary recommendation
- c. Presentation by the applicant
- d. Recommendations of the Planning Commission
- e. Recommendations of other boards and commissions
- f. Comments from the public
- g. Comments and questions from the Mayor and Town Council
- h. Motion to recess the legislative hearing to November 17, 2021
- i. Referral to the Manager and Attorney.

RECOMMENDATION: That the Council open the Legislative Hearing, receive comment, and make a motion to recess the hearing and schedule consideration of the item on November 17, 2021.



OPEN THE LEGISLATIVE HEARING: APPLICATION FOR CONDITIONAL ZONING – 150 EAST ROSEMARY STREET (PROJECT 21-018)

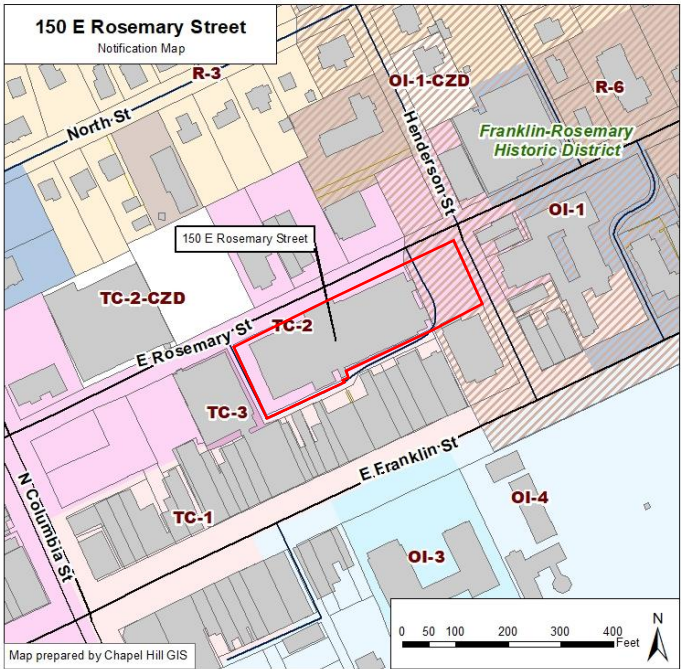
SUMMARY REPORT

TOWN OF CHAPEL HILL PLANNING DEPARTMENT

Colleen Willger, Director

Judy Johnson, Assistant Director

Becky McDonnell, Senior Planner

PROPERTY ADDRESS	MEETING DATE	APPLICANT
150 E Rosemary Street	October 27, 2021	George Retschle, Ballentine Associates
STAFF RECOMMENDATION <p>Staff recommends that the Council 1) open the legislative hearing 2) receive comment on the Conditional Zoning Ordinance, and 3) recess the hearing to November 17, 2021. Please see the attached Advisory Board recommendations.</p>		
ZONING <p>Existing: Town Center-2 (TC-2) Proposed: Town Center-3-Conditional Zoning District (TC-3-CZD)</p>	DECISION POINTS <p>The applicant requests the following modifications to regulations:</p> <ul style="list-style-type: none"> • Increase the allowed setback height from 44 feet to 112 feet • Increase the allowed core height from 120 feet to 140 feet 	
PROCESS <p>Conditional Zoning is a legislative process that allows Town Council to review the rezoning application for consistency with the Land Use Plan in the Comprehensive Plan and establish standards that address any impacts on surrounding properties.</p>	PROJECT LOCATION 	
PROJECT OVERVIEW <p>The application is part of a larger redevelopment proposal for East Rosemary Street to create new office, wet-lab, and innovation space downtown. This project proposes to demolish the existing 309-parking space Town-owned Wallace Parking Deck and construct a new, seven-story lab and office building over three levels of parking with approximately 160 parking spaces. The project will also include a Town Green public space on the corner of East Rosemary Street and Henderson Street.</p> <p>A Transportation Impact Analysis was completed for the larger East Rosemary St. redevelopment project and identified the following necessary improvements for this portion of the project:</p> <ul style="list-style-type: none"> • Provide a primary access to the underground parking garage access from the existing alley. • Maintain the existing one-way alley access configuration behind the proposed office building 	ATTACHMENTS <ol style="list-style-type: none"> 1. Technical Report 2. Draft Staff Presentation 3. Draft Resolution A, Resolution of Consistency and Reasonableness 4. Draft Ordinance A (Approving the Application) 5. Draft Resolution B (Denying the Application) 6. Advisory Board Recommendations 7. Applicant Materials 	



TECHNICAL REPORT

PROJECT OVERVIEW

The application proposes applying a Town Center-3-Conditional Zoning District (TC-3-CZD) district to the site to accommodate a seven-story lab and office building with approximately 160 parking spaces. Currently on-site there is a three-story parking deck with 309 parking spaces. 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 has identified, and an analysis of the project's consistency with the Comprehensive Plan and relevant Findings of Fact.

KEY CONSIDERATIONS

Planning Commission: At their [October 5, 2021 meeting](#)¹, the Planning Commission recommended approval with the following modifications to Resolution A:

- Design and build the highly visible 8th floor (mechanical floor) of the building for both aesthetics and function. Consider alternate claddings and façade treatments and consider rooftop utilities such as a PV array or rainwater collection. Consider relocating the refuse facility into the loading area in the alley.
- Applaud the applicant's Gold LEED intentions but encourage the applicant to pursue Platinum LEED certification instead.
- Engage with the Towns Urban Designer to pursue strategies for first floor activation and to prevent blank or covered window facades.
- Provide a ratio of wall mounted bicycle parking to at-grade bicycle parking that addresses the increased use of (heavier) e-bicycles.
- The weather protected space created by the 2nd level overhang on E. Rosemary Street must incorporate bicycle parking.
- Plan Murals and Public Art to enhance the structure, including on the alley frontage.
- Provide electric car charging stations or at least provide conduit for future connection.
- Consider the need for bicycle infrastructure around the site:
 - Bike are needed to reach Bike/Ped goals of Chapel Hill, the building has 150 bike spaces proposed with no bike lanes to access the property.
 - Provide traffic calming measures along the entire E. Rosemary renovation.
 - Install a raised intersection at the E. Rosemary / Henderson St. intersection.
- Increase the numbers of shade trees so the public will use the outdoor spaces, particularly in the public green.

¹ <https://chapelhill.legistar.com/MeetingDetail.aspx?ID=896537&GUID=99EFD8E7-2059-4FCC-AB2D-92BFD9C5D750&Options=&Search=>

Transportation and Connectivity Advisory Board: At the [September 28, 2021 meeting](#)², the Transportation and Connectivity Advisory Board recommended approval with the following conditions:

- The applicant evaluate the siting and pavement marking for bike parking to facilitate safe passage of cyclists to spots, including splitting bicycle parking across levels to place bicycle parking closer to entrances
- The applicant provide at least 3% of the spaces on site as electric vehicle charging spaces, with at least one ADA accessible space with electric vehicle charging.
- The applicant ensure that at least 20% of vehicle parking spaces are 'EV-Ready' to support future electric vehicle charging stations
- The applicant provide a form of delineation for the crosswalk carrying Post Office Alley across NCNB Alley, including signage to ensure pedestrian safety by slowing vehicle traffic on NCNB Alley.

Environmental Stewardship Advisory Board: At the [September 23, 2021 meeting](#)³, the Environmental Stewardship Advisory Board recommended approval with the following conditions:

- Use of biofuels instead of natural gas for heating the building
- Incorporate plans for using fresh air and other ventilation throughout the building
- Use rainwater capture for rainwater reuse in the building for nonpotable water needs

Historic District Commission: At the [October 12, 2021 meeting](#)⁴, the Historic District Commission recommended approval of the project with the conditions outlined in the attached September 19, 2021 memorandum.

Community Design Commission: The application was discussed at the [September 28, 2021](#)⁵ meetings. The Community Design Commission recommended approval of the project with the following conditions:

- That the applicant rethink the approach to waste disposal (e.g. other locations for the dumpster or solutions not requiring a dumpster).
- That architectural treatment of the exhaust fans and other upper-level mechanical equipment be subject to CDC review and approval at the Final Plans stage.

Parks, Greenways and Recreation Commission and Cultural Arts Commission: These boards provided courtesy comments to the applicant.

SITE CONTEXT

Staff has identified the following physical and regulatory characteristics of the land which are relevant to consideration of a Zoning Atlas Amendment:

² <https://chapelhill.legistar.com/MeetingDetail.aspx?ID=895250&GUID=7D1BB1EE-6EAD-4EAA-A01A-6218949D4408&Options=&Search=>

³ <https://chapelhill.legistar.com/MeetingDetail.aspx?ID=894385&GUID=BB7B72FB-3F4F-4F1A-B0BE-757CE5AB5790&Options=&Search=>

⁴ <https://chapelhill.legistar.com/MeetingDetail.aspx?ID=885511&GUID=D510DB7B-3C3A-44B7-B518-1FCD9735346A&Options=&Search=>

⁵ <https://chapelhill.legistar.com/DepartmentDetail.aspx?ID=35897&GUID=60D7535E-8FD2-4C4F-B065-903F28578771&Search=>

- The site consists of a 1.49-acre site with the existing parking deck.
- The subject site fronts on and has access to East Rosemary Street and Henderson Street, which are both collector streets maintained by the Town.
- The eastern portion of the property is located in the Franklin-Rosemary Historic District.
- The properties to the west and on the north side of East Rosemary Street to the west are zoned Town Center-3 (TC-3) and Town Center-2-Conditional Zoning District (TC-2-CZD), respectively, and are part of the overall redevelopment project described above.
- Property on the north side of East Rosemary Street to the east is zoned Town Center-2 (TC-2).
- Property to the south of the subject site, fronting on East Franklin Street, is zoned Town Center-1 (TC-1) and consists of commercial uses.
- There is no Resource Conservation District or floodplain on the site, which is relatively flat and contains minimal vegetation.

PROPOSED ZONING

The applicant has submitted a Conditional Zoning application, which allows review of the development proposal in conjunction with the rezoning, and which 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 Town Center-3-Conditional Zoning District (TC-3-CZD) district for the site.

The intent of the Town Center-3 (TC-3) zoning district is “to provide for the development of the commercial, service, and social center of Chapel Hill while maintaining its character, its pedestrian-oriented scale, and its nature as a concentration of business, administrative, financial, governmental, and support functions serving the community; and to encourage further residential development in the central area of Chapel Hill.”⁶

The applicant has proposed modifications to the maximum setback and core building height, as summarized in the Modifications to Regulations section below.

PROPOSED MODIFICATIONS TO REGULATIONS

- 1) Section 3.8.2(g)(2): Dimensional Regulations:** The dimensional regulations in Town Center-3 (TC-3) zoning districts limit the setback building height to 44 feet and the core building height to 120 feet.

Staff Comment: The proposed modification request is to increase the 44 feet setback height limit up to a maximum of 112 feet on all four elevations, and increase the 120 feet core height limit up to a maximum of 140 feet.

⁶ LUMO Section 3.3.1

Council Findings and Public Purpose: The Council has the ability to modify the regulations according to Section 4.5.6 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.

CONSISTENCY WITH THE COMPREHENSIVE PLAN AND OTHER DOCUMENTS

Town staff has reviewed this application for compliance with the themes from the [2020 Comprehensive Plan](#)⁷, the standards of the [Land Use Management Ordinance](#)⁸, and the [Town of Chapel Hill, NC : Design Manual and Standard Details](#)⁹ and believes the 150 E. Rosemary Street proposal complies with several themes of the 2020 Comprehensive Plan:

Comprehensive Plan Themes: The following are 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 type="checkbox"/>		Nurture Our Community
<input checked="" type="checkbox"/>		Facilitate Getting Around	<input checked="" type="checkbox"/>		Grow Town and Gown Collaboration

Future Land Use Map:

2050 FUTURE LAND USE MAP (FLUM) ELEMENTS		
FOCUS AREA & SUB-AREA Downtown Sub-Area E 4-8 stories typical height	APPROPRIATE USES Multifamily/Shops/Offices Multifamily Residential Commercial/Office Parks and Green/Gathering Spaces Institutional/University/Civic Townhouses/Residences	OTHER Activated Street Frontage
APPLICABLE ADOPTED SMALL AREA PLAN(S) None		

The Future Land Use Map (FLUM) envisions the Downtown Focus Area as the social and cultural center of Chapel Hill, where infill and redevelopment can encourage sufficient density to absorb growth and limit impacts to other areas of town. The FLUM indicates a range of appropriate Primary and Secondary uses for the Sub-Area where this site is located, and Commercial/Office is one of the appropriate Primary uses. The proposed rezoning aligns with the character envisioned by the FLUM. The FLUM also calls for:

- **ACTIVATED STREET FRONTAGE.** Activated street frontage is encouraged in order to

⁷ <http://www.townofchapelhill.org/home/showdocument?id=15001>

⁸ https://www.municode.com/library/#!/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALAUSMA

⁹ <http://www.townofchapelhill.org/town-hall/departments-services/public-works/engineering/design-manual-and-standard-details>

create vibrancy and ensure pedestrian activity over time. Sub Area E of the FLUM's Downtown Focus Area calls for active visual engagement between the street and ground floor uses, with an environment between streets and buildings that provides pedestrian connections and excludes off-street parking.

- **BUILDING HEIGHT.** The FLUM calls for four stories at the street setback and up to 8 stories allowed on the south side of East Rosemary Street (the FLUM suggest a story height of approximately 12 feet). Increased heights may be allowed in locations where it supports or encourages stated redevelopment initiatives.
- **ENVIRONMENTAL.** The Downtown Focus Area also suggests creating urban pocket parks adjacent to the sidewalk zones, specifically in areas prime for public events and festivals.

Mobility Plan: The Mobility and Connectivity Plan shows bicycle facilities for the site's frontages on East Rosemary Street. There are existing sidewalks on both sides of the street. A future Bus Rapid Transit (BRT) station is located at the intersection of Columbia Street and Franklin Street, about ¼ mile from the site.

Climate Action Plan: The Climate Action Plan includes Sustainable Development as a top strategy to reduce our community carbon footprint and build resiliency. The Transportation and Land Use chapter calls for creating walkable, bikeable, transit-served neighborhoods through strategies such as supportive zoning and integrated land use – transportation planning. The proposed project is in a walkable downtown location that is served by multiple bus routes and a future BRT station.

Staff Evaluation: North Carolina General Statute Section 160D-605(a) 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, as amended, and other adopted plans:

- The proposed zoning amendment to Town Center-3-Conditional Zoning District (TC-3-CZD) aligns with the character envisioned by the FLUM because rezoning would facilitate redevelopment and support sufficient density to absorb growth.
- The Town Center-3-Conditional Zoning District (TC-3-CZD) district would allow all of the proposed uses that the FLUM indicates are appropriate. The Conditional Zoning application proposal falls within the 'Commercial/ Office' category.
- The presence of Activated Street Frontages on the Focus Area map suggests that projects should have urban design that is compatible with pedestrian-oriented development. Zoning conditions would be useful to encourage street activation.
- The FLUM calls for four stories at the street setback, but also allows for "increased heights within the Focus Area in locations where such height may be necessary to support or encourage stated redevelopment initiatives." The current proposal indicates a building that is 3 stories at the street setback, stepping up to seven stories plus a penthouse interior to the site. This is generally consistent with FLUM guidance for Building Height. Consistency with the FLUM (as measured in number of stories) could support the requested modification to LUMO regulations for building height (as measured in feet).

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.

Staff provides below an evaluation of this application based on the three findings. Further information may be presented for the Council's consideration as part of the public hearing process. 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 notes that changing conditions could include the ongoing revitalization of the 100 block of E Rosemary St, together with the investments in the area contemplated under the Economic Development Agreement between the developer and Town.

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 in response to changing conditions in downtown Chapel Hill area and in the jurisdiction generally.

3) Finding #3: The proposed zoning amendment is necessary to achieve the purposes of the comprehensive plan.

Arguments in Support: Staff notes that the Conditional Zoning application could contribute to the purposes of the Comprehensive Plan through the following:

- Promoting the Focus Area Character for the Downtown Focus Area as described in the Future Land Use Map
- Facilitating development that implements FLUM guidance for Character Types and Height in Downtown
- Supporting goals of Chapel Hill 2020 including *A Place for Everyone*, *Getting Around*, *Good Places-New Spaces*, and *Town and Gown Collaboration*

The applicant's Statement of Consistency states that the proposed rezoning would contribute to the following elements 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 welcoming and friendly community that provides people with access to opportunities (*Goal: A Place for Everyone.4*)
- Balance and sustain finances by increasing revenues and decreasing expenses (*Goal: Community Prosperity and Engagement.1*)
- Foster success of local businesses (*Goal: Community Prosperity and Engagement.2*)
- A connected community that links neighborhoods, businesses and schools through the provision of greenways, sidewalks, bike facilities and public transportation (*Goal: Getting Around.2*)
- A vibrant, diverse, pedestrian-friendly, and accessible downtown with opportunities for growing office, retail, residential and cultural development and activity (*Goal: Good Places, New Spaces.2*)
- A joint Town/University development strategy that aligns initiatives for transportation, housing, environmental protection, and entrepreneurial programs (*Goal: Good Places, New Spaces.4*)
- A community that welcomes and supports change and creativity (*Goal: Good Places, New Spaces.6*)
- Open and accessible common spaces for community gathering, cultural uses, and community development (*Goal: Good Places, New Spaces.7*)
- Take full advantage of ideas and resources to create a thriving economy and incorporate and utilize the intellectual capital that the University and Town create (*Goal: Town and Gown Collaboration.1*)

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.

REASONABLENESS OF THE ZONING AMENDMENT

Reasonableness is determined by comparing the scale of permissible development under the proposed zoning district to that of existing zoning, and by considering characteristics of the site and its surroundings. North Carolina General Statute 160D-605 requires the Town Council to consider a statement of Plan reasonableness when reviewing any Zoning Atlas Amendment.

Specific characteristics of the development proposal, compliance with regulations, and appropriate conditions to address potential impacts of the development are evaluated elsewhere.

SUMMARY OF ANALYSIS FOR REASONABLENESS

Supporting Factors

- The site is located along a significant downtown business corridor and close to arterial roads.
- Existing transit service is available within 0.1 miles through multiple bus routes.
- Planned transportation infrastructure along surrounding streets, including bicycle facilities and BRT service, could support more intense development by providing various modes of travel.

- The site already has significant impervious surface and little existing tree coverage.
- The site is surrounded by a mixture of uses and a development character that is compatible with the proposed zoning.
- There is an adjacent office building of similar scale to the proposal.
- Updated zoning could facilitate redevelopment of the Wallace Deck, once parking need is met by the new municipal parking deck.
- Proposed zoning is consistent with the Future Land Use Map character for the Focus Area, and with the list of appropriate uses.
- Activated Street Frontage on the FLUM suggest that more intense development is appropriate.
- Recent development projects along Rosemary St represent changing conditions in the area.
- Zoning conditions provide an opportunity to limit intensity and to establish standards that address any impacts on surrounding properties.

Other Considerations

- The proposed zoning would allow roughly double the amount of permissible development allowed under existing zoning.

APPLICANT PROPOSAL

Project Description	A commercial office and lab building with around 237,000 sq ft of space. Constructed through redevelopment of the existing Wallace Parking Deck. Includes an adjacent Town Green public space. Located in downtown Chapel Hill, across from a municipal parking deck project currently under construction.	
Proposed Zoning Atlas Amendment (ZAA)	From Town Center-2 (TC-2) to Town Center-3-Conditional Zoning District (TC-3-CZD)	Notes: The submittal of a Conditional Zoning application allows review of the development proposal in conjunction with the rezoning, and allows site-specific standards to be formulated and applied as conditions through a legislative process. A -CZD suffix would be applied to acknowledge approval of conditions.
Applicant Reasoning for ZAA	To accommodate the target program for the building as contemplated under an Economic Development Agreement between the developer and the Town, and to facilitate an open dialogue with the public about the project.	

REASONABLENESS OF ZONING CHANGE: Comparing Existing Permissible Development to Proposed

	LUMO Standard for TC-3	Staff Evaluation
District Intent	<u>Section 3.3.1</u> : The town center (TC) districts are intended to provide for the development of the commercial, service, and social center of Chapel Hill while maintaining its character, its pedestrian-oriented scale, and its	The proposed use program supports the intent statement by contributing to commercial development and a concentration of business functions in Downtown Chapel Hill.

	nature as a concentration of business, administrative, financial, governmental, and support functions serving the community; and to encourage further residential development in the central area of Chapel Hill.	
Permitted Uses	<u>Table 3.7-1</u> : Permitted uses in the TC-3 district include a wide variety of residential, commercial, office, institutional, research, and public uses.	<p>The associated Conditional Zoning application proposes space for Business, office-type; Research activities; other Business (ie commercial); and public open space as the uses for the site.</p> <p>All TC- districts specify the same permitted uses. There would be no increase or reduction in uses permitted under a rezoning from TC-2 to TC-3.</p>
Dimensional Standards	<p><u>Table 3.8-1</u>: Standards for the TC-3 district are broadly permissive for development. The main factors limiting development intensity are Height and Floor Area Ratio (FAR).</p> <ul style="list-style-type: none"> • No Maximum Residential Density • Maximum Building Height of 44 ft at the setback line and 120 ft at the site core • No Minimum Street Setbacks • Maximum Floor Area Ratio of 4.00 	<p>The associated Conditional Zoning application proposes:</p> <ul style="list-style-type: none"> • No dwelling units - Residential Density n/a • Modifications to Regulations for greater allowable Building Height at the setback line and site core • Minimum Street Setback of 12 ft • 237,000 sq ft, resulting in a Floor Area Ratio of 3.33 <p>The existing TC-2 zoning has the following standards:</p> <ul style="list-style-type: none"> • No Maximum Residential Density • Maximum Building Height of 44 ft at the setback line and 90 ft at the site core • No Minimum Street Setbacks • Maximum Floor Area Ratio of 1.97 <p>Based on the comparison of Floor Area Ratio TC-3 zoning would allow roughly double the amount of permissible development that currently exists for the site.</p>

Design and Development Standards

Many other standards, including parking, landscaping, and environmental protection, are established in LUMO Article 5 and are applicable in equal measure to the proposed TC-3 and the existing TC-2 district. A change in zoning district would not change how Article 5 standards apply.

The Conditional Zoning application provides an opportunity to establish conditions that modify development standards in order to address impacts reasonably expected to be generated by development.

REASONABLENESS OF ZONING CHANGE:
Consideration of the Site and its Surroundings

	Description	Staff Evaluation
Existing Use and Surroundings	<p>Public parking deck serving downtown Chapel Hill, and a service lot behind the downtown post office.</p> <p>Site is along the E Rosemary corridor where there are multiple redevelopment projects under construction and proposed.</p>	<p>With parking need expected to be met by the new municipal parking deck, measures to facilitate new development opportunities for the Wallace Deck are reasonable.</p>
Adjacent Zoning Districts and Land Uses	<p><u>North</u>: TC-2 and TC-2-CZD, low-rise commercial buildings and a Town parking deck (under construction)</p> <p><u>East and Southeast</u>: TC-2 and TC-1, with HD overlay, low-rise commercial buildings</p> <p><u>South</u>: TC-1, Post office and low-rise main street commercial buildings</p> <p><u>West and Southwest</u>: TC-3, mid-rise office building with ground-floor commercial</p> <p>Various commercial uses, University campus, and some residences in the nearby area.</p>	<p>TC-3, TC-2, and TC-1 are compatible adjacent zoning districts.</p> <p>The surrounding area has been mostly developed, with a mixture of uses and a development character that is compatible with the proposed TC-3 zoning. In particular, the proposed uses are compatible with the adjacent mid-rise office building.</p>
Transit Service	<p>Existing local and regional bus routes nearby, running along Franklin St and Columbia St, with stops within 0.1 miles of the site.</p> <p>N Columbia St is part of the corridor for the future North-South Bus Rapid Transit project. A proposed BRT station is located at Columbia St and Franklin St, within ¼ mile of the site.</p>	<p>The amount of nearby existing and future transit service, including high-frequency routes, suggest that more intense development is reasonable.</p>
Roads and Vehicular Access	<p>Frontage on Rosemary St, a significant business corridor for Downtown.</p> <p>Additional frontage on Henderson St.</p> <p>Proximity to major arterials – Columbia St and Franklin St.</p>	<p>The location along and near significant streets suggests that more intense development is reasonable.</p>
Pedestrian & Bike Facilities (existing)	<p>Existing sidewalks along both sides of E Rosemary St and N Henderson St.</p>	<p>The presence of an existing pedestrian network suggests that more intense development is reasonable.</p> <p>Some existing sidewalks are narrow and may need to be upgraded to wider widths to support new activity generated by development.</p>
Streams/ Wetlands/ Floodplain	<p>No environmental constraints identified at this time.</p>	<p>Development could occur without substantial increase of impervious</p>

	The existing parking deck and lot result in extensive existing impervious surface area.	area, loss of tree canopy, or impact to sensitive environmental features.
Topography	Slopes down from south to north. Henderson St. sits lower than the site with a retaining wall in between. No areas of steep slopes identified.	






















PROJECT FACT SHEET



Project Details

Site Description	
Project Name	East Rosemary Street Redevelopment Project
Address	150 East Rosemary Street
Property Size (NLA)	64,690 SF (1.49 acres)
Existing	Parking deck
Orange County Parcel Identifier Numbers	9788-37-9717
Existing Zoning	Town Center-2 (TC-2)
Proposed Zoning	Town Center-3-Conditional Zoning District (TC-3-CZD)


Site Development Standards

Topic	Comment	Status
Development Intensity		
Use/Density (Sec. 3.7)	Existing Use: 309 vehicle space parking garage and surface parking lot Proposed Use: Seven-story lab and office building above three levels of parking	
Dimensional Standards (Sec. 3.8)	Primary height: 112 ft. (modification requested) Core height: 140 ft. (modification requested) Setbacks: 0 ft. in Town Center zoning districts	M
Floor area (Sec. 3.8)	Proposed: 228,000 sq. ft.	
Landscape		
Buffers (Sec. 5.6.2)	N/A in Town Center zoning districts	
Tree Canopy (Sec. 5.7)	N/A in Town Center zoning districts	
Landscape Standards (Sec. 5.9.6)	N/A in Town Center zoning districts	
Environment		
Resource Conservation District (Sec. 3.6)	N/A	
Erosion Control (Sec. 5.3.1)	Orange County Erosion Control permit required	
Steep Slopes (Sec. 5.3.2)	N/A	

Stormwater Management (Sec. 5.4)	Meet or exceed LUMO 5.4 standards	
Land Disturbance	75,000 sq. ft.	
Impervious Surface	N/A in Town Center zoning districts	
Solid Waste & Recycling	Private trash and recycling pickup proposed	
Jordan Riparian Buffer (Sec. 5.18)	N/A	
Access & Circulation		
Road Improvements (Sec. 5.8)	Improvements to be completed in accordance with TIA findings, including: <ul style="list-style-type: none"> - Primary access to the underground parking garage access from the existing alley - Maintain the existing one-way alley access configuration behind the proposed office building 	
Vehicular Access (Sec. 5.8)	Right-in, right-out driveway on East Rosemary Street and one exit-only driveway on Henderson Street	
Bicycle Improvements (Sec. 5.8)	None	
Pedestrian Improvements (Sec. 5.8)	Streetscape improvements along East Rosemary Street frontage including brick pavers and street trees	
Traffic Impact Analysis (Sec. 5.9)	TIA completed	
Vehicular Parking (Sec. 5.9)	<i>Proposed:</i> 170 vehicle parking spaces	
Transit (Sec. 5.8)	N/A	
Bicycle Parking (Sec. 5.9)	<i>Required:</i> 168 spaces <i>Proposed:</i> 181 spaces	
Electric Vehicle Parking	<i>Proposed:</i> 6 spaces	
Parking Lot Standards (Sec. 5.9)	Built to Town Standards	
Technical		
Fire	Built to Town Standards	
Schools Adequate Public Facilities (Sec. 5.16)	N/A	
Inclusionary Zoning Ordinance (Sec. 3.10)	N/A	
Recreation Area (Sec. 5.5)	N/A	

Lighting Plan (Sec. 5.11)	Built to Town Standards; not to exceed 0.3 footcandles at property line	
Homeowners Association (Sec. 4.6)	N/A	

Project Summary Legend

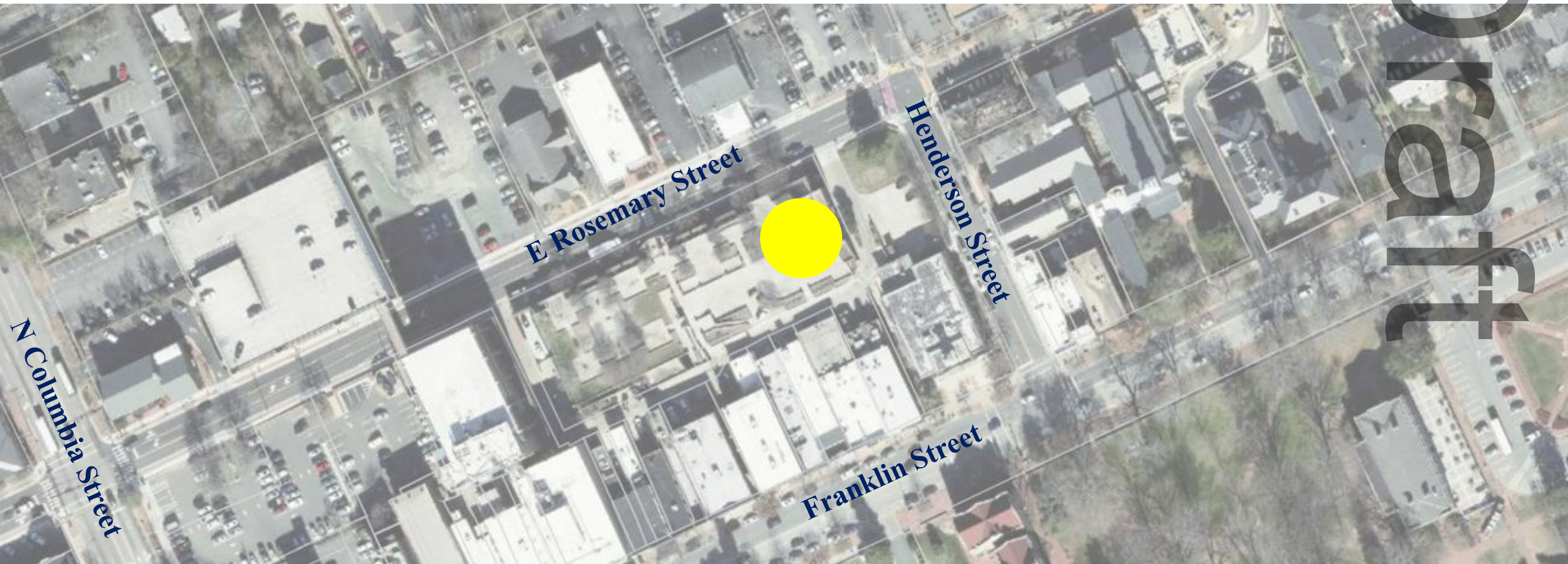
Symbol	Meaning
	Meets Requirements
M	Seeking Modification
FP	Required at Final Plan
NA	Not Applicable



TOWN COUNCIL

CONDITIONAL ZONING
10.27.2021

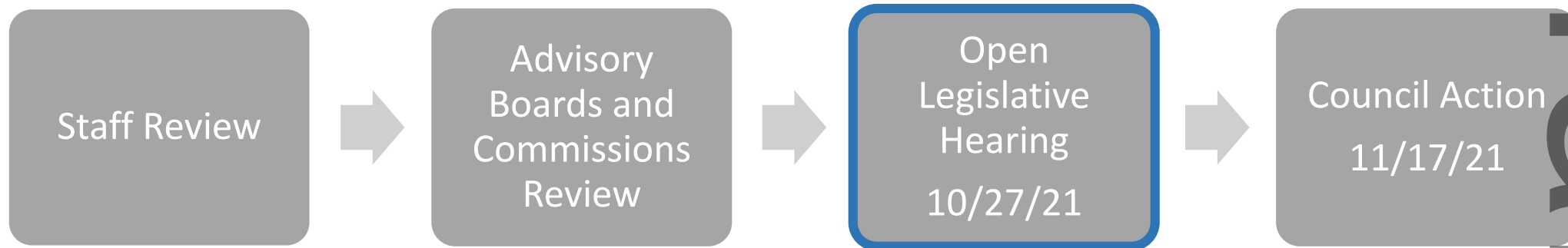
150 E Rosemary Street



Draft



PROCESS





RECOMMENDATION

- ☐ Open the Legislative Hearing
- ☐ Receive comments
- ☐ Continue the hearing to November 17, 2021





PROJECT SUMMARY

- ❑ 1.5 acre site
- ❑ Conditional Zoning
- ❑ Currently TC-2
- ❑ Proposing TC-3-CZD
- ❑ Existing Wallace Deck
- ❑ Construct a 7-story lab and office building above 3 levels of underground parking



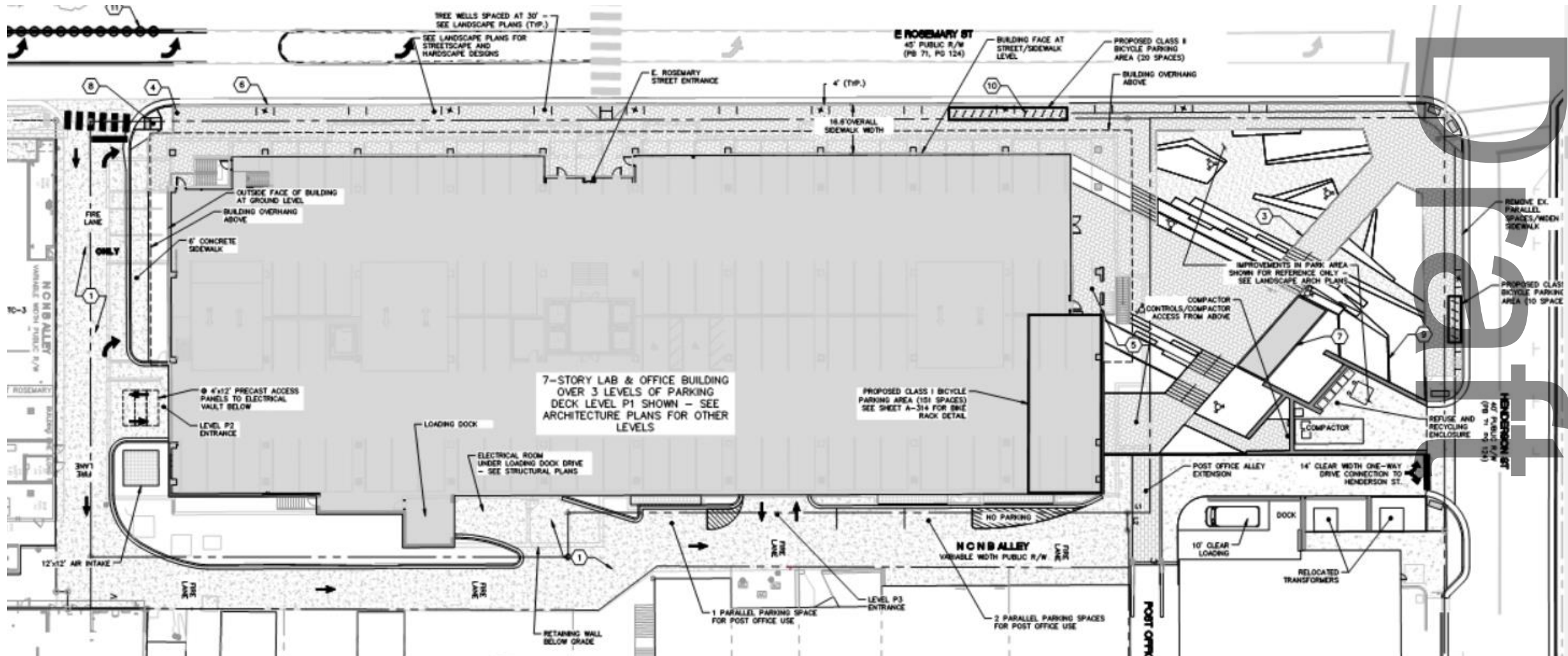


EXISTING CONDITIONS





SITE PLAN

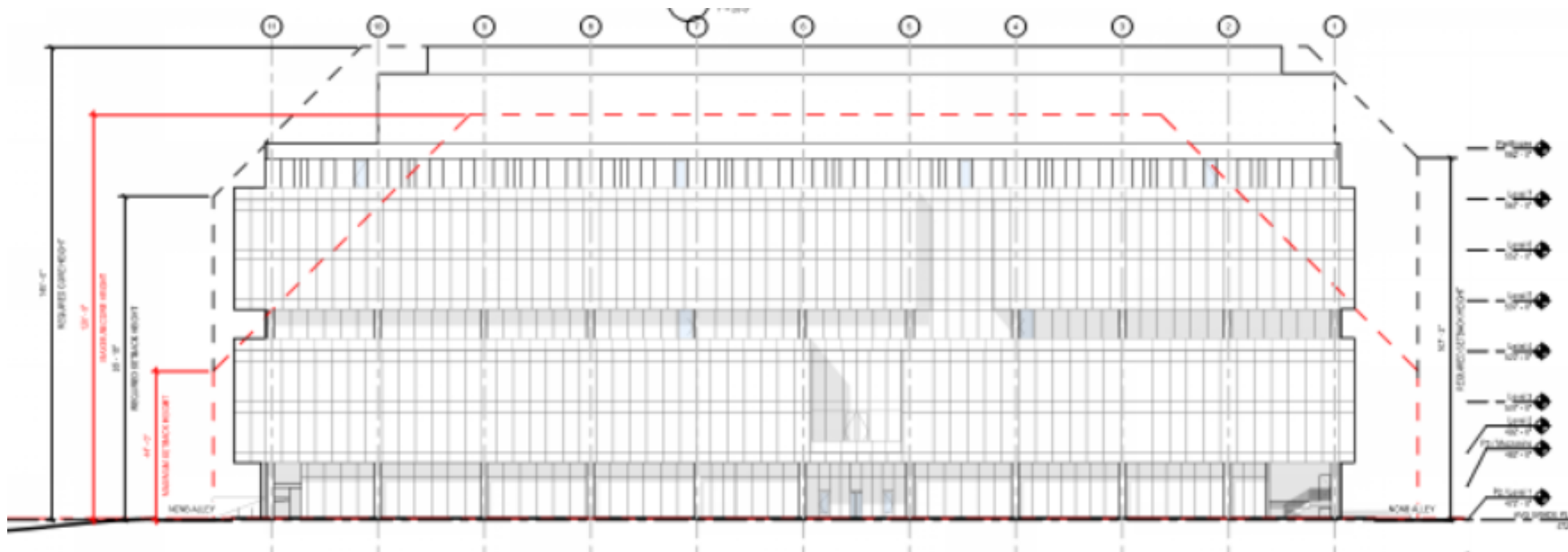




PROPOSED MODIFICATIONS

Requesting modification to regulations for:

- ☐ Maximum primary height from 44' to 112'
- ☐ Maximum secondary height from 120' to 140'



Draft



RECOMMENDATION

- ☐ Open the Legislative Hearing
- ☐ Receive comments
- ☐ Continue the hearing to November 17, 2021



RESOLUTION A

(Resolution of Consistency and Reasonableness)

A RESOLUTION REGARDING THE APPLICATION FOR CONDITIONAL ZONING ATLAS AMENDMENT AT THE PROPERTY LOCATED AT 150 E. ROSEMARY STREET TO TOWN CENTER-3-CONDITIONAL ZONING DISTRICT (TC-3-CZD) IS REASONABLE AND CONSISTENCY WITH THE COMPREHENSIVE PLAN (PROJECT #21-018) (2021-X-X/R-X)

WHEREAS, the Council of the Town of Chapel Hill has considered the application for Conditional Zoning submitted by Ballentine Associates, on behalf of the Town of Chapel Hill and Grubb Properties, Inc., to rezone a 1.49 acre parcel located at 150 East Rosemary Street on property identified as Orange County Property Identifier Numbers 9788-37-9851 and a portion of 9788-47-2803, to allow business-type, office and research activities building with parking; 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 October 12, 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 Ballentine Associates 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:

- Family-friendly, accessible exterior and interior places throughout the town for a variety of active uses (*Goal: A Place for Everyone.1*)
- A welcoming and friendly community that provides people with access to opportunities (*Goal: A Place for Everyone.4*)
- Balance and sustain finances by increasing revenues and decreasing expenses (*Goal: Community Prosperity and Engagement.1*)
- Foster success of local businesses (*Goal: Community Prosperity and Engagement.2*)
- A connected community that links neighborhoods, businesses and schools through the provision of greenways, sidewalks, bike facilities and public transportation (*Goal: Getting Around.2*)
- A vibrant, diverse, pedestrian-friendly, and accessible downtown with opportunities for growing office, retail, residential and cultural development and activity (*Goal: Good Places, New Spaces.2*)
- A joint Town/University development strategy that aligns initiatives for transportation, housing, environmental protection, and entrepreneurial programs (*Goal: Good Places, New Spaces.4*)
- A community that welcomes and supports change and creativity (*Goal: Good Places, New Spaces.6*)
- Open and accessible common spaces for community gathering, cultural uses, and community development (*Goal: Good Places, New Spaces.7*)

- Take full advantage of ideas and resources to create a thriving economy and incorporate and utilize the intellectual capital that the University and Town create (*Goal: Town and Gown Collaboration.1*)

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

- With parking need expected to be met by the new municipal parking deck, measures to facilitate new development opportunities for the Wallace Deck are reasonable.
- TC-3, TC-2, and TC-1 are compatible adjacent zoning districts.
- The surrounding area has been mostly developed, with a mixture of uses and a development character that is compatible with the proposed TC-3 zoning. In particular, the proposed uses are compatible with the adjacent mid-rise office building.
- The amount of nearby existing and future transit service, including high-frequency routes, suggest that more intense development is reasonable.
- The location along and near significant streets suggests that more intense development is reasonable.
- The presence of an existing pedestrian network suggests that more intense development is reasonable.
- Some existing sidewalks are narrow and may need to be upgraded to support new activity generated by development.
- Development could occur without substantial increase of impervious area, loss of tree canopy, or impact to sensitive environmental features.

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 ____ day of _____, 2021.

ORDINANCE A

(Approving the Conditional Zoning Application)

AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS TO REZONE THE PROPERTY LOCATED AT 150 EAST ROSEMARY STREET TO TOWN CENTER-3-CONDITIONAL ZONING DISTRICT (TC-3-CZD) (PROJECT #21-018)

WHEREAS, the Council of the Town of Chapel Hill has considered the application for Conditional Zoning submitted by Ballentine Associates, on behalf of the Town of Chapel Hill and Grubb Properties, Inc., to rezone a 1.49 acre parcel located at 150 East Rosemary Street on property identified as Orange County Property Identifier Numbers 9788-37-9851 and a portion of 9788-47-2803, to allow business-type, office and research activities building with parking, 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 welcoming and friendly community that provides people with access to opportunities (*Goal: A Place for Everyone.4*)
- Balance and sustain finances by increasing revenues and decreasing expenses (*Goal: Community Prosperity and Engagement.1*)
- Foster success of local businesses (*Goal: Community Prosperity and Engagement.2*)
- A connected community that links neighborhoods, businesses and schools through the provision of greenways, sidewalks, bike facilities and public transportation (*Goal: Getting Around.2*)
- A vibrant, diverse, pedestrian-friendly, and accessible downtown with opportunities for growing office, retail, residential and cultural development and activity (*Goal: Good Places, New Spaces.2*)
- A joint Town/University development strategy that aligns initiatives for transportation, housing, environmental protection, and entrepreneurial programs (*Goal: Good Places, New Spaces.4*)
- A community that welcomes and supports change and creativity (*Goal: Good Places, New Spaces.6*)
- Open and accessible common spaces for community gathering, cultural uses, and community development (*Goal: Good Places, New Spaces.7*)
- Take full advantage of ideas and resources to create a thriving economy and incorporate and utilize the intellectual capital that the University and Town create (*Goal: Town and Gown Collaboration.1*)

WHEREAS, the application, if rezoned to Town Center-3-Conditional Zoning District (TC-3-CZD) according to the rezoning plan dated February 10, 2021 and last revised September 28, 2021, and the conditions listed below would:

- 1) Conform with the Comprehensive Plan
- 2) Conform with the applicable provisions of the Land Use Management Ordinance and Town Code
- 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:

Section 3.8.2(g)(2): Dimensional Regulations: Modify the allowed setback building height to 112 feet and the allowed core height to 140 feet.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree as the increased height will allow additional levels of lab and office space to meet the economic needs of downtown.

CONDITIONAL USES

BE IT FURTHER ORDAINED by the Council of the Town of Chapel Hill that it finds, in this particular case, the proposed rezoning with the following uses, subject to the conditions below, satisfies the purposes of Town Center-3-Conditional Zoning (TC-3-CZ).

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 parcel identified by Parcel Identifier Number (PIN) 9788-37-9717, described below, shall be rezoned to Town Center-3-Conditional Zoning District (TC-3-CZD):

That certain parcel of land and the improvements located thereon containing approximately 1.49 acres according to the plat entitled Recombination Plat Rosemary Street Parking Facility and recorded at Plat Book 71, Page 124, Orange County Registry.

SECTION II

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 _____ (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: Business, Office-type and Research Activities	
Gross Land Area	71,159 sq. ft. (1.63 acres)
Maximum Floor Area	228,000 sq. ft.
Maximum Land Disturbance	75,000 sq. ft. (including off-site)
Maximum Parking Spaces	170 spaces
Minimum Bicycle Parking Spaces	181 spaces

4. Streetscape Improvements: Prior to issuance of a Zoning Final Inspection, the E. Rosemary Street frontage shall be improved as indicated in the streetscape plan, including brick pavers and street trees.
5. Signal Timing Payment-in-Lieu: Prior to issuance of Zoning Compliance Permit, the developer shall provide a payment-in-lieu for signal timing adjustments at the intersections of Henderson Street and E. Rosemary Street and Henderson Street and Franklin Street.
6. Road Improvements: Prior to issuance of a Zoning Final Inspection, road improvements and changes to the proposed plans shall be made in accordance with the Transportation Impact Analysis, including:
 - a) Provide a primary access to the underground parking garage access from the existing alley.
 - b) Maintain the existing one-way alley access configuration behind the proposed office building.
 - c) Install "Do Not Block Intersection" signage and pavement markings on Henderson Street.
7. Erosion Control Permit: The applicant shall provide a copy of the approved erosion and sediment control permit from Orange County prior to receiving Zoning Compliance Permit. During construction phase, additional erosion and sediment controls will be required if the proposed measures do not contain the sediment. Sediments leaving the site is a violation of Town's Erosion and Sediment Control Ordinance. {TOWN CODE CHAPTER 5}
8. Performance Bond: Prior to commencing construction activity for improvements in public right of way, a performance bond shall be provided to the Town to ensure that improvements are in accordance to Town's standards. {TOWN CODE 17}

TOWN OF CHAPEL HILL – CONDITIONAL ZONING STANDARD STIPULATIONS

Unless modified by the site-specific conditions noted above, these standards apply to all development permitted by a Conditional Zoning Atlas Amendment. The following standard stipulations are supplemental to site-specific conditions as set by Town Council.

Access

9. 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

10. 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]
11. 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. 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 described in the Town Design Manual. [LUMO 4.5.2]

12. 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]
13. 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]
14. 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).
15. 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.
16. Pavement Markings: Any pavement markings proposed within the public street rights-of-way shall be long life thermoplastic. Pavement markers shall be installed if they previously existed on the roadways.
17. Off-Site Construction Easements: Prior to any development associated land disturbance on abutting properties, the developer shall provide documentation of approval from the affected property owner(s). [LUMO 5.8.1]
18. 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 Design Manual]
19. Low Vision Design Features: Any proposed pedestrian facilities should incorporate low vision design features as feasible. [LUMO 4.5.2]
20. 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]
21. 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]
22. 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. 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

23. 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]
24. 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]
25. 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, fencing details, and location of fencing. [LUMO 5.7.3]
26. 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]
27. 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]
28. 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]
29. 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.
30. 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).
31. Lighting Plan Review: 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]

32. Community Design 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

33. Stormwater Management Plan: Development projects must comply with *Section 5.4 Stormwater Management* of the Chapel Hill Land Use Management Ordinance.
34. Phasing Plan: If phasing of the project is proposed, then, prior to issuance of a Zoning Compliance Permit, the developer shall obtain approval of a Phasing Plan that provides details of which improvements are to be constructed during each phase. 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 may not begin until all public improvements in previous phases have been completed, with a note to this effect on the final plans and plats. [LUMO 4.5.3]
35. 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]
36. Silt Control: The developer shall take appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent roadways. [Town Code 5-86]
37. 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]
38. Curb Inlets: The developer shall provide pre-cast curb inlet hoods and covers stating, "Dump No Waste! Drains to Jordan Lake", in accordance with the specifications of the Town Standard Detail SD-5A, for all new curb 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 Design Manual Chapter 10]

41. 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]
42. 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

43. 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.
44. 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

45. 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 4.5.3]
46. 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]
47. Relocation of Overhead Utilities Underground: Prior to issuance of a Certificate of Occupancy, the developer will install underground all public utilities that are currently located overhead on the site except for 3 phase or greater electric lines. [LUMO 5.12.2]

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.

Fire Safety

51. 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]
52. 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]
53. 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]
54. 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.
55. 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]
56. 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.

57. 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]
58. 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 DOT APPROVAL]
59. 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.
60. 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 DOT APPROVAL]
61. Fire Access: Prior to issuance of a Certificate of Occupancy, fire access shall be reviewed and approved by the Town of Chapel Hill.
62. 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]
63. 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]
64. 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]

65. 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]
66. 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]
67. 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]
68. 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.
69. 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.
70. 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]
71. 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.
72. 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 Design Manual]
73. 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]
74. 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

75. 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]
76. 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]
77. 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

78. 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. [NC State; Federal Permits]
79. 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. [NC Department of Transportation]

Miscellaneous

80. 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]

81. 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 Code 17-42]
82. 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, and shall consist of light letters on a dark background. 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]
83. Schools Adequate Public Facilities Ordinance: If applicable, the developer shall provide the necessary Certificates of Adequacy of Public Schools or an exemption prior to issuance of a Zoning Compliance Permit. [LUMO 5.16]
84. Open Burning: The open burning of trees, limbs, stumps, and construction debris associated with site development is prohibited. [Town Code 7-7]
85. 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]
86. 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.
87. Traffic Signs: The developer shall be responsible for placement and maintenance of temporary regulatory signs before issuance of any Certificates of Occupancy.
88. 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.
89. 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 Design Manual Chapter 10]

90. Vested Right: This Special Use Permit or Special Use Permit Modification 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.
91. Continued Validity: Continued validity and effectiveness of this approval shall be expressly conditioned on the continued compliance with the plans and conditions listed above.
92. Non-Severability: If any of the above conditions is held to be invalid, approval in its entirety shall be void.
93. Not-Comprehensive: The listing of these standard stipulations, and the specific stipulations applicable to this Permit, is not intended to be comprehensive and does not exclude other state and local laws and regulations which may be applicable to this Permit and development project.

BE IT FURTHER RESOLVED that the Council hereby approves the application for Conditional Zoning for 150 E. Rosemary Street.

This the ____ day of _____, 2021.

RESOLUTION B

(Denying the Conditional Zoning Application)

A RESOLUTION DENYING AN AMENDMENT OF THE CHAPEL HILL ZONING ATLAS TO REZONE THE PROPERTY LOCATED AT 150 EAST ROSEMARY STREET TO TOWN CENTER-3-CONDITIONAL ZONING DISTRICT (TC-3-CZD) (PROJECT #21-018) (2021-X-X/R-X)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that a Conditional Zoning application, proposed by Ballentine Associates on behalf of Grubb Properties, to rezone a 1.49 acre parcel located at located at 150 East Rosemary Street and identified as Orange County Parcel Identifier Number 9788-37-9717, if rezoned to Town Center-3-Conditional Zoning District (TC-3-CZD) according to the rezoning plan dated February 10, 2021 and last revised September 28, 2021, and the conditions listed below would not:

- a) Conform with the Comprehensive Plan
- b) Conform with the applicable provisions of the Land Use Management Ordinance and Town Code
- 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 150 East Rosemary Street to Town Center-3-Conditional Zoning District (TC-3-CZD).

This the ____ day of _____, 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 THE CONDITIONAL ZONING APPLICATION FOR 150 EAST ROSEMARY STREET

October 5, 2021

Resolution A, Resolution of Consistency

Recommendation to Council: Approval ☒ Approval with Conditions ☐ Denial ☐

Motion: Commissioner Rees moved and Commissioner Baxter seconded to recommend Town Council adopt Resolution A, Resolution of Consistency

Vote: 8-0

Ayes: Chair Michael Everhart, Vice Chair James Baxter, Neal Bench,
Jon Mitchell, John Rees, Stephen Whitlow, Elizabeth Losos,
Louie Rivers,

Nays:

Ordinance A

Recommendation to Council: Approval ☐ Approval with Conditions ☒ Denial ☐

Motion: Commissioner Bench moved and Commissioner Rees seconded to recommend Town Council enact Ordinance A, approving the development with the following conditions:

- Design and build the highly visible 8th floor (mechanical floor) of the building for both aesthetics and function. Consider alternate claddings and façade treatments and consider rooftop utilities such as a PV array or rainwater collection. Consider relocating the refuse facility into the loading area in the alley.
- Applaud the applicant's Gold LEED intentions but encourage the applicant to pursue Platinum LEED certification instead.
- Engage with the Town's Urban Designer to pursue strategies for first floor activation and to prevent blank or covered window facades.
- Provide a ratio of wall mounted bicycle parking to at-grade bicycle parking that addresses the increased use of (heavier) e-bicycles.
- The weather protected space created by the 2nd level overhang on E. Rosemary Street must incorporate bicycle parking.

- Plan Murals and Public Art to enhance the structure, including on the alley frontage.
- Provide electric car charging stations or at least provide conduit for future connection.
- Consider the need for bicycle infrastructure around the site:
 - Bike are needed to reach Bike/Ped goals of Chapel Hill, the building has 150 bike spaces proposed with no bike lanes to access the property.
 - Provide traffic calming measures along the entire E. Rosemary renovation.
 - Install a raised intersection at the E. Rosemary / Henderson St. intersection.
- Increase the numbers of shade trees so the public will use the outdoor spaces, particularly in the public green.

Vote: 8-0

Ayes: Chair Michael Everhart, Vice Chair James Baxter, Neal Bench,
Jon Mitchell, John Rees, Stephen Whitlow, Elizabeth Losos,
Louie Rivers,

Nays:

Prepared by: Michael Everhart, Chair, Planning Commission
Judy Johnson, Assistant Planning Director, Staff Liaison to Planning
Commission

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 CONDITIONAL ZONING PERMIT AT 150 E ROSEMARY ST

September 28, 2021

Recommendation: **Approval** ☐ **Approval with Conditions** ☒ **Denial** ☐

Motion: John Weis moved and Susan Lyons seconded a motion to recommend approval of the project presented by the applicant, with the following conditions:

1. That the applicant rethink the approach to waste disposal (e.g. other locations for the dumpster or solutions not requiring a dumpster).
2. That architectural treatment of the exhaust fans and other upper-level mechanical equipment be subject to CDC review and approval at the Final Plans stage.

Vote: 6-0

<p>Yeas: Susana Dancy Ted Hoskins Scott Levitan Susan Lyons Megan Patnaik John Weis</p>	<p>Nays: None</p>
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Prepared by: Corey Liles, Principal Planner

ENVIRONMENTAL STEWARDSHIP ADVISORY BOARD

The charge of the environmental stewardship advisory board will be to assist the Chapel Hill Town Council in strengthening environmentally responsible practices that protect, promote and nurture our community and the natural world through advice and program support.

RECOMMENDATION FOR CONDITIONAL ZONING DISTRICT FOR 150 E. ROSEMARY ST.

September 23, 2021

Recommendation to Council: Approval ☐ Approval with Special Considerations ☒
Denial ☐

Motion: Julie Gras-Najjar moved and Bruce Sinclair seconded a motion to recommend that the Council approve the conditional zoning district for the 150 E Rosemary Street development application, with the following special considerations:

Vote: 7-0

Aye: Chair Maripat Metcalf, Vice-chair Adrienne Tucker, Julie Gras-Najjar, E. Thomas Henkel, Julie McClintock, Bruce Sinclair, and Lucy Vanderkamp

Nay:

Special Considerations:

1. Use biofuel instead of natural gas for heating the building
2. Incorporate plans for using fresh air and other ventilation throughout the building
3. Use rainwater capture for rainwater reuse in the building for nonpotable water needs

Prepared by: Maripat Metcalf, Chair, Environmental Stewardship Advisory Board
Adrienne Tucker, Vice-Chair, Environmental Stewardship Advisory Board
John Richardson, Community Resilience Officer, Staff Liaison to ESAB

TRANSPORTATION AND CONNECTIVITY ADVISORY BOARD

To assist the Chapel Hill Town Council in creating an inclusive connected community by recommending, advocating and planning for comprehensive, safe, effective and sustainable multi-modal transportation and connectivity

RECOMMENDATION

150 East Rosemary

(Project # 21-018)

September 28, 2021

Recommendation: **Approved** ☐ **Approval with Conditions** ☒ **Denied** ☐

Motion: Susanne Kjemtrup-Lovelace moved, and Rudy Juliano seconded, to recommend approval of the conditional zoning application with the following conditions:

- The applicant evaluate the siting and pavement marking for bike parking to facilitate safe passage of cyclists to spots, including splitting bicycle parking across levels to place bicycle parking closer to entrances
- The applicant provide at least 3% of the spaces on site as electric vehicle charging spaces, with at least one ADA accessible space with electric vehicle charging.
- The applicant ensure that at least 20% of vehicle parking spaces are 'EV-Ready' to support future electric vehicle charging stations
- The applicant provide a form of delineation for the crosswalk carrying Post Office Alley across NCNB Alley, including signage to ensure pedestrian safety by slowing vehicle traffic on NCNB Alley.

Vote: 9-0

Ayes: Heather Brutz, Nikki Abija, Mary Breeden, Brian Hageman, Katie Huge, Rudy Juliano, Susanne Kjemtrup-Lovelace, Denise Matthews, Alvaro Villagran

Nays:

Prepared by:
Josh Mayo, Transportation Planner I

HISTORIC DISTRICT COMMISSION

To promote, enhance, and preserve the character of the Chapel Hill Historic District.

RECOMMENDATION
150 E. Rosemary Street
Conditional Zoning
(PROJECT #21-018)
October 13, 2021

The Historic District Commission only reviewed that portion of the project within the Franklin-Rosemary Historic District that was within their purview. The scope of their review was limited to the park area on the eastern section of the property; the Commission did not review the building design.

Recommendation: **Approved** ☐ **Approval with Conditions** ☒ **Denied** ☐

Motion: Murphy moved and Lascelles seconded to approve the proposed Conditional Zoning at 150 E. Rosemary with the stipulations memorialized in Chair Schwartz's memo to the Council dated September 19, 2021.

Vote: 7 - 2

Ayes: Sean Murphy, Josh Gurlitz, Anne Perl de Pal, Polly Van de Velde, Nancy McCormick, Duncan Lascelles

Nays: Chris Berndt, David Schwartz

Reasons for Nay Votes:

- The current way of restricting comments is too narrow for the importance of the project before the community.

Prepared by: David Schwartz, Chair, Historic District Commission; Anya Grahm, Planning Staff

To: Mayor and Town Council

From: David Schwartz, Chair, Historic District Commission

Date: September 19, 2021

At the Historic District Commission meeting of September 14, 2021, the Commission as a body asked me to convey to you some of their concerns about the Certificate of Appropriateness application for a public park/plaza at 150 E. Rosemary. The Commission approved the Certificate of Appropriateness application. Vote: 5-1. We were given to understand that, according to state law, the larger project of which the plaza is a part cannot go forward without the plaza component first receiving a COA. The approval included two conditions: 1) Public artwork, to be determined by the applicant and the Town, shall be placed on the trash enclosure gates; 2) The project shall use the Town Standards for streetlights. The applicant was amenable to both conditions.

However, the HDC also voted to recommend to the Council that 1) the Council undertake a public process for design of the park plaza; and 2) if any changes are made to the design of the plaza based on its conditional zoning approval, the modified design be brought to the HDC for an amendment to the Certificate of Appropriateness. Vote: 5-1.

Some commissioners felt it was premature and/or confusing for the HDC to be reviewing this project at this stage because 1) the design of the adjacent office building has not been finalized and it is hard to evaluate the design of the plaza without knowing what context the adjacent structure will provide; 2) the Town, as owner of the site, is officially the applicant and yet the Town seems not to have played any role in the application process that we could discern; 3) related to #2, approval of the design for any public park, and especially one occupying such a prominent central downtown location, should involve a public process and review by Town Parks and Rec staff, the Parks and Rec advisory board as well as other advisory boards (e.g., planning, cultural arts), and the public at large. It's not clear whether the application the HDC reviewed has undergone review by any of these other stakeholders.

We understand that the park plaza will be included in the applicant's conditional zoning application to be submitted. In the normal course of a Conditional Use review, in which part or all of the site is within one of the Historic Districts, the HDC would act in place of the CDC. The HDC would then review the Concept Plan prior to the Conditional Use submittal and make preliminary comments. We did see an earlier version of this town park as part of our concept plan review of the entire project (including the office building) in December 2020, but staff advised the commission at that meeting to refrain from commenting on any proposed landscaping and to wait instead for the COA application.

In addition to these concerns about process, Commission members expressed concerns about the substance of the proposed design, including

1) The site of the proposed plaza occupies a transition zone between downtown and the historic Franklin-Rosemary residential district. The function of the plaza as a gateway from one area to the other should figure more prominently in the design.

2) Several commissioners expressed concern about the inaccessibility of much of the plaza to those in wheelchairs, pushing strollers, with mobility limitations, etc. The proposed park design may not meet ADA accessibility standards.

3) At our initial review of this project on July 20, Commission members suggested considering other models for small downtown parks with a green component, including the lawn in front of Weaver Street Market and the church park at the corner of Franklin and Columbia. The applicant did respond by adding a few larger shade trees.

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): 9788379851, 9788472803

Date: 23 Jul 2021

Section A: Project Information

Project Name: 150 E Rosemary Street Lab & Office Building

Property Address: 150 E Rosemary St Zip Code: 27514

Use Groups (A, B, and/or C): C Existing Zoning District: TC-2

Project Description: Demolition of existing Wallace Parking Deck and construction of a 7-story lab and office building

Section B: Applicant, Owner, and/or Contract Purchaser Information

Applicant Information (to whom correspondence will be mailed):

Name: Ballentine Associates, attn: George Retschle

Address: 221 Providence Road

City: Chapel Hill State: NC Zip Code: 27514

Phone: (919) 929-0481 Email: georger@bapa.eng.pro

The undersigned applicant hereby certifies that, to the best of their knowledge and belief, all information supplied with this application and accurate.

Signature:  Date: 23 Jul 2021

Owner/Contract Purchaser Information:

☒ **Owner**

☐ **Contract Purchaser**

Name: Grubb Management LLC c/o Grubb Properties, Inc

Address: 117 Edinburgh South Drive Suite 110

City: Cary State: NC Zip Code: 27511

Phone: (919) 388-5774 Email: JDye@grubbproperties.com

The undersigned applicant hereby certifies that, to the best of their knowledge and belief, all information supplied with this application and accurate.

Signature:  Date: 19 Jul 2021

Click [here](#) for application submittal instructions.



CONDITIONAL ZONING

TOWN OF CHAPEL HILL

Planning Department

Conditional Rezoning applications are reviewed by staff, Planning Commission, and Town Council. The application is part of an open public process that enables Town Council to discuss and decide on the key issues of a rezoning proposal. If a rezoning is approved, the applicant may then submit a detailed final plan application to staff for compliance review with the technical development standards and with the Council rezoning approval.

The establishment of a Conditional Zoning District shall be consistent with the Land Use Plan in the Comprehensive Plan. A proposed Conditional Zoning District is deemed consistent if the proposed District will be located in conformance with an adopted small area plan and/or in one of the following Land Use Categories:

- Medium Residential
- High Residential
- Commercial
- Mixed Use, Office/Commercial Emphasis
- Mixed Use, Office Emphasis
- Town/Village Center
- Institutional
- Office
- University
- Development Opportunity Area
- Light Industrial Opportunity Area

If the proposed conditional zoning districts is located in a Low Residential or a Rural Residential Land Use Category, the Town Council must approve a Land Use Plan amendment prior to proceeding.

SIGNED CONDITIONS: All conditions shall be in writing, prepared by the owner of the property or an attorney and must be signed by all property owners and contract purchasers, if applicable. The Town Attorney may require additional signatures if necessary and will determine whether or not the conditions statement is legally sufficient. Within thirty (30) days after receipt of the conditions the Planning Division Manager will notify the applicant of any deficiencies in the conditions statement or if any additional information is needed. The applicant may make changes to the written conditions statement provided it is submitted at least thirty (30) prior to Planning Commission meeting or thirty (30) days prior to Town Council public hearing.

RECORDATION OF CONDITIONS: After a rezoning has been approved by the Town Council, the conditions statement shall be recorded with the Register of Deeds Office. After a rezoning has been approved by Town Council and recorded by the Register of Deeds Office, the conditions may not be amended except through a new rezoning application.

**PROJECT FACT SHEET****TOWN OF CHAPEL HILL**

Planning Department

Section A: Project Information**Use Type:** (check/list all that apply)
☒ Office/Institutional ☐ Residential ☐ Mixed-Use ☒ Other: _____
Overlay District: (check all that apply)
☒ Historic District ☐ Neighborhood Conservation District ☐ Airport Hazard Zone
Section B: Land Area

Net Land Area (NLA): Area within zoning lot boundaries		NLA=	64,690	sq. ft.
Choose one, or both, of the following (a or b), not to exceed 10% of NLA	a) Credited Street Area (total adjacent frontage) x ½ width of public right-of-way	CSA=	6,469	sq. ft.
	b) Credited Permanent Open Space (total adjacent frontage) x ½ public or dedicated open space	COS=		sq. ft.
TOTAL: NLA + CSA and/or COS = Gross Land Area (not to exceed NLA + 10%)		GLA=	71,159	sq. ft.

Section C: Special Protection Areas, Land Disturbance, and Impervious Area**Special Protection Areas:** (check all those that apply)
☐ Jordan Buffer ☐ Resource Conservation District ☐ 100 Year Floodplain ☐ Watershed Protection District

Land Disturbance	Total (sq. ft.)
Area of Land Disturbance (Includes: Footprint of proposed activity plus work area envelope, staging area for materials, access/equipment paths, and all grading, including off-site clearing)	75,000
Area of Land Disturbance within RCD	0
Area of Land Disturbance within Jordan Buffer	0

Impervious Areas	Existing (sq. ft.)	Demolition (sq. ft.)	Proposed (sq. ft.)	Total (sq. ft.)
Impervious Surface Area (ISA)	58,014	58,014	59,145	59,145
Impervious Surface Ratio: Percent Impervious Surface Area of Gross Land Area (ISA/GLA)%	81.527		83.117	83.117
If located in Watershed Protection District, % of impervious surface on 7/1/1993				



PROJECT FACT SHEET

TOWN OF CHAPEL HILL

Planning Department

Section D: Dimensions

Dimensional Unit (sq. ft.)	Existing (sq. ft.)	Demolition (sq. ft.)	Proposed (sq. ft.)	Total (sq. ft.)
Number of Buildings	1 +/- 1,500 enclosed	all	237,000	237,000
Number of Floors	3	3	7	7
Recreational Space				

Residential Space

Dimensional Unit (sq. ft.)	Existing (sq. ft.)	Demolition (sq. ft.)	Proposed (sq. ft.)	Total (sq. ft.)
Floor Area (all floors – heated and unheated)				
Total Square Footage of All Units				
Total Square Footage of Affordable Units				
Total Residential Density				
Number of Dwelling Units				
Number of Affordable Dwelling Units				
Number of Single Bedroom Units				
Number of Two Bedroom Units				
Number of Three Bedroom Units				

Non-Residential Space (Gross Floor Area in Square Feet)

Use Type	Existing	Proposed	Uses	Existing	Proposed
Commercial	750	3,000			
Restaurant			# of Seats		
Government					
Institutional					
Medical					
Office	1,500	234,000			
Hotel			# of Rooms		
Industrial					
Place of Worship			# of Seats		
Other					

Dimensional Requirements		Required by Ordinance	Existing	Proposed
Setbacks (minimum)	Street	0	10	12
	Interior (neighboring property lines)			
	Solar (northern property line)	0	10	12
Height (maximum)	Primary	44	34	50
	Secondary	120	40	132
Streets	Frontages	12	45	361
	Widths	15	45	361



PROJECT FACT SHEET

TOWN OF CHAPEL HILL

Planning Department

Section F: Adjoining or Connecting Streets and Sidewalks

Note: For approval of proposed street names, contact the Engineering Department.

Street Name	Right-of-Way Width	Pavement Width	Number of Lanes	Existing Sidewalk*	Existing Curb/Gutter
E Rosemary St	45	39	3	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes
Henderson St	40	30	2	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes

List Proposed Points of Access (Ex: Number, Street Name):

*If existing sidewalks do not exist and the applicant is adding sidewalks, please provide the following information:

Sidewalk Information			
Street Names	Dimensions	Surface	Handicapped Ramps
			<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
			<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Section G: Parking Information

Parking Spaces	Minimum	Maximum	Proposed
Regular Spaces	n/a	608	152
Handicap Spaces	6	n/a	6
Total Spaces	n/a	608	158
Loading Spaces	1	n/a	1
Bicycle Spaces	168	n/a	181
Surface Type	concrete parking podium		

Section H: Landscape Buffers

Location (North, South, Street, Etc.)	Minimum Width	Proposed Width	Alternate Buffer	Modify Buffer
buffers n/a	n/a		<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
			<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
			<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
			<input type="checkbox"/> Yes	<input type="checkbox"/> Yes



PROJECT FACT SHEET

TOWN OF CHAPEL HILL

Planning Department

Section I: Land Use Intensity

Existing Zoning District:

Proposed Zoning Change (if any):

Zoning – Area – Ratio			Impervious Surface Thresholds			Minimum and Maximum Limitations	
Zoning District(s)	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 (MSR) = RSR x GLA
TC-3-CZC	4	n/a			n/a	284,636	
TOTAL							
RCD Streamside		0.01					
RCD Managed		0.019					
RCD Upland							

Section J: Utility Service

Check all that apply:

Water	<input checked="" type="checkbox"/> OWASA	<input type="checkbox"/> Individual Well	<input type="checkbox"/> Community Well	<input type="checkbox"/> Other
Sewer	<input checked="" type="checkbox"/> OWASA	<input type="checkbox"/> Individual Septic Tank	<input type="checkbox"/> Community Package Plant	<input type="checkbox"/> Other
Electrical	<input checked="" type="checkbox"/> Underground	<input type="checkbox"/> Above Ground		
Telephone	<input checked="" type="checkbox"/> Underground	<input type="checkbox"/> Above Ground		
Solid Waste	<input type="checkbox"/> Town	<input type="checkbox"/> Private		



**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 \$	paid
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		
n/a	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 \$	paid
x	Written Narrative describing the proposal, including proposed land uses and proposed conditions		
n/a	Resource Conservation District, Floodplain, & Jordan Buffers Determination – necessary for all submittals		
n/a	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)		
X	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



CONDITIONAL ZONING APPLICATION
SUBMITTAL REQUIREMENTS
TOWN OF CHAPEL HILL
Planning and Development Services

- r) 85% TSS removal for post-development stormwater runoff
- s) Nutrient loading calculations
- t) BMP sizing calculations
- u) Pipe sizing calculations and schedule (include HGL & EGL calculations and profiles)

Plan Sets (10 copies to be submitted no larger than 24" x 36")

Plans should be legible and clearly drawn. All plan set sheets should include the following:

- Project Name
- Legend
- Labels
- North Arrow (North oriented toward top of page)
- Property boundaries with bearing and distances
- Scale (Engineering), denoted graphically and numerically
- Setbacks
- Streams, RCD Boundary, Jordan Riparian Buffer Boundary, Floodplain, and Wetlands Boundary, where applicable
- Revision dates and professional seals and signatures, as applicable

Cover Sheet

- a) Include Project Name, Project fact information, PIN, and Design Team

Area Map

- a) Project name, applicant, contact information, location, PIN, & legend
- b) Dedicated open space, parks, greenways
- c) Overlay Districts, if applicable
- d) Property lines, zoning district boundaries, land uses, project names of site and surrounding properties, significant buildings, corporate limit lines
- e) Existing roads (public & private), rights-of-way, sidewalks, driveways, vehicular parking areas, bicycle parking, handicapped parking, street names
- f) 1,000' notification boundary

Existing Conditions Plan

- a) Slopes, soils, environmental constraints, existing vegetation, and any existing land features
- b) Location of all existing structures and uses
- c) Existing property line and right-of-way lines
- d) Existing utilities & easements including location & sizes of water, sewer, electrical, & drainage lines
- e) Nearest fire hydrants
- f) Nearest bus shelters and transit facilities
- g) Existing topography at minimum 2-foot intervals and finished grade
- h) Natural drainage features & water bodies, floodways, floodplain, RCD, Jordan Buffers & Watershed boundaries



CONDITIONAL ZONING APPLICATION
SUBMITTAL REQUIREMENTS
TOWN OF CHAPEL HILL
Planning and Development Services

Detailed Site Plan

- a) Existing and proposed building locations
- b) Description & analysis of adjacent land uses, roads, topography, soils, drainage patterns, environmental constraints, features, existing vegetation, vistas (on and off-site)
- c) Location, arrangement, & dimension of vehicular parking, width of aisles and bays, angle of parking, number of spaces, handicapped parking, bicycle parking. Typical pavement sections & surface type.
- d) Location of existing and proposed fire hydrants
- e) Location and dimension of all vehicle entrances, exits, and drives
- f) Dimensioned street cross-sections and rights-of-way widths
- g) Pavement and curb & gutter construction details
- h) Dimensioned sidewalk and tree lawn cross sections
- i) Proposed transit improvements including bus pull-off and/or bus shelter
- j) Required landscape buffers (or proposed alternate/modified buffers)
- k) Required recreation area/space (including written statement of recreation plans)
- l) Refuse collection facilities (existing and proposed) or shared dumpster agreement
- m) Construction parking, staging, storage area, and construction trailer location
- n) Sight distance triangles at intersections
- o) Proposed location of street lights and underground utility lines and/or conduit lines to be installed
- p) Easements
- q) Clearing and construction limits
- r) Traffic Calming Plan – detailed construction designs of devices proposed & associated sign & marking plan

Stormwater Management Plan

- a) Topography (2-foot contours)
- b) Existing drainage conditions
- c) RCD and Jordan Riparian Buffer delineation and boundary (perennial & intermittent streams; note ephemeral streams on site)
- d) Proposed drainage and stormwater conditions
- e) Drainage conveyance system (piping)
- f) Roof drains
- g) Easements
- h) BMP plans, dimensions, details, and cross-sections
- i) Planting and stabilization plans and specifications

Landscape Protection Plan

- a) Rare, specimen, and significant tree survey within 50 feet of construction area
- b) Rare and specimen tree critical root zones
- c) Rare and specimen trees proposed to be removed
- d) Certified arborist tree evaluation, if applicable
- e) Significant tree stand survey
- f) Clearing limit line
- g) Proposed tree protection/silt fence location
- h) Pre-construction/demolition conference note
- i) Landscape protection supervisor note
- j) Existing and proposed tree canopy calculations, if applicable



**CONDITIONAL ZONING APPLICATION
SUBMITTAL REQUIREMENTS
TOWN OF CHAPEL HILL
Planning and Development Services**

Planting Plan

- a) Dimensioned and labeled perimeter buffers
- b) Off-site buffer easement, if applicable
- c) Landscape buffer and parking lot planting plan (including planting strip between parking and building, entryway planting, and 35% shading requirement)

Steep Slope Plan

- a) Classify and quantify slopes 0-10%, 10-15%, 15-25%, and 25% and greater
- b) Show and quantify areas of disturbance in each slope category
- c) Provide/show specialized site design and construction techniques

Grading and Erosion Control Plan

- a) Topography (2-foot contours)
- b) Limits of Disturbance
- c) Pertinent off-site drainage features
- d) Existing and proposed impervious surface tallies

Streetscape Plan, if applicable

- a) Public right-of-way existing conditions plan
- b) Streetscape demolition plan
- c) Streetscape proposed improvement plan
- d) Streetscape proposed utility plan and details
- e) Streetscape proposed pavement/sidewalk details
- f) Streetscape proposed furnishing details
- g) Streetscape proposed lighting detail

Solid Waste Plan

- a) Preliminary Solid Waste Management Plan
- b) Existing and proposed dumpster pads
- c) Proposed dumpster pad layout design
- d) Proposed heavy duty pavement locations and pavement construction detail
- e) Preliminary shared dumpster agreement, if applicable



**CONDITIONAL ZONING APPLICATION
SUBMITTAL REQUIREMENTS
TOWN OF CHAPEL HILL
Planning and Development Services**

Construction Management Plan

- a) Construction trailer location
- b) Location of construction personnel parking and construction equipment parking
- c) Location and size of staging and materials storage area
- d) Description of emergency vehicle access to and around project site during construction
- e) Delivery truck routes shown or noted on plan sheets

Energy Management Plan

- a) Description of how project will be 20% more energy efficient than ASHRAE standards
- b) Description of utilization of sustainable forms of energy (Solar, Wind, Hydroelectric, and Biofuels)
- c) Participation in NC GreenPower program
- d) Description of how project will ensure indoor air quality, adequate access to natural lighting, and allow for proposed utilization of sustainable energy
- e) Description of how project will maintain commitment to energy efficiency and reduced carbon footprint over time
- f) Description of how the project's Transportation Management Plan will support efforts to reduce energy consumption as it affects the community

Exterior Elevations

- a) An outline of each elevation of the building, including the finished grade line along the foundation (height of building measured from mean natural grade)

150 E Rosemary Street – Conditional Zoning

Project Narrative

The 150 E Rosemary Street office and lab building will create much needed commercial office and lab space for new and emerging businesses in downtown Chapel Hill and will be an integral component of the revitalization of East Rosemary Street. This redevelopment strategy for East Rosemary Street will create space for hundreds of new office, professional, technology and researcher workers in the heart of downtown. This new building project will also create a new Town Green public space on the southwest corner of E Rosemary and Henderson Streets as well as improved streetscape treatments on the southern frontage of E Rosemary and the western frontage of Henderson Street.

Currently, the 1.49 acre site is occupied by the Wallace Parking Deck and is owned by the Town of Chapel Hill. Under the Economic Development Agreement (EDA) between the Town and Grubb Properties, this property will be exchanged with Grubb Properties for two parcels on the north side of E Rosemary Street, where the new 125 E Rosemary Street Parking Deck will be constructed, providing approximately 1,100 parking spaces in a centralized parking facility.

The new building will also include approximately 150-170 parking spaces beneath the building to augment some of the parking need for the new office and lab building.

Statement of Justification – Conditional Zoning

This is a statement of justification to support the request for Conditional Zoning for 150 East Rosemary Street. This parcel is currently within the TC-2 zoning district which does not accommodate the target program for the building as contemplated by the EDA. To accommodate this program a Conditional Zoning for TC-3 is being requested. The Conditional Zoning is being requested to facilitate an open dialogue with the public and negotiations between the applicant and the Town of Chapel Hill.

In order to establish and maintain a 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.

Below is the applicant's evaluation of this application based on these three findings.

- 1) **Finding #1:** The proposed zoning amendment is necessary to correct a manifest error.

Response: We do not believe there is error in the Town's Zoning Atlas Amendment related to the project site. NOTE: since the Town just adopted the FLUM, which calls for this block to be 6-8 stories I believe, should we cite that here?

- 2) **Finding #2:** The proposed zoning amendment is necessary because of changed or changing conditions in a particular area or in the jurisdiction generally.

Response: Changing conditions center around the revitalization of the 100 block of E Rosemary street beginning with the adjacent 136 E Rosemary Street building and connected 137 E Franklin Street building, together with the EDA which contemplates the Town's investment in a centralized parking structure and requirement to seek the highest and best use of 150 E Rosemary Street for up to 250,000 square feet of office and lab space. This revitalization effort will provide much needed commercial office and lab space where new and emerging businesses can locate and grow in support of the economic vitality of downtown and greater Chapel Hill. The Future Land Use Map (FLUM) adopted on December 9, 2020 reflects the Town's goal of revitalizing this area. This project site is located within Sub-Area E of the FLUM's Downtown Focus Area and the FLUM recommends significantly greater density than currently exist within the area, with core heights of up to 8 stories.

3) Finding #3: The proposed zoning amendment is necessary to achieve the purposes of the comprehensive plan.

Response: The proposed rezoning would contribute to the following elements of the Comprehensive Plan:

Theme 1: A Place for Everyone

- Family-friendly, accessible exterior and interior places throughout the town for a variety of active uses (PFE.1).
- A welcoming and friendly community that provides people with access to opportunities (PFE.4).

Theme 2: Community Prosperity and Engagement

- Balance and sustain finances by increasing revenues and decreasing expenses (CPE.1).
- Foster success of local businesses (CPE.2).

Theme 3: Getting Around

- A connected community that links neighborhoods, businesses and schools through the provision of greenways, sidewalks, bike facilities and public transportation (GA.2).

Theme 4: Good Places, New Spaces

- A vibrant, diverse, pedestrian-friendly, and accessible downtown with opportunities for growing office, retail, residential and cultural development and activity (GPNS.2).
- A joint Town/University development strategy that aligns initiatives for transportation, housing, environmental protection, and entrepreneurial programs (GPNS.4).
- A community that welcomes and supports change and creativity (GPNS.6).
- Open and accessible common spaces for community gathering, cultural uses, and community development (GPNS.7).

Theme 6: Town and Gown Collaboration

- Take full advantage of ideas and resources to create a thriving economy and incorporate and utilize the intellectual capital that the University and Town create (TGC.1).

Modifications of Regulations:

Building Height, Setback - LUMO Table 3.8-1 Dimensional Matrix limits the Maximum Setback Height line in the TC-3 zoning district to 44 feet and limits the Maximum Core Height in the district to 120 feet. The proposed building will comply with the Maximum Core Height of 120 feet, but a modification of regulations is requested from the Town Council to increase the Maximum Setback Height to 112 feet in order to accommodate the targeted program for the project.

150 E Rosemary Street Lab & Office Building

Conditional Zoning

Responses to Concept Plan input from HDC, Community Design Commissions and Town Council

The applicant met with the Historic District Commission, the Community Design Commission and Town Council in January and February to present the initial design concepts. The following is a summary of the comments from the three bodies and the applicant's responses:

Height: Options for six, seven and eight story designs were shown. Most comments were favorable for six stories, while very few were supportive of eight. There was a general comfort level with a seven story option, while much of that would depend on the specific architectural articulation of the exterior, especially as seen from Franklin Street. Related to the height was a concern with potential rooftop equipment or penthouses and the visibility of those from the street.

Response: The applicant will continue to refine and study the massing and architectural articulation of the building to present at the next step of the review process. The applicant will also show the impact of the height variations to the amount of program the building can accommodate.

Character: Precedents of modern buildings in historic contexts were shared, showing how scale, articulation, materials and detailing can make modern buildings compatible with historic settings. There was general support for this approach. There was particular concern that the eastern façade of the building facing the Historic District make a meaningful relationship to the historic character of downtown, without replicating the historic structures. There was a concern about the length of the façade facing E Rosemary Street and the need for more vertical articulation, particularly at the main entrance.

Response: The applicant will continue to develop this approach with more specific design refinements, including how to incorporate more vertical articulation.

Town Green: The applicant presented an initial concept for the Town Green on the corner of E Rosemary Street and Henderson Street with Post Office alley continuing to Rosemary Street and with a connection to the street corner to make it accessible from the street. This approach would require re-grading the existing open space which would most likely require the removal of the large Magnolia tree. While some reviewers had reservations about removing the tree there was a general consensus that the Town Green must be a successful urban space and that if that meant that the tree must be removed then it would be acceptable. There was interest in having seating, gathering spaces, and possibly a pavilion in the space.

Response: The applicant will continue to study the design of the Green and seek the input of an arborist to determine if it is feasible for the tree to remain.

Materials: Examples of exterior materials that will be considered were shown, including brick, terra cotta, and glass and metal panels. There was general agreement with this initial selection, pending

further study. It was expressed that the new building should have some relationship with the material selections on the new 125 E Rosemary parking deck, which include terra cotta and precast concrete.

Response: The applicant will continue to study and refine the materials selection for further review at the next step of the process.

Pedestrian Experience: Several reviewers emphasized that the new building must create an appealing pedestrian experience on E Rosemary and Henderson Street. They wanted to know how the sidewalk level of the building would activate the street and sidewalk and what type of uses will fact the street. The applicant was asked to eliminate or minimize the number of curb cuts on Rosemary Street.

Response: The building design will have active uses facing Rosemary Street and the Town Green with transparency so that passersby can see the interior activities. The sidewalks will be widened on E Rosemary with new streetscape and street tree planting. The sidewalk on Henderson could also be widened if the Town agrees to remove the parallel parking on the western side of the street.

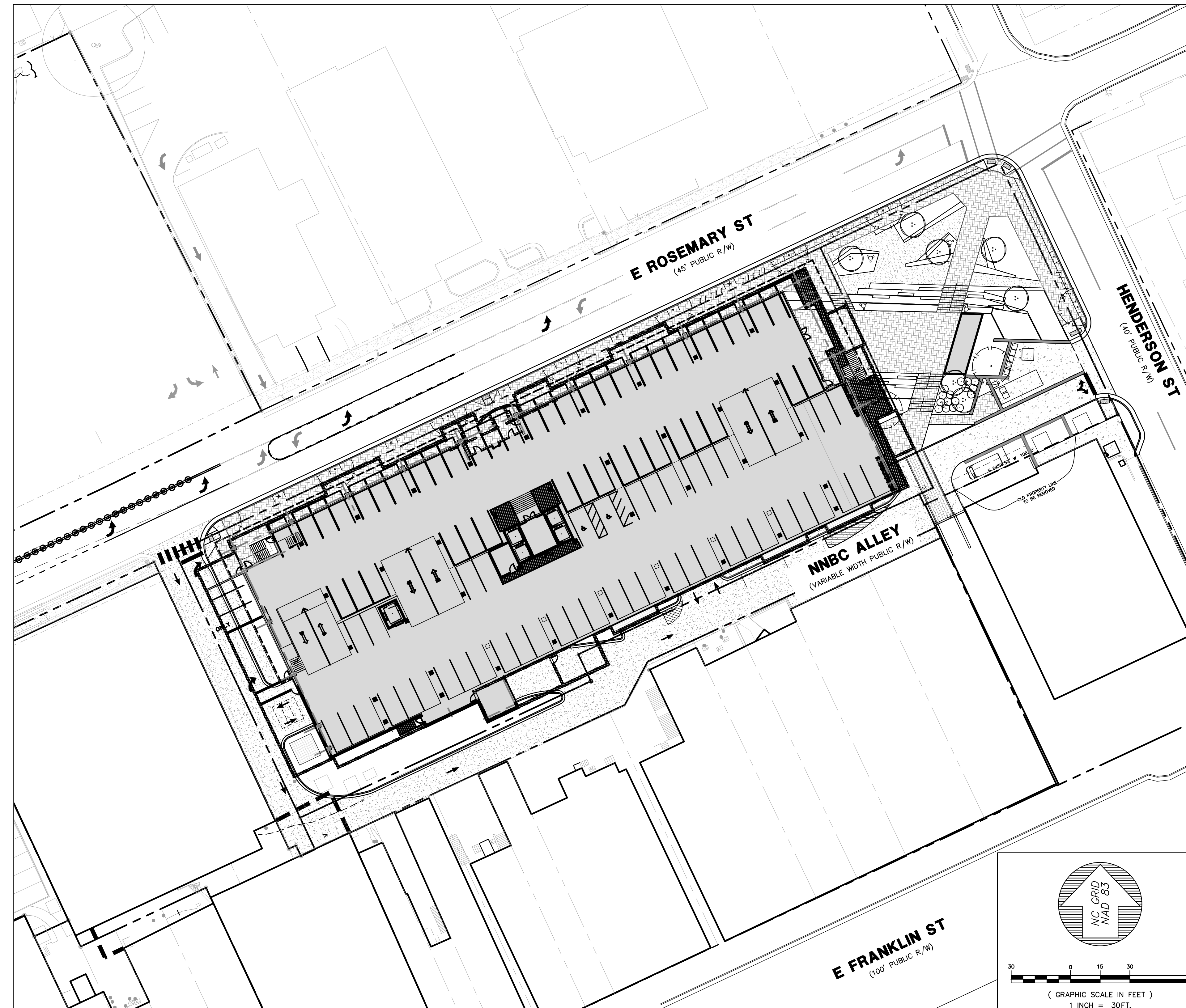
NCNB Alley: Some reviewers were interested to know how NCNB alley could be improved to make it a more attractive pedestrian space.

Response: While it is not on the applicant's property it may be possible repave the alley and add sidewalks, but this will require much further study.

Parking: Reviewers wanted to understand how the parking under the building would be configured and how visible it would be from the street.

Response: There will likely be three separate levels of parking, one entirely underground, and two levels above ground but only exposed to the side facing NCNB alley. There will be no parking exposed to E Rosemary Street.

<u>DRAWING LIST</u>		
<u>SHEET</u>	<u>DRAWING TITLE</u>	<u>LATEST ISSUE DATE</u>
G0001	COVER SHEET	23 JUL 21
C0001	AREA MAP	23 JUL 21
C0101	EXISTING CONDITIONS & DEMOLITION PLAN	23 JUL 21
C1000	BLOCK OVERVIEW	23 JUL 21
C1001	SITE PLAN	23 JUL 21
C1002	SOLID WASTE MANAGEMENT PLAN	23 JUL 21
C1101	UTILITY PLAN	23 JUL 21
C1201	GRADING & DRAINAGE PLAN	23 JUL 21
C4201	SCM ENLARGEMENT	23 JUL 21
C5001	SITE DETAILS	23 JUL 21
C5101	UTILITY DETAILS	23 JUL 21
C5102	UTILITY DETAILS	23 JUL 21
C5201	STORM DRAINAGE DETAILS	23 JUL 21
C5202	STORM DRAINAGE DETAILS	23 JUL 21
L200	HARDSCAPE PLAN	15 JUL 21
L201	PLANTING PLAN	15 JUL 21
A-101	FLOOR PLANS	01 JUN 21
A-102	FLOOR PLANS	01 JUN 21
A-314	DETAILS	01 JUN 21
Z-110	ZONING ENVELOPE ELEVATIONS	01 JUN 21

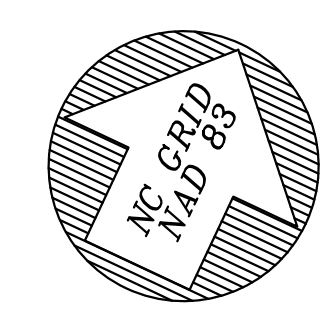


SHEET
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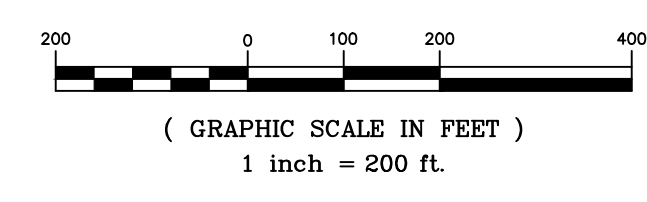
SITE PARCEL DATA						
LABEL #	OWNER	PIN #	ZONING	DB./PG.	PARCEL ACREAGE	CURRENT LAND USE
1	TOWN OF CHAPEL HILL	9788-37-9717	TC-2	1269/442	1.49	PARKING DECK

ADJOINER PARCEL DATA				
LABEL #	OWNER(S)	PIN #	ZONING	CURRENT LAND USE
2	FRANKLIN OFFICE CHAPEL HILL LLC	9788-37-7517	TC-3	OFFICE
3	TOWN OF CHAPEL HILL	9788-37-5557	TC-2	PARKING LOT
4	TOWN OF CHAPEL HILL	9788-37-4469	TC-2	PARKING LOT
5	CELESTE H. SLOOP	9788-48-0001	TC-2	PARKING LOT
6	PALOURAS ENTERPRISES LLC	9788-37-9926	TC-2	RESTAURANT
7	SPIKE III LLC	9788-38-8082	TC-2	OFFICE
8	BRANCH BANKING AND TRUST CO	9788-37-7911	TC-2	BANK
9	INVESTORS TITLE COMPANY	9788-37-6817	TC-2-CZ	PARKING LOT
10	FRANKLIN OFFICE CHAPEL HILL LLC	9788-37-4748	TC-2-CZ	PARKING DECK
11	TOWN OF CHAPEL HILL	9788-47-1649	TC-1	POST OFFICE
12	CHRIS LINDA K. TRUSTEE	9788-47-0687	TC-1	RESTAURANT
13	LILLY PROPERTIES LLC	9788-47-0645	TC-1	RESTAURANT
14	CAROLYN R COBB ETAL	9788-47-0614	TC-1	RETAIL
15	LILLY NANCY COBB/ LILLY PROPERTIES LLC	9788-37-9693	TC-1	RESTAURANT
16	144 PROPERTIES LLC	9788-37-9660	TC-1	NIGHTCLUB
17	MUNCH FAMILY PROPERTIES LLC	9788-37-8517	TC-1	RETAIL

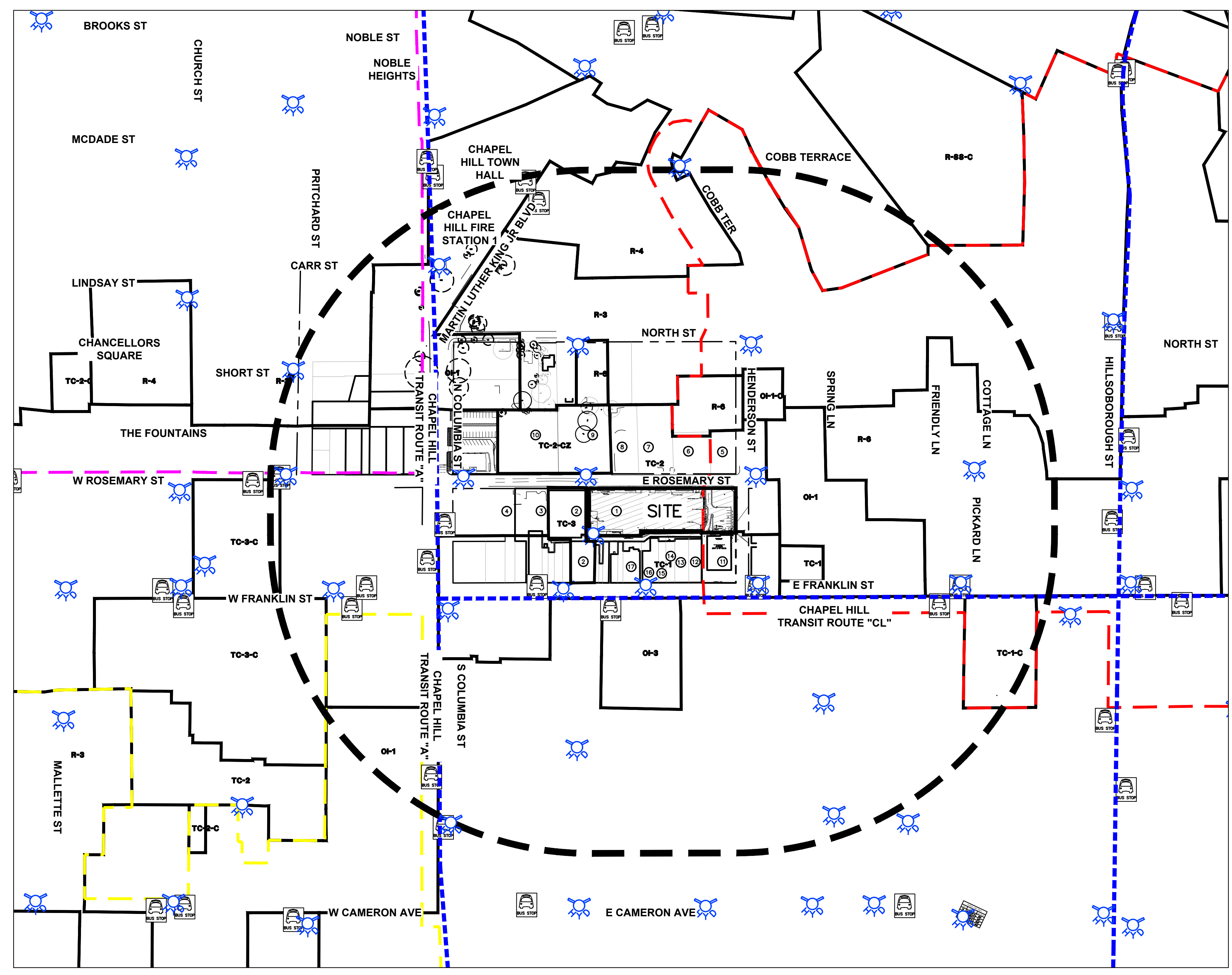
DRAWING LEGEND	
SYMBOL	DESCRIPTION
	1000' NOTIFICATION LINE
	ZONING BOUNDARY
	FRANKLIN-ROSEMARY HISTORIC DISTRICT
	CAMERON-MCCAULEY HISTORIC DISTRICT
	NORTHSIDE NEIGHBORHOOD CONSERVATION DISTRICT
	CHAPEL HILL TRANSIT ROUTE
	ZONING CLASSIFICATION
	EXISTING FIRE HYDRANT
	EXISTING BUS STOP
	PROJECT SITE



AREA MAP



REVIEW DRAWING
NOT FOR CONSTRUCTION



DEMOLITION NOTES

1. PRIOR TO DEMOLITION, CONTRACTOR SHALL HAVE NORTH CAROLINA 811 (1-800-632-4949) LOCATE ALL EXISTING UTILITIES. CONTRACTOR SHALL NOTIFY THE ENGINEER OF ANY DISCREPANCIES OR CONFLICTS.
2. PRIOR TO DEMOLITION, CONTRACTOR IS RESPONSIBLE FOR DETERMINING IF ASBESTOS REMEDIATION IS REQUIRED, AND IF SO, CONTRACTOR SHALL PROVIDE ASBESTOS REMEDIATION IN ACCORDANCE WITH FEDERAL, STATE & LOCAL REGULATIONS.
3. OPEN BURNING OF TREES, LIMBS, STUMPS AND CONSTRUCTION DEBRIS IN ASSOCIATION WITH THIS DEVELOPMENT IS PROHIBITED.
4. ANY EXISTING WATER AND SEWER SERVICES AND CLEANOUTS TO BE REMOVED, SHALL BE ABANDONED IN ACCORDANCE WITH OWASA REQUIREMENTS.
5. ANY EXISTING GAS, ELECTRIC, FIBER AND ANY OTHER UTILITIES SERVING THE STRUCTURE TO BE DEMOLISHED SHALL BE FIELD LOCATED AND TERMINATED IN ACCORDANCE WITH STATE & LOCAL REGULATIONS, AND IN ACCORDANCE WITH THE RESPECTIVE PROVIDER'S STANDARDS & SPECIFICATIONS.
6. PRIOR TO ANY DEMOLITION OR CONSTRUCTION ACTIVITY ON THE SITE THE CONTRACTOR SHALL COORDINATE AND HOLD A PRE-DEMOLITION/PRE-CONSTRUCTION CONFERENCE WITH:
 - CIVIL ENGINEER AND OWNER'S REPRESENTATIVE
 - TOWN OF CHAPEL HILL URBAN FORESTER: (919) 969-5114
 - ORANGE COUNTY SOLID WASTE STAFF: (919) 968-2788
 - ORANGE COUNTY EROSION CONTROL OFFICER: (919) 245-2587
8. IN ALL AREAS WHERE IMPERVIOUS COVER IS SHOWN TO BE REMOVED AND RESTORED WITH PERVIOUS COVER, THE FOLLOWING STEPS SHALL BE TAKEN:
 - REMOVE ALL ASPHALT CONCRETE, BEDDING MATERIALS, GRAVEL, DEBRIS, BUILDING MATERIALS, ETC.
 - RIP AND AERATE TO A DEPTH OF 18 INCHES BELOW ORIGINAL GRADE, UNLESS WITHIN THE CRITICAL ROOT ZONE OF A TREE TO BE PRESERVED. IN THAT CASE, LIMIT RIPPING TO A DEPTH OF 6".
 - PLACE 4-6 INCHES OF TOPSOIL (TO FINISHED GRADE) AND INSTALL PLANTINGS AND/OR SEED DISTURBED AREA ACCORDING TO LANDSCAPE PLAN. DO NOT COMPACT TOPSOIL.
9. DURING DEMOLITION AND/OR CONSTRUCTION, ALL ASPECTS OF CHAPTER 14 OF THE NC FIRE PREVENTION SHALL BE FOLLOWED. THE OWNER/DEVELOPER SHALL DESIGNATE ONE PERSON TO BE THE FIRE PREVENTION PROGRAM SUPERINTENDENT WHO SHALL BE RESPONSIBLE FOR ENFORCING CHAPTER 14 OF THE NC FIRE PREVENTION AND THE ON-SITE FIRE PREVENTION PROGRAM AND ENSURE THAT IT IS CARRIED OUT THROUGH COMPLETION OF THE PROJECT.
10. DURING CONSTRUCTION, FIREFIGHTING VEHICLE ACCESS SHALL BE PROVIDED. TEMPORARY STREET SIGNS SHALL BE INSTALLED AT EACH STREET INTERSECTION WHEN CONSTRUCTION ALLOWS THE PASSAGE OF VEHICLES. SIGNS SHALL BE OF AN APPROVED SIZE, WEATHER RESISTANT AND MAINTAINED UNTIL REPLACED BY PERMANENT SIGNS.

NOTES

1. EXISTING CONDITIONS SHOWN ARE BASED UPON SITE SURVEYS PERFORMED BY BALLENTINE ASSOCIATES, KCI ASSOCIATES AND ORANGE COUNTY GIS DATA.
2. THE PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FLOOD INSURANCE RATE MAP 3710978800K.
3. CONTRACTOR SHALL HAVE NORTH CAROLINA ONE CALL (1-800-632-4949) LOCATE ALL EXISTING UTILITIES PRIOR TO BEGINNING CONSTRUCTION. CONTRACTOR SHALL VERIFY THE DEPTH AND LOCATION OF ALL EXISTING UTILITIES AND NOTIFY THE ENGINEER OF ANY DISCREPANCIES OR CONFLICTS PRIOR TO BEGINNING CONSTRUCTION.
4. THIS PLAN IS DIAGRAMMATIC AND REPRESENTS THE APPROXIMATE LOCATION OF UTILITIES UNLESS SPECIFICALLY DIMENSIONED. NOT ALL EXISTING UTILITIES ARE SHOWN. THE CONTRACTOR SHALL COORDINATE THE ACTUAL LOCATION OF UTILITIES TO AVOID CONFLICTS AND MEET MINIMUM SIZE, SLOPE, AND CODE REQUIREMENTS.
5. ONCE BUILDING DEMOLITION IS COMPLETE, ADDITIONAL SOIL EXPLORATION TO BE CONDUCTED AND THE FULL REPORT TO BE SENT TO THE TOWN OF CHAPEL HILL ENGINEERING DIVISION.

BOREHOLES

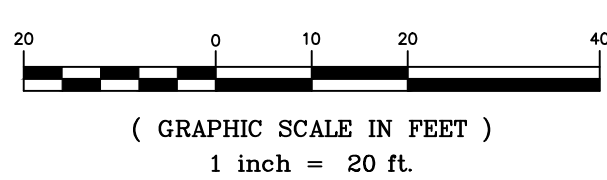
BH #	DESCRIPTION	HUB ELEV.	TOP ELEV. OF UTILITY
#1	6" DIP WM	465.83	459.87
#2	2" P WSGM	466.23	464.28
#3	36"X18" CONC. DUCT BANK	466.29	465.22
#4	6" CIPWWM	466.07	462.73
#5	18"X18" DUCT BANK	467.43	463.44
#6	1" COPPER WATER	467.15	464.34
#7	36"X18" CONC. DUCT BANK	467.11	464.91
#7a	ELECTRICAL	466.98	464.78
#8	3" WSGM	467.34	465.16
#9	6" CIPWWM	467.48	463.67
#10	12" AGWM	467.25	461.79
#11	3" WSGM	466.21	463.09
#12	36"X18" CONC. DUCT BANK	466.27	463.93
#13	36"X18" CONC. DUCT BANK	464.95	462.96

DRAWING LEGEND

SYMBOL/ABBREVIATION

EXISTING	DEMO	DESCRIPTION
---	---	PROPERTY LINE
---	---	RIGHT-OF-WAY LINE
---	---	ADJOINER PROPERTY LINE
---	---	STORM DRAIN LINE
---	---	WATER LINE
---	---	SANITARY SEWER LINE
---	---	UNDERGROUND ELECTRIC LINE
---	---	OVERHEAD ELECTRIC LINE
---	---	GAS LINE
---	---	FIBER OPTIC LINE
---	---	LIMITS OF DISTURBANCE
---	---	MAJOR CONTOUR
---	---	MINOR CONTOUR
---	---	SOIL BOUNDARY
---	---	APPLING-URBAN LAND COMPLEX
---	---	URBAN LAND
---	---	BOREHOLE
---	---	EXISTING IRON PIPE
---	---	SIGN
---	---	CATCH BASIN
---	---	DROP INLET
---	---	WATER VALVE
---	---	FIRE HYDRANT
---	---	SANITARY SEWER MANHOLE
---	---	SANITARY SEWER CLEANOUT
---	---	POWER POLE
---	---	LIGHT POLE
---	---	ELECTRIC BOX
---	---	HVAC UNIT
---	---	GAS METER
---	---	GAS VALVE
---	---	TELEPHONE VAULT
---	---	FIBER OPTIC MARKER
---	---	DEODUCIOUS TREE
---	---	CONIFEROUS TREE
---	---	CONCRETE SIDEWALK
---	---	BRICK SIDEWALK

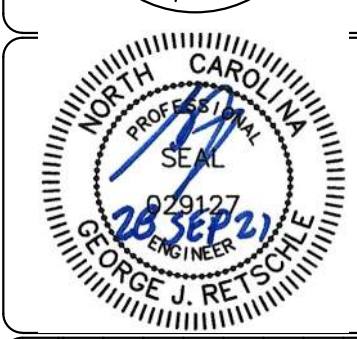
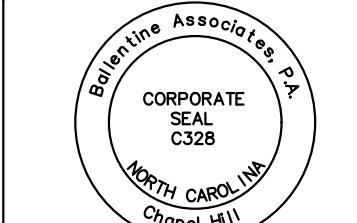
EXISTING CONDITIONS & DEMOLITION PLAN



REVIEW DRAWING
NOT FOR CONSTRUCTION

BALLENTINE ASSOCIATES, P.A.
221 PROVIDENCE ROAD, CHAPEL HILL, N.C. 27514
(919) 469-4788
(919) 929-0461

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DATE	REVISIONS
23 JUL 21	RESPONSE TO C2 COMMENTS
28 SEP 21	RESPONSE TO C2 COMMENTS

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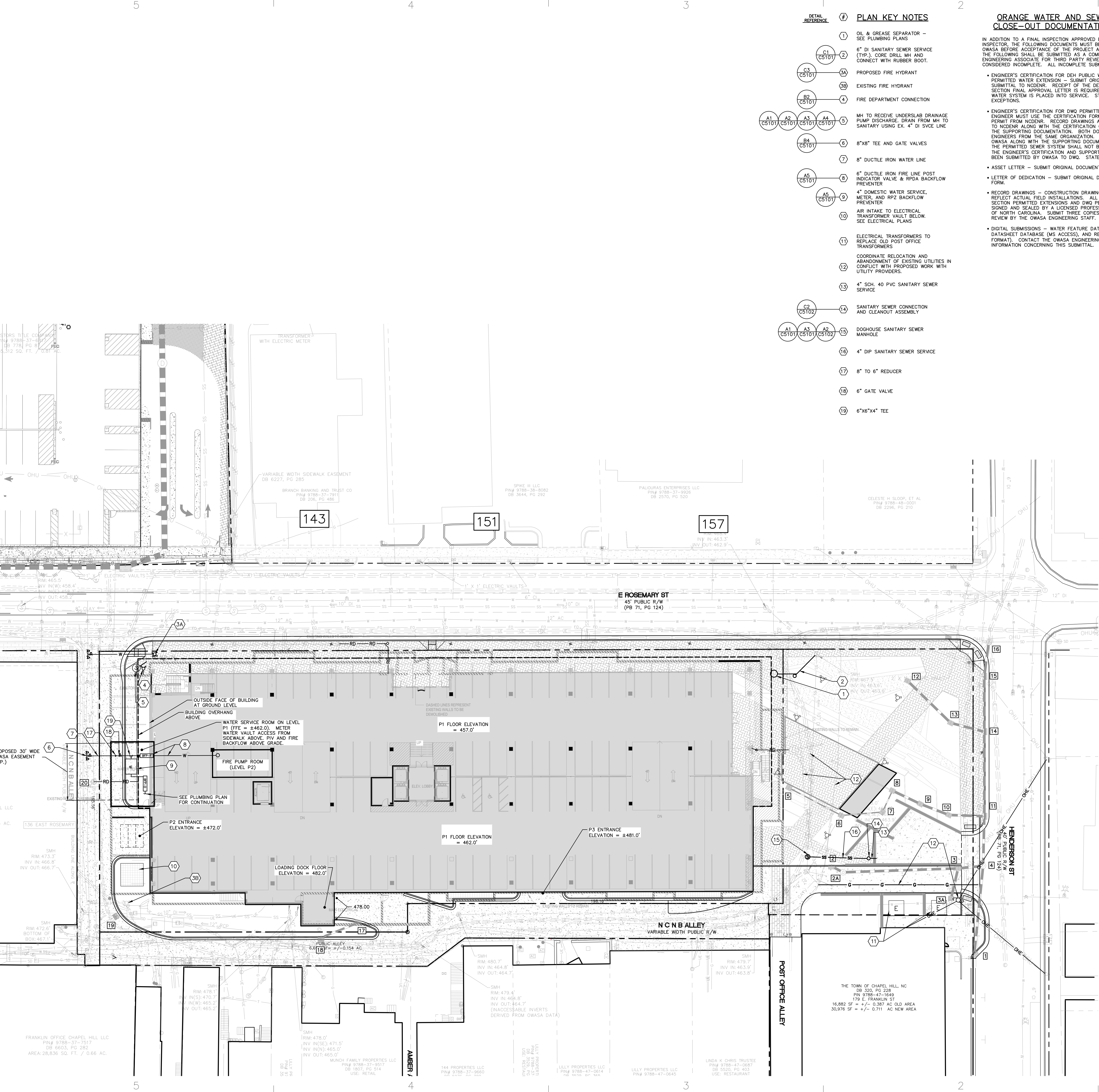
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(GRAPHIC SCALE IN FEET)
1 inch = 30 ft.

REVIEW DRAWING
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PLAN KEY NOTES

- 1 OIL & GREASE SEPARATOR - SEE PLUMBING PLANS
- 2 6" DI SANITARY SEWER SERVICE (TYP.) CORE DRILL MH AND CONNECT WITH RUBBER BOOT.
- 3A PROPOSED FIRE HYDRANT
- 3B EXISTING FIRE HYDRANT
- 4 FIRE DEPARTMENT CONNECTION
- 5 MH TO RECEIVE UNDERSLAB DRAINAGE PUMP DISCHARGE, DRAIN FROM MH TO SANITARY USING EX. 4" DI SVCE LINE
- 6 8"x8" TEE AND GATE VALVES
- 7 8" DUCTILE IRON WATER LINE
- 8 6" DUCTILE IRON FIRE LINE POST INDICATOR VALVE & RPDA BACKFLOW PREVENTER
- 9 4" DOMESTIC WATER SERVICE, METER, AND RP2 BACKFLOW PREVENTER
- 10 AIR INTAKE TO ELECTRICAL TRANSFORMER VAULT BELOW. SEE ELECTRICAL PLANS
- 11 ELECTRICAL TRANSFORMERS TO REPLACE OLD POST OFFICE TRANSFORMERS
- 12 COORDINATE RELOCATION AND ABANDONMENT OF EXISTING UTILITIES IN CONFLICT WITH PROPOSED WORK WITH UTILITY PROVIDERS.
- 13 4" SCH. 40 PVC SANITARY SEWER SERVICE
- 14 SANITARY SEWER CONNECTION AND CLEANOUT ASSEMBLY
- 15 DOGHOUSE SANITARY SEWER MANHOLE
- 16 4" DIP SANITARY SEWER SERVICE
- 17 8" TO 6" REDUCER
- 18 6" GATE VALVE
- 19 6"x6"x4" TEE

ORANGE WATER AND SEWER AUTHORITY CLOSE-OUT DOCUMENTATION CHECK-LIST

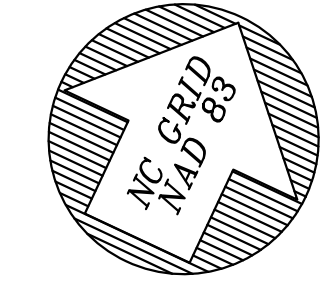
- IN ADDITION TO A FINAL INSPECTION APPROVED BY THE OWASA CONSTRUCTION INSPECTOR, THE FOLLOWING DOCUMENTS MUST BE RECEIVED AND APPROVED BY OWASA BEFORE ACCEPTANCE OF THE PROJECT AND THE SETTING OF METERS. THE FOLLOWING SHALL BE SUBMITTED AS A COMPLETE PACKAGE TO THE OWASA ENGINEERING ASSOCIATE FOR THIRD PARTY REVIEW. PARTIAL SUBMITTALS ARE CONSIDERED INCOMPLETE. ALL INCOMPLETE SUBMITTALS WILL BE RETURNED.
- ENGINEER'S CERTIFICATION FOR DEH PUBLIC WATER SUPPLY SECTION PERMITTED WATER EXTENSION - SUBMIT ORIGINAL DOCUMENT TO OWASA FOR SUBMITTAL TO NCDENR. RECEIPT OF THE DEH PUBLIC WATER SUPPLY SECTION FINAL APPROVAL LETTER IS REQUIRED BEFORE THE PERMITTED WATER SYSTEM IS PLACED INTO SERVICE. STATE REQUIREMENT NO EXCEPTIONS.
 - ENGINEER'S CERTIFICATION FOR DWO PERMITTED SEWER EXTENSION - ENGINEER MUST USE THE CERTIFICATION FORM ATTACHED TO THE SEWER PERMIT FROM NCDENR. RECORD DRAWINGS ARE REQUIRED TO BE SUBMITTED TO NCDENR ALONG WITH THE CERTIFICATION OF COMPLETION AS A PART OF THE SUPPORTING DOCUMENTATION. BOTH DOCUMENTS MUST BE SEALED BY ENGINEERS FROM THE SAME ORGANIZATION. SUBMIT ORIGINAL DOCUMENT TO OWASA ALONG WITH THE SUPPORTING DOCUMENTATION REQUIRED BY DWO. THE PERMITTED SEWER SYSTEM SHALL NOT BE PLACED INTO SERVICE UNTIL THE ENGINEER'S CERTIFICATION AND SUPPORTING DOCUMENTATION HAVE BEEN SUBMITTED BY OWASA TO DWO. STATE REQUIREMENT NO EXCEPTIONS.
 - ASSET LETTER - SUBMIT ORIGINAL DOCUMENT ON OWASA STANDARD FORM.
 - LETTER OF DEDICATION - SUBMIT ORIGINAL DOCUMENT ON OWASA STANDARD FORM.
 - RECORD DRAWINGS - CONSTRUCTION DRAWINGS SHALL BE MODIFIED TO REFLECT ACTUAL FIELD INSTALLATIONS. ALL DEH PUBLIC WATER SUPPLY SECTION PERMITTED EXTENSIONS AND DWO PERMITTED EXTENSIONS SHALL BE SIGNED AND SEALED BY A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF NORTH CAROLINA. SUBMIT THREE COPIES OF THE RECORD DRAWING FOR REVIEW BY THE OWASA ENGINEERING STAFF.
 - DIGITAL SUBMISSIONS - WATER FEATURE DATABASE (MS ACCESS), MANHOLE DATASHEET DATABASE (MS ACCESS), AND RECORD DRAWING (AUTOCAD DWG FORMAT). CONTACT THE OWASA ENGINEERING TECHNICIANS FOR INFORMATION CONCERNING THIS SUBMITTAL.

UTILITY PLAN NOTES

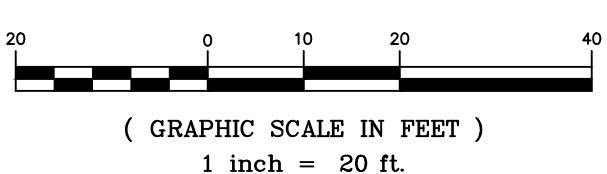
- ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH OWASA STANDARDS AND APPLICABLE NC PLUMBING AND FIRE CODE SECTIONS.
- ABOVE GROUND SUCH AS BACKFLOW PREVENTERS AND TRANSFORMERS.
- CONTRACTOR SHALL LOCATE ALL EXISTING UTILITIES (PRIVATE AND PUBLIC) PRIOR TO BEGINNING CONSTRUCTION AND NOTIFY THE ENGINEER OF ANY DISCREPANCIES OR CONFLICTS PRIOR TO BEGINNING CONSTRUCTION. NOT ALL UTILITIES ARE SHOWN ON THIS PLAN AND THE ONES THAT ARE SHOWN SHALL BE CONSIDERED APPROXIMATE AND MUST BE VERIFIED BY CONTRACTOR.
3.1. NORTH CAROLINA ONE CALL: 811 OR 1-800-632-4949
- CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES DURING CONSTRUCTION.
- THE SITE CONTRACTOR SHALL COORDINATE WITH UTILITY COMPANIES AND INSTALL ALL REQUIRED CONDUITS (NUMBER AND LOCATION).
- THE SITE CONTRACTOR SHALL COORDINATE AND REVIEW SEWER MANHOLE RIM ADJUSTMENTS WITH OWASA INSPECTOR PRIOR TO FINAL LIFT OF ASPHALT.
- A MINIMUM OF 10' HORIZONTAL SEPARATION SHALL BE PROVIDED BETWEEN SANITARY AND STORM SEWERS.
- WATER & SEWER:
8.1. OWASA: NICK PARKER - (919) 537-4201
8.2. MINIMUM UTILITY VERTICAL SEPARATION DISTANCES:
SANITARY SEWER MAINS AND STORM SEWER - 24"
SANITARY SEWER MAINS AND WATER - 18"
STORM SEWER AND WATER - 18"
8.3. SANITARY SEWER SERVICE LINE WITHIN OWASA EASEMENTS SHALL BE DIP.
- GAS: BRIAN SMITH WITH PSNC ENERGY - (919) 598-7454
- ELECTRICAL: CHRISTIAN HERNANDEZ - (984) 209-9387
- TELECOM: SPECTRUM: GEORGE STOTLER - (919) 427-5506

DRAWING LEGEND

SYMBOL/ABBREVIATION	EXISTING	PROPOSED	DESCRIPTION
PROPERTY LINE	---	---	PROPERTY LINE
RIGHT-OF-WAY LINE	---	---	RIGHT-OF-WAY LINE
ADJOINER PROPERTY LINE	---	---	ADJOINER PROPERTY LINE
EASEMENT LINE	---	---	EASEMENT LINE
FENCE LINE	---	---	FENCE LINE
STORM DRAIN LINE	---	---	STORM DRAIN LINE
WATER LINE	---	---	WATER LINE
SANITARY SEWER LINE	---	---	SANITARY SEWER LINE
UNDERGROUND ELECTRIC LINE	---	---	UNDERGROUND ELECTRIC LINE
OVERHEAD ELECTRIC LINE	---	---	OVERHEAD ELECTRIC LINE
GAS LINE	---	---	GAS LINE
TELEPHONE LINE	---	---	TELEPHONE LINE
FIBER OPTIC LINE	---	---	FIBER OPTIC LINE
TREE LINE	---	---	TREE LINE
RETAINING WALL	---	---	RETAINING WALL
EXISTING IRON PIPE	---	---	EXISTING IRON PIPE
SIGN	---	---	SIGN
MAIL BOX	---	---	MAIL BOX
BOLLARD	---	---	BOLLARD
BORE HOLE	---	---	BORE HOLE
CATCH BASIN	---	---	CATCH BASIN
DROP INLET	---	---	DROP INLET
JUNCTION BOX	---	---	JUNCTION BOX
WATER METER	---	---	WATER METER
WATER VALVE	---	---	WATER VALVE
FIRE HYDRANT	---	---	FIRE HYDRANT
FIRE DEPARTMENT CONNECTION	---	---	FIRE DEPARTMENT CONNECTION
BACKFLOW PREVENTER	---	---	BACKFLOW PREVENTER
BLOW OFF VALVE	---	---	BLOW OFF VALVE
45° - BEND PIPE	---	---	45° - BEND PIPE
90° - BEND PIPE	---	---	90° - BEND PIPE
TEE - BEND PIPE	---	---	TEE - BEND PIPE
SANITARY SEWER MANHOLE	---	---	SANITARY SEWER MANHOLE
SANITARY SEWER CLEANOUT	---	---	SANITARY SEWER CLEANOUT
POWER POLE	---	---	POWER POLE
ELECTRIC BOX	---	---	ELECTRIC BOX
ELECTRIC TRANSFORMER	---	---	ELECTRIC TRANSFORMER
HVAC UNIT	---	---	HVAC UNIT
GAS METER	---	---	GAS METER
TELEPHONE PEDESTAL	---	---	TELEPHONE PEDESTAL
TELEPHONE VAULT	---	---	TELEPHONE VAULT
TELEPHONE MANHOLE	---	---	TELEPHONE MANHOLE
FIBER OPTIC MARKER	---	---	FIBER OPTIC MARKER



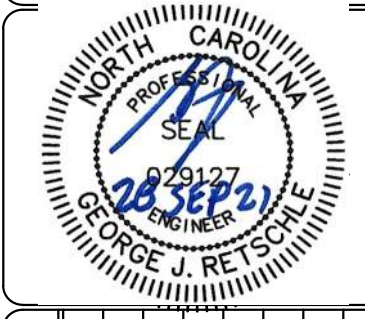
UTILITY PLAN



REVIEW DRAWING NOT FOR CONSTRUCTION

BALENTINE ASSOCIATES, P.A.
221 PROVIDENCE ROAD, CHAPEL HILL, N.C. 27514
(919) 469 - 4781

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DATE	REVISIONS
23 JUL 21	RESPONSE TO C2 COMMENTS
28 SEP 21	RESPONSE TO C2 COMMENTS

OWNER INFORMATION
2808B PROPERTIES, INC.
4500 CAMERON VALLEY PKWY.
SUITE 350
CHARLOTTE, NC 28211
OWNERS REPRESENTATIVE:
JOE DYE
(919) 388-5774
FAX (919) 461-3939
EMAIL jodye@2808b.com

DATE	ISSUED
10 FEB 21	CONDITIONAL ZONING SUBMITTAL #1
28 MAY 21	SCHEMATIC DESIGN
23 JUL 21	CONDITIONAL ZONING SUBMITTAL #2
28 SEP 21	CONDITIONAL ZONING SUBMITTAL #3

**150 E. ROSEMARY STREET
LAB & OFFICE BUILDING**
CHAPEL HILL, NORTH CAROLINA

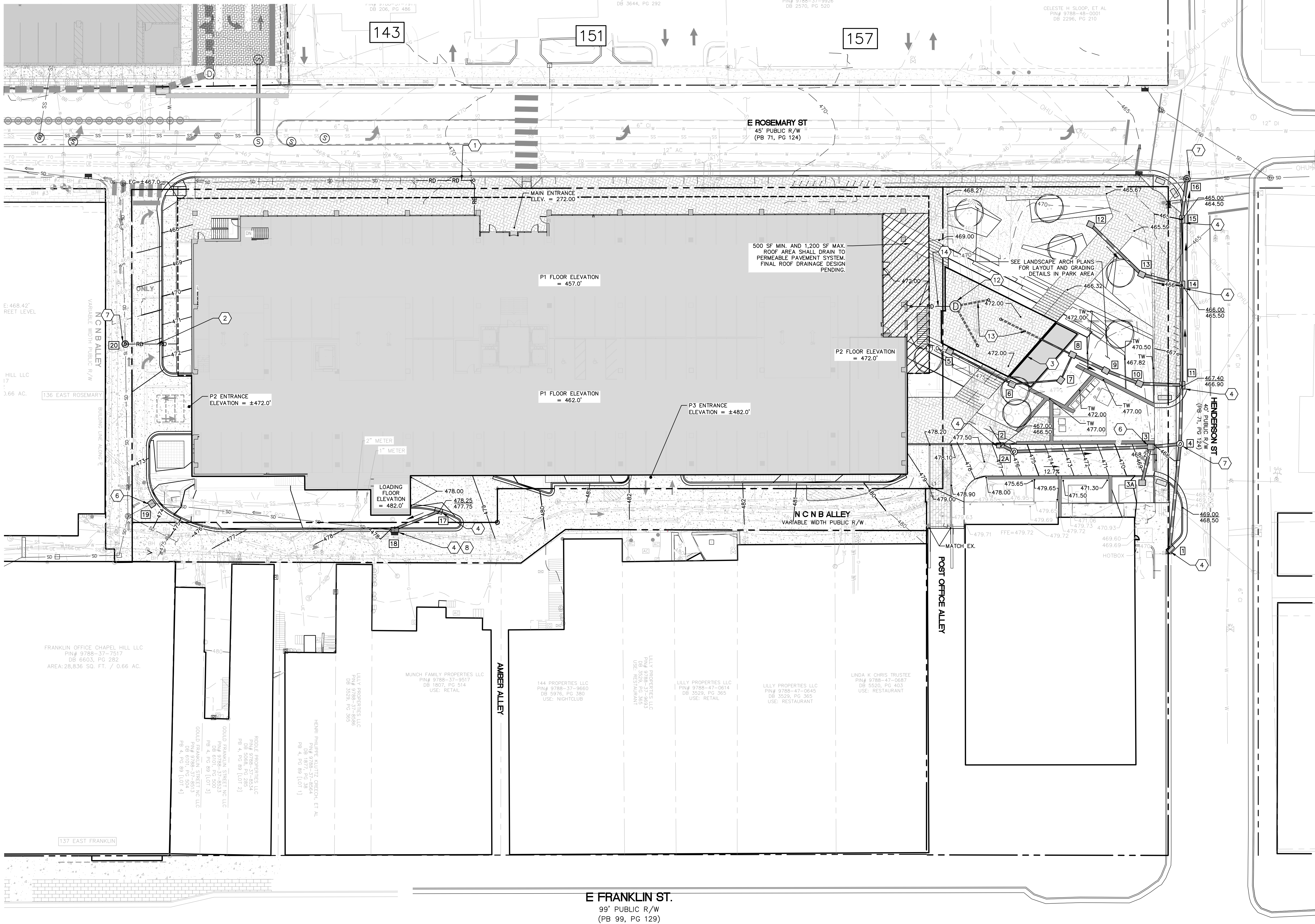
CONDITIONAL ZONING DRAWINGS

JOB #: 118038.03
DATE: 10 FEB 21
SCALE: AS NOTED
DRAWN BY: A.A.A./S.R.H.
REVIEWED BY: G.J.R.

**SHEET
C1101**

STRUCTURE TABLE		
STR. ID	RIM ELEV.* (F1)	STRUCTURE TYPE
1	469.40	Traffic Bearing CB
2	476.50	Traffic Bearing CB
2A	476.77	Traffic Bearing MH
3A	468.10	DI
3	468.10	Traffic Bearing DI
4	467.97	Traffic Bearing MH
5	473.50	DI
6	472.00	DI
7	472.00	DI
8	472.00	DI
9	470.50	DI
10	467.80	DI
11	466.90	Traffic Bearing CB
12	465.90	DI
13	466.40	DI
14	465.50	Traffic Bearing CB
15	464.50	Traffic Bearing CB
16	464.50	Traffic Bearing MH
17	478.19	Traffic Bearing CB
18	478.20	Traffic Bearing CB
19	472.70	Traffic Bearing DI
20	470.90	Traffic Bearing MH

PIPE TABLE							
US STR.	DS STR.	DIAMETER (IN)	MATERIAL	US INV. ELEV. (F1)	DS INV. ELEV. (F1)	LENGTH (FT)	SLOPE (F1/F1)
1	4	15	RCP	464.50	463.70	47	0.0172
2	2A	15	RCP	473.00	472.50	7	0.0729
2A	3	15	RCP	470.00	463.90	61	0.1003
3A	4	15	RCP	465.50	464.00	15	-0.1015
3	4	15	RCP	463.70	463.50	13	-0.0152
4	11	15	RCP	463.30	463.00	26	-0.0115
5	6	6	PVC	468.50	468.10	31	0.0127
6	7	6	PVC	467.90	467.60	22	0.0138
7	8	6	PVC	467.40	467.20	12	0.0161
8	9	15	RCP	467.00	466.20	16	0.0489
9	10	15	RCP	466.00	464.70	16	0.0810
10	11	15	RCP	464.50	462.80	19	0.0907
11	14	15	RCP	462.60	462.10	45	-0.0112
12	13	15	RCP	462.70	462.30	32	0.0126
13	14	15	RCP	462.10	461.90	18	0.0109
14	15	15	RCP	461.70	461.40	29	0.0103
15	16	15	RCP	461.20	460.90	18	0.0165
17	18	12	RCP	476.25	476.00	21	0.0120



- GRADING AND STORM DRAINAGE NOTES**
- ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH ALL APPLICABLE TOWN OF CHAPEL HILL STANDARDS AND SPECIFICATIONS.
 - CONTRACTOR SHALL HAVE NORTH CAROLINA ONE CALL (1-800-632-4949), LOCATE ALL EXISTING UTILITIES PRIOR TO BEGINNING CONSTRUCTION. CONTRACTOR SHALL VERIFY THE DEPTH AND LOCATION OF ALL EXISTING UTILITIES AND NOTIFY THE ENGINEER OF ANY DISCREPANCIES OR CONFLICTS PRIOR TO BEGINNING CONSTRUCTION.
 - THIS PLAN IS DIAGRAMMATIC AND REPRESENTS THE APPROXIMATE LOCATION OF UTILITIES UNLESS SPECIFICALLY DIMENSIONED. THE CONTRACTOR SHALL COORDINATE THE ACTUAL LOCATION OF UTILITIES TO AVOID CONFLICTS AND MEET MINIMUM SIZE, SLOPE, AND CODE REQUIREMENTS.
 - ALL SIDEWALKS SHALL BE CONSTRUCTED SUCH THAT THE LONGITUDINAL SLOPE DOES NOT EXCEED 5% AND THE CROSS-SLOPE DOES NOT EXCEED 2%. IF THERE ARE ANY DISCREPANCIES, NOTIFY THE ENGINEER.
 - NO PART OF ANY ACCESSIBLE PARKING SPACE OR ADJACENT ACCESSIBLE AISLE SHALL SLOPE GREATER THAN 2% IN ANY DIRECTION. IF THERE ARE ANY DISCREPANCIES, NOTIFY THE ENGINEER.

- PLAN KEY NOTES**
- 8" DI ROOF DRAIN PIPE. CONNECT TO EX. 10" DI. SEE PLUMBING PLANS FOR CONTINUATION.
 - CONNECT NEW 8" DI ROOF DRAIN TO EXISTING 16" DI ROOF DRAIN PIPE. SEE PLUMBING PLANS FOR CONTINUATION.
 - APPROX 1,372 SF OF PERMEABLE INTERLOCKING CONCRETE PAVERS (PICP) TO MITIGATE 1,364 SF OF IMPERVIOUS INCREASE.
 - TRAFFIC BEARING NCDOT CONCRETE CATCH BASIN
 - NCDOT DROP INLET
 - TRAFFIC BEARING NCDOT GRATED DROP INLET
 - TRAFFIC BEARING NCDOT STORM JUNCTION BOX
 - NCDOT PRECAST DRAINAGE STRUCTURE
 - NCDOT DRAINAGE STRUCTURE STEPS
 - STD. STORM CLEANOUT ASSEMBLY
 - STORM CLEANOUT BOX INSTALLATION
 - PERMEABLE PAVEMENT INLET STRUCTURE
 - 6" PERFORATED PVC UNDERDRAIN
 - 8" DI ROOF DRAIN @ 1% SLOPE

DRAWING LEGEND		
SYMBOL/ABBREVIATION		
EXISTING	PROPOSED	DESCRIPTION
---	---	PROPERTY LINE
---	---	RIGHT-OF-WAY LINE
---	---	ADJOINER PROPERTY LINE
---	---	EASEMENT LINE
X	X	FENCE LINE
SD	SD	STORM DRAIN LINE
W	W	WATER LINE
SS	SS	SANITARY SEWER LINE
UE	UE	UNDERGROUND ELECTRIC LINE
OHE	OHE	OVERHEAD ELECTRIC LINE
G	G	GAS LINE
T	T	TELEPHONE LINE
FO	FO	FIBER OPTIC LINE
---	---	TREE LINE
---	---	RETAINING WALL
---	---	EXISTING IRON PIPE
---	---	SIGN
---	---	MAIL BOX
---	---	BOLLARD
---	---	BORE HOLE
---	---	CATCH BASIN
---	---	DROP INLET
---	---	JUNCTION BOX
---	---	WATER METER
---	---	WATER VALVE
---	---	FIRE HYDRANT
---	---	FIRE DEPARTMENT CONNECTION
---	---	BACKFLOW PREVENTER
---	---	BLOW OFF VALVE
---	---	45' - BEND PIPE
---	---	90' - BEND PIPE
---	---	TEE - BEND PIPE
---	---	SANITARY SEWER MANHOLE
---	---	SANITARY SEWER CLEANOUT
---	---	POWER POLE
---	---	LIGHT POLE
---	---	ELECTRIC BOX
---	---	ELECTRIC TRANSFORMER
---	---	HVAC UNIT
---	---	GAS METER
---	---	TELEPHONE PEDESTAL
---	---	TELEPHONE VAULT
---	---	TELEPHONE MANHOLE
---	---	FIBER OPTIC MARKER

GRADING & DRAINAGE PLAN

(GRAPHIC SCALE IN FEET)
1 inch = 20 ft.

**REVIEW DRAWING
NOT FOR CONSTRUCTION**

BALENTINE ASSOCIATES, P.A.
221 PROVIDENCE ROAD, CHAPEL HILL, N.C. 27514
(919) 529-0461

DATE: 23 JUL 21
RESPONSE TO C2 COMMENTS: 28 SEP 21

REVISIONS

DATE: 23 JUL 21
RESPONSE TO C2 COMMENTS: 28 SEP 21

DATE: 10 FEB 21
SCHEMATIC DESIGN: 28 MAY 21
CONDITIONAL ZONING SUBMITTAL #2: 23 JUL 21
CONDITIONAL ZONING SUBMITTAL #3: 28 SEP 21

ISSUED

OWNER INFORMATION
2808 PROPERTIES, INC.
4500 CAMERON VALLEY PKWY.
SUITE 350
CHARLOTTE, NC 28211
OWNER'S REPRESENTATIVE:
JOE DYE
(919) 388-5774
FAX (919) 461-3939
EMAIL: joe.dye@2808properties.com

DATE: 10 FEB 21
SCHEMATIC DESIGN: 28 MAY 21
CONDITIONAL ZONING SUBMITTAL #2: 23 JUL 21
CONDITIONAL ZONING SUBMITTAL #3: 28 SEP 21

150 E. ROSEMARY STREET
LAB & OFFICE BUILDING
CHAPEL HILL, NORTH CAROLINA

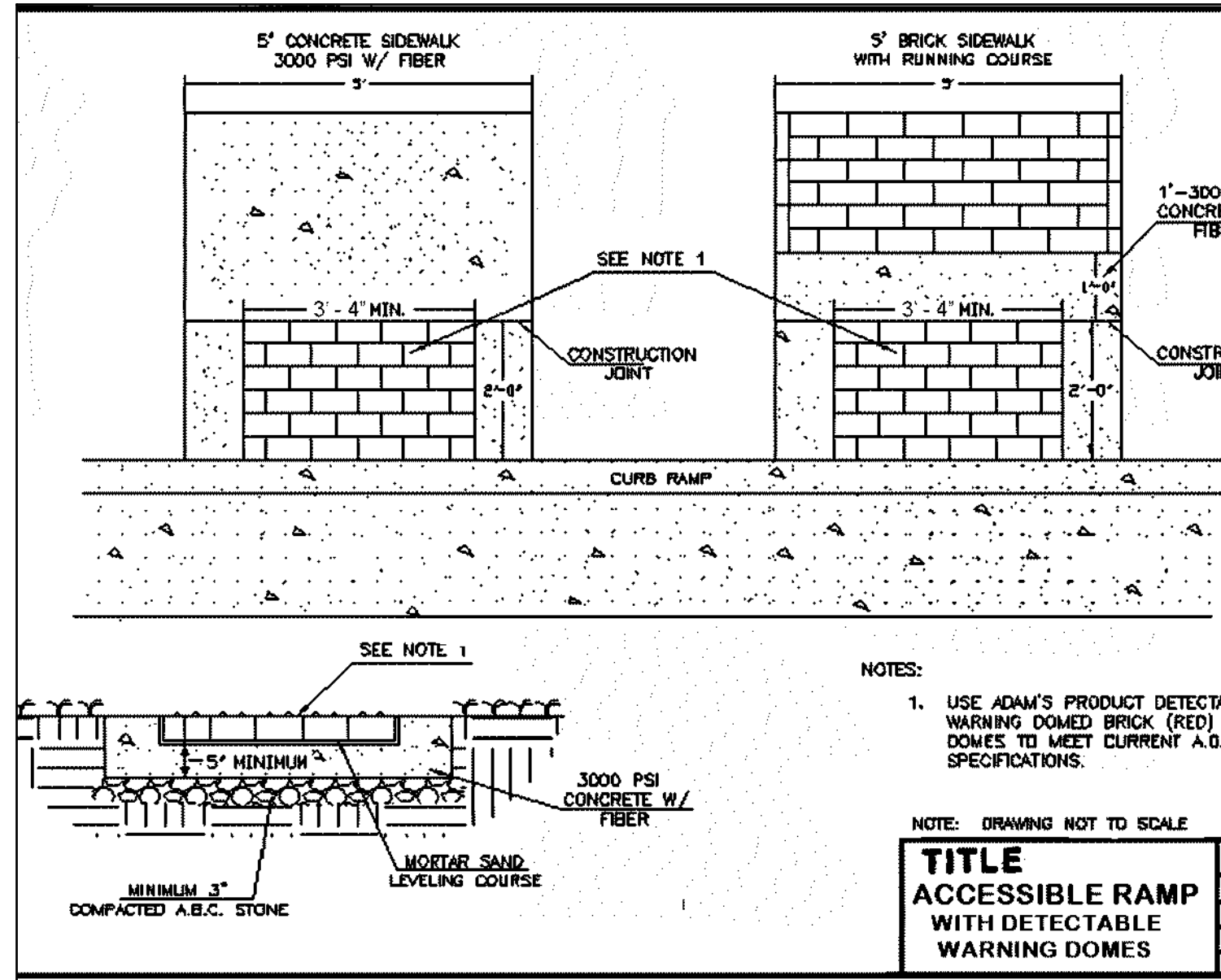
CONDITIONAL ZONING DRAWINGS

JOB #: 118038.03
DATE: 10 FEB 21
SCALE: AS NOTED
DRAWN BY: A.A.A./S.R.H.
REVIEWED BY: G.J.R.

SHEET
C1201

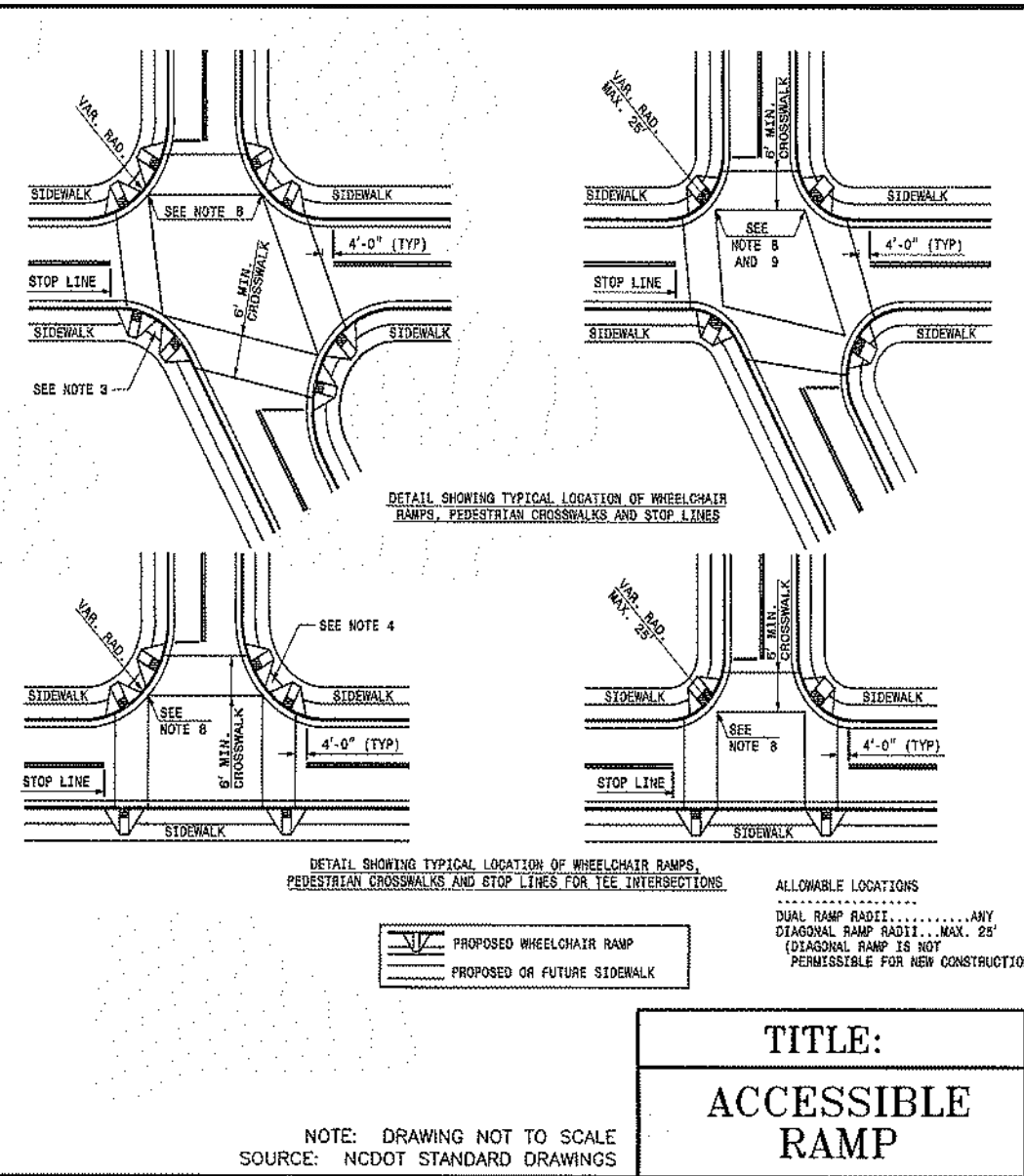
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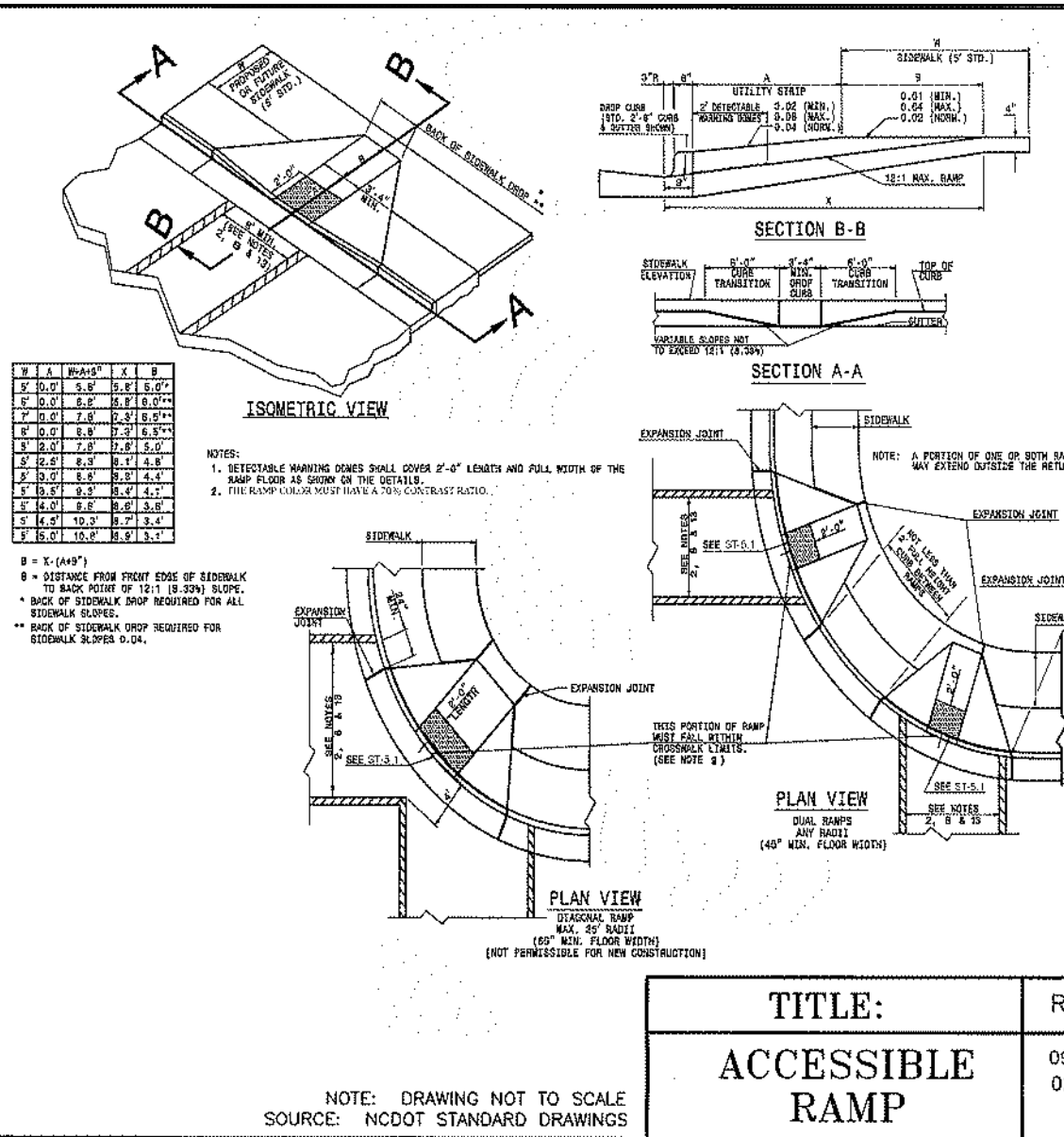
STANDARD
ENGINEERING
DETAILS
DEPARTMENT

TITLE:	REVISIONS	DET.NO.
ACCESSIBLE RAMP WITH DETECTABLE WARNING DOMES	09/03 JH	ST-5.1



STANDARD
ENGINEERING
DETAILS
DEPARTMENT

TITLE:	REVISIONS	DET.NO.
ACCESSIBLE RAMP	09/03 JH	ST - 5.2



STANDARD
ENGINEERING
DETAILS
DEPARTMENT

TITLE:	REVISIONS	DET.NO.
ACCESSIBLE RAMP	09/03 JH	ST - 5.3

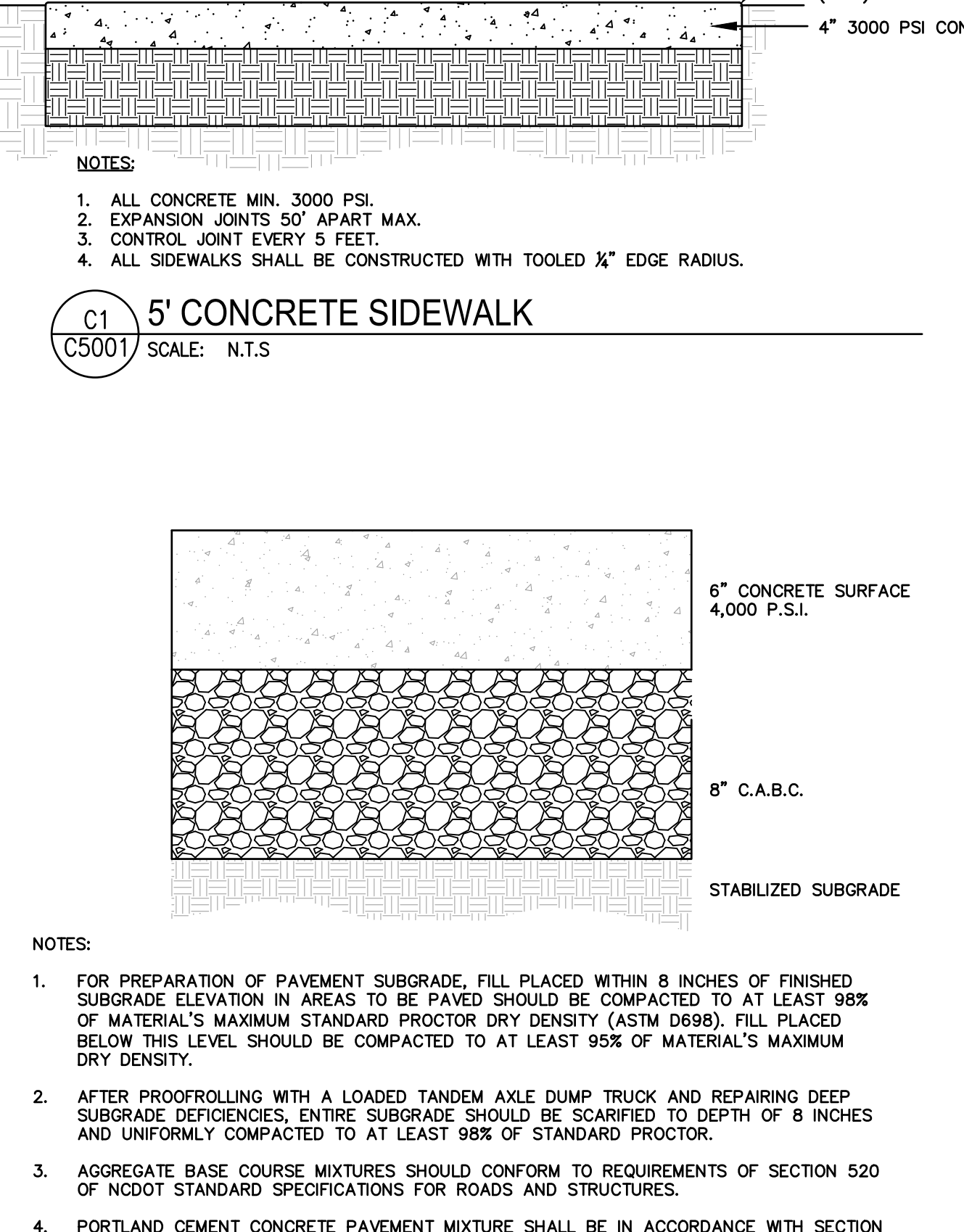
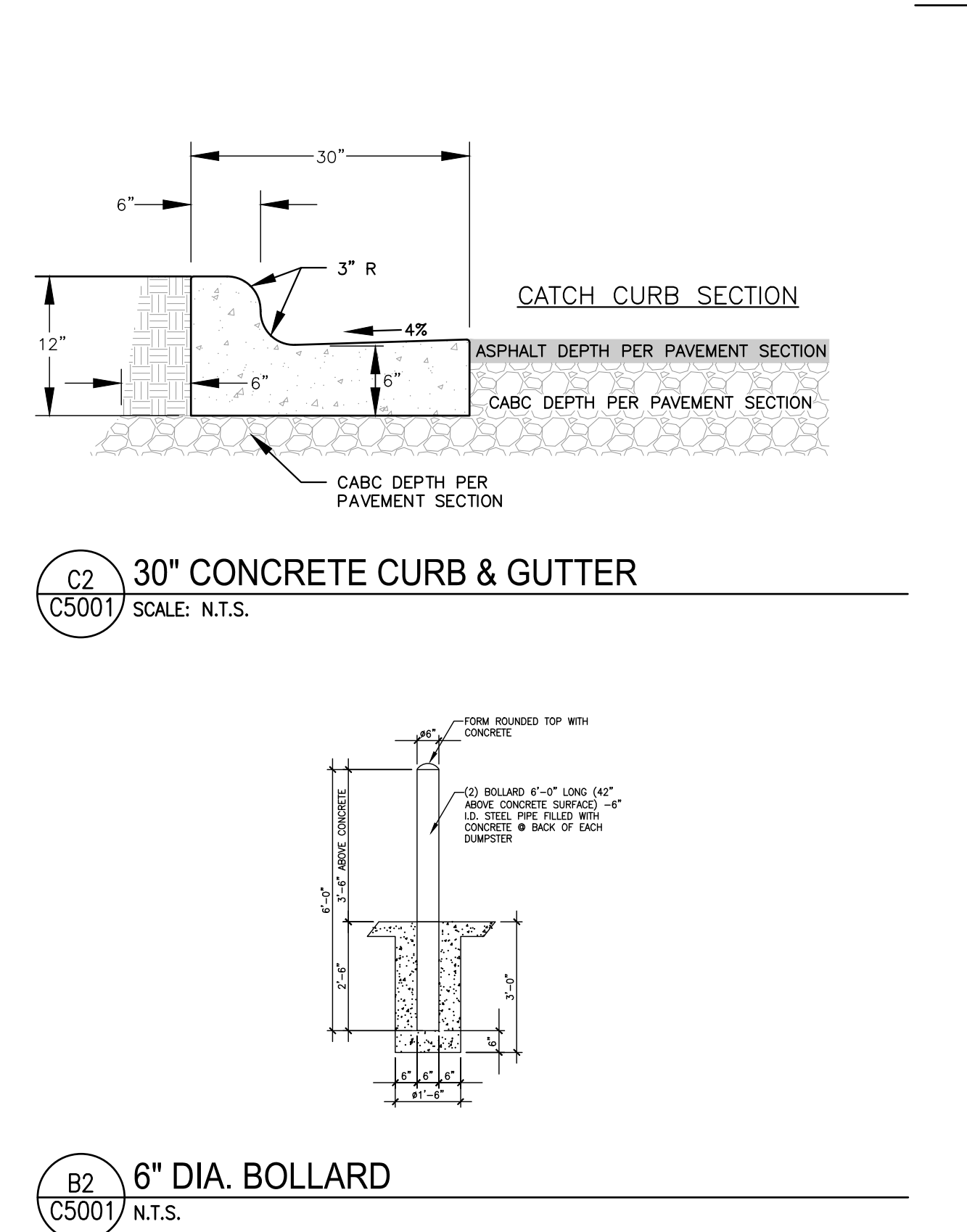
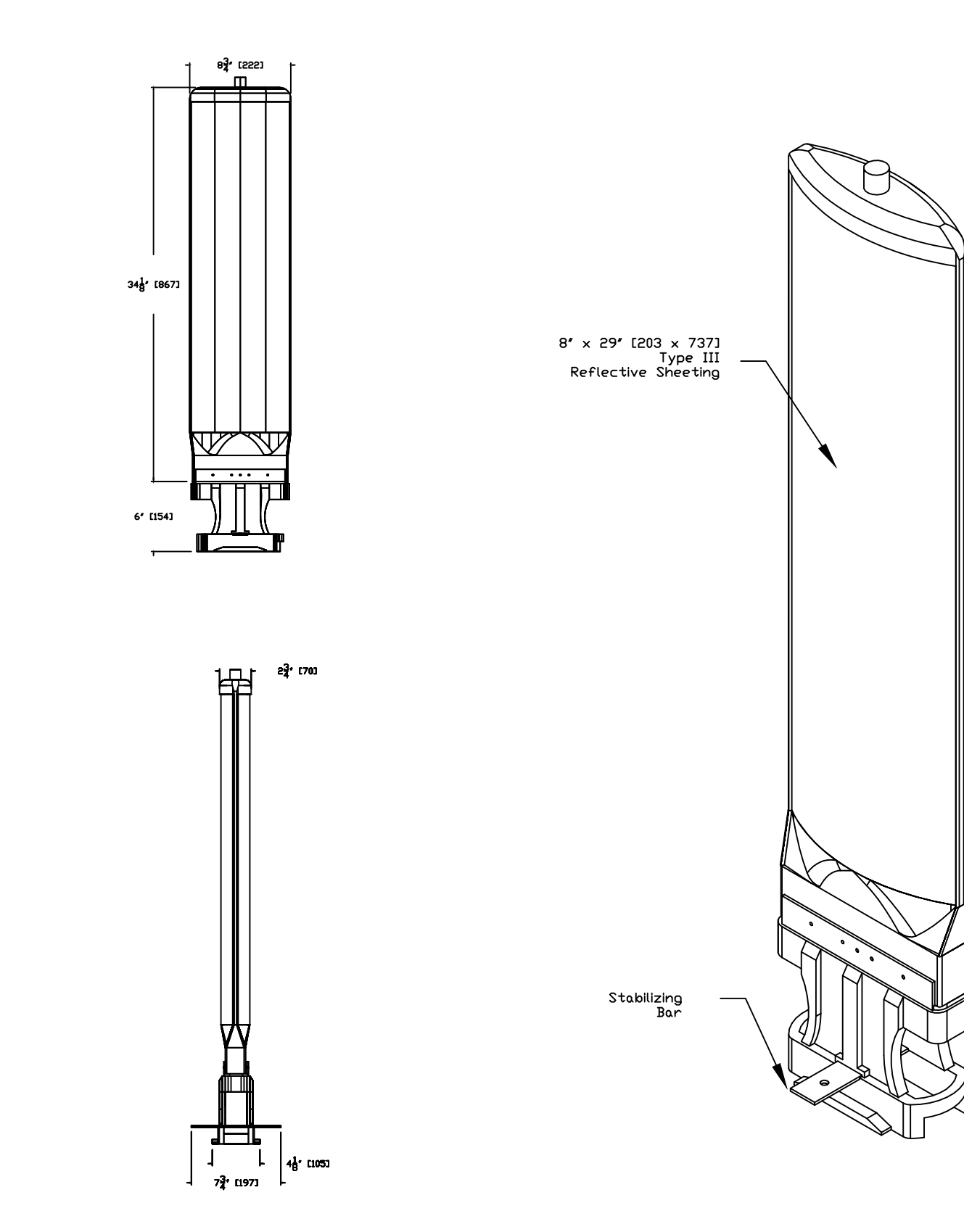
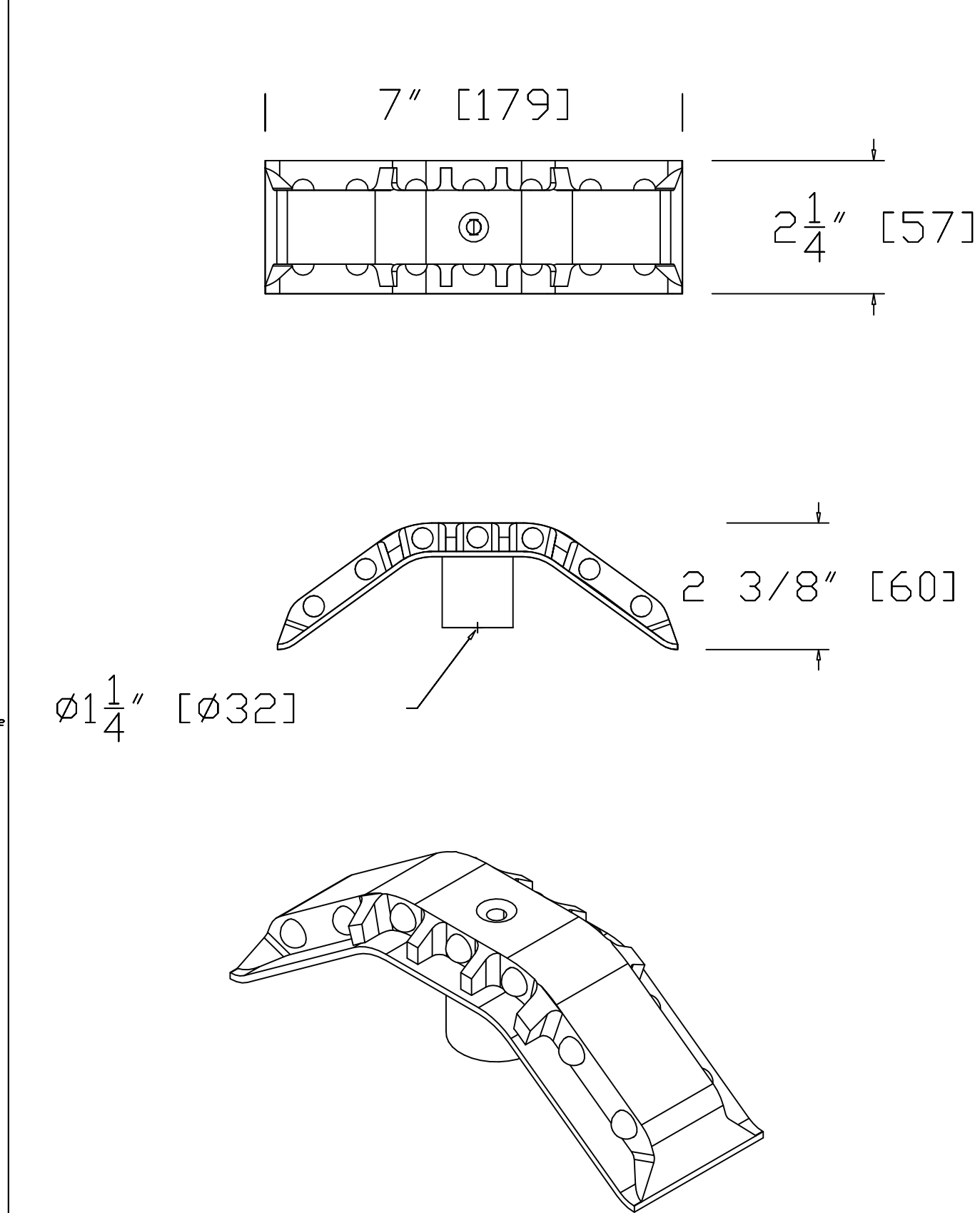
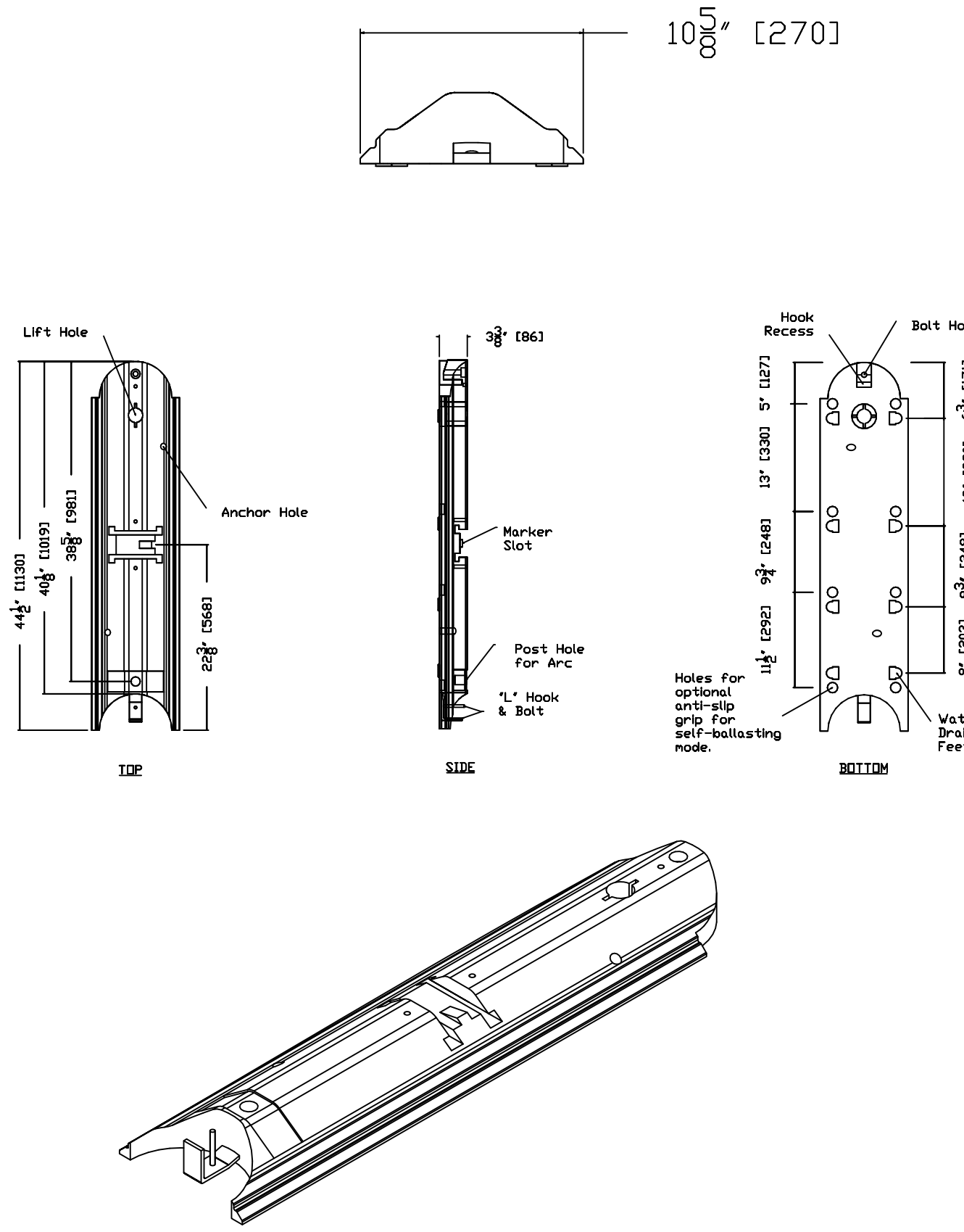
- NOTES:
1. CONSTRUCT THE WALKING SURFACE WITH SLP RESISTANCE AND A 70% CONTRASTING COLOR TO THE SIDEWALK.
 2. CROSSWALK WIDTHS AND CONFIGURATION MAY VARY BUT MUST CONFORM TO TRAFFIC DESIGN STANDARDS.
 3. PROVIDE WHEELCHAIR RAMPS AT LOCATIONS AS SHOWN ON THE PLANS OR AS DIRECTED BY THE ENGINEER. LOCATE WHEELCHAIR RAMPS AS DIRECTED BY THE ENGINEER WHERE EXISTING SIDEWALKS ARE INSTALLED. LOCATE WHEELCHAIR RAMPS AS DIRECTED BY THE ENGINEER WHERE EXISTING SIDEWALKS ARE NOT INSTALLED. LOCATE WHEELCHAIR RAMPS AS DIRECTED BY THE ENGINEER WHERE EXISTING SIDEWALKS ARE NOT INSTALLED. LOCATE WHEELCHAIR RAMPS AS DIRECTED BY THE ENGINEER WHERE EXISTING SIDEWALKS ARE NOT INSTALLED.
 4. DO NOT EXCEED 0.03 (1:33) SLOPE ON THE WHEELCHAIR RAMP IN RELATIONSHIP TO THE GRADE OF THE STREET.
 5. CONSTRUCT WHEELCHAIR RAMPS 40" (3'-4") OR GREATER FOR DUAL RAMPS AND 60" (5'-0") OR GREATER FOR DIAGONAL RAMPS.
 6. USE CONCRETE WITH A SIDEWALK FINISH IN ORDER TO OBTAIN A ROUGH NON-SKID TYPE SURFACE.
 7. PLACE A 1/2" EXPANSION JOINT WHERE THE CONCRETE WHEELCHAIR RAMP JOINS THE CURB AS SHOWN ON DETAIL ST-5A.
 8. PLACE THE INSIDE PEDESTRIAN CROSSWALK LINES NO CLOSER IN THE INTERSECTION BY BISECTING THE INTERSECTION RADIUS WITH ALLOWANCE OF A 4' CLEAR ZONE IN THE VEHICULAR TRAVELING WHEN ONE RAMP IS INSTALLED. (SEE NOTE 1.3)
 9. COORDINATE THE CURB CUT AND THE PEDESTRIAN CROSSWALK LINES SO THE FLOOR OF THE WHEELCHAIR RAMP WILL FALL WITHIN THE PEDESTRIAN CROSSWALK LINES. PLACE DIAGONAL RAMPS WITH FLARED SIDES SO 24" OF FULL HEIGHT CURB FALLS WITHIN THE CROSSWALK MARKINGS ON EACH SIDE OF THE FLARES.
 10. CONSTRUCT THE PEDESTRIAN CROSSWALK A MINIMUM OF 6 FEET. A CROSSWALK WIDTH OF 8 FEET OR GREATER IS DESIRABLE.
 11. USE STOP LINES, NORMALLY PERPENDICULAR TO THE LANE LINES, WHERE IT IS IMPORTANT TO INDICATE THE POINT BEHIND WHICH VEHICLES ARE REQUIRED TO STOP IN COMPLIANCE WITH A TRAFFIC SIGNAL, STOP SIGN OR OTHER LEGAL REQUIREMENT. AN UNUSUAL APPROACH SIGN MAY REQUIRE THE PLACEMENT OF THE STOP LINE TO BE PARALLEL TO THE INTERSECTION ROADWAY.
 12. TERMINATE PARKING A MINIMUM OF 20 FEET BACK OF PEDESTRIAN CROSSWALK.
 13. PLACE ALL PAVEMENT MARKINGS IN ACCORDANCE WITH THE LATEST EDITION OF THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) PUBLISHED BY THE FEDERAL HIGHWAY ADMINISTRATION AND THE NORTH CAROLINA SUPPLEMENT TO THE MUTCD.

STANDARD
ENGINEERING
DETAILS
DEPARTMENT

TITLE:	REVISIONS	DET.NO.
ACCESSIBLE RAMP	09/03 JH	ST - 5.4

SOURCE: NCOT STANDARD DRAWINGS

C



B

QWICK KURB® L60 Cat. A Lane Separator

INTENDED USE

The QWICK KURB® Category A Lane Separator is a longitudinal channelizer system of interlocking raised units, profile depicting retro-reflective arcs and reboundable vertical markers/bollards. The system is used instead of asphalt or concrete separators where a more forgiving separator is desired, or in lieu of mere delineators where more robust separation is needed. It provides superior guidance for motorists both day and night. It is ideal as a lane separator, as an edge guide, as a channelizer to ease traffic away from attenuators and restricted areas, and to channel in other desirable ways.

COMPONENTS

The L60 Lane Separator unit is composed of recycled polyethylene, containing three PVC inserts and a stainless steel L-shaped connecting hook. The unit weighs approximately 36lbs [16 kg].

Each unit uses a 3/8" x 2 3/4" [10x70] bolt with washer and lock nut to connect adjoining units.

Optional accessories include reboundable vertical markers/bollards/signs and retro-reflective arcs to improve visibility.

APPROVALS & ACCEPTANCE

FHWA: WZ-109 http://safety.fhwa.dot.gov/roadway_dept/policy_guidelines/roadway/workzone/pdf/wz109.pdf
NCHRP 350
3,500PSI 90% Crush Standard
Category A Standard

CONTACT INFORMATION
QWICK KURB®, INC.
1916 US 41 South
Ruskin, FL 33570
Phone (813) 645-5072
Fax (813) 645-4856
www.qwickkurb.com

QWICK KURB® Model L60 Category A Lane Separator

SHEET NO.	DATE:
2 of 2	08/20/09

QWICK KURB® Model L65 Reflective Arc

INTENDED USE

The QWICK KURB® L65 Reflective Arc should be installed on each Separator unit. The L65 is designed in an arc shape to aid motorists, in darkened conditions, to identify the Separator as a raised element. A flat design would mislead motorists into believing the Separator was a flat surface.

CONTACT INFORMATION
QWICK KURB®, INC.
1916 US 41 South
Ruskin, FL 33570
Phone (813) 645-5072
Fax (813) 645-4856
www.qwickkurb.com

QWICK KURB® Model L65 Reflective Arc

SHEET NO.	DATE:
2 of 2	08/12/2009

QWICK KURB® Model L104 MEGA MARKERTM

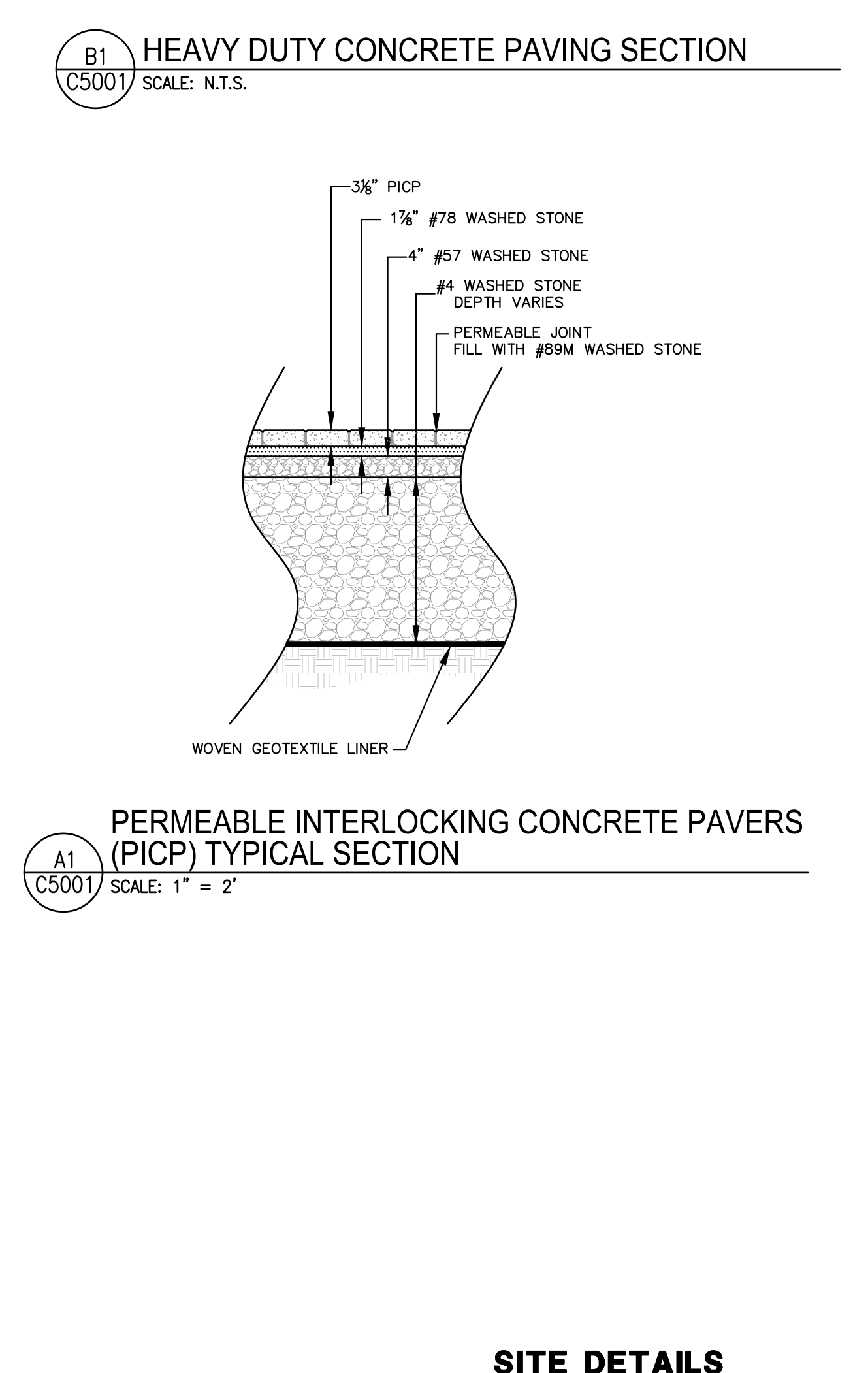
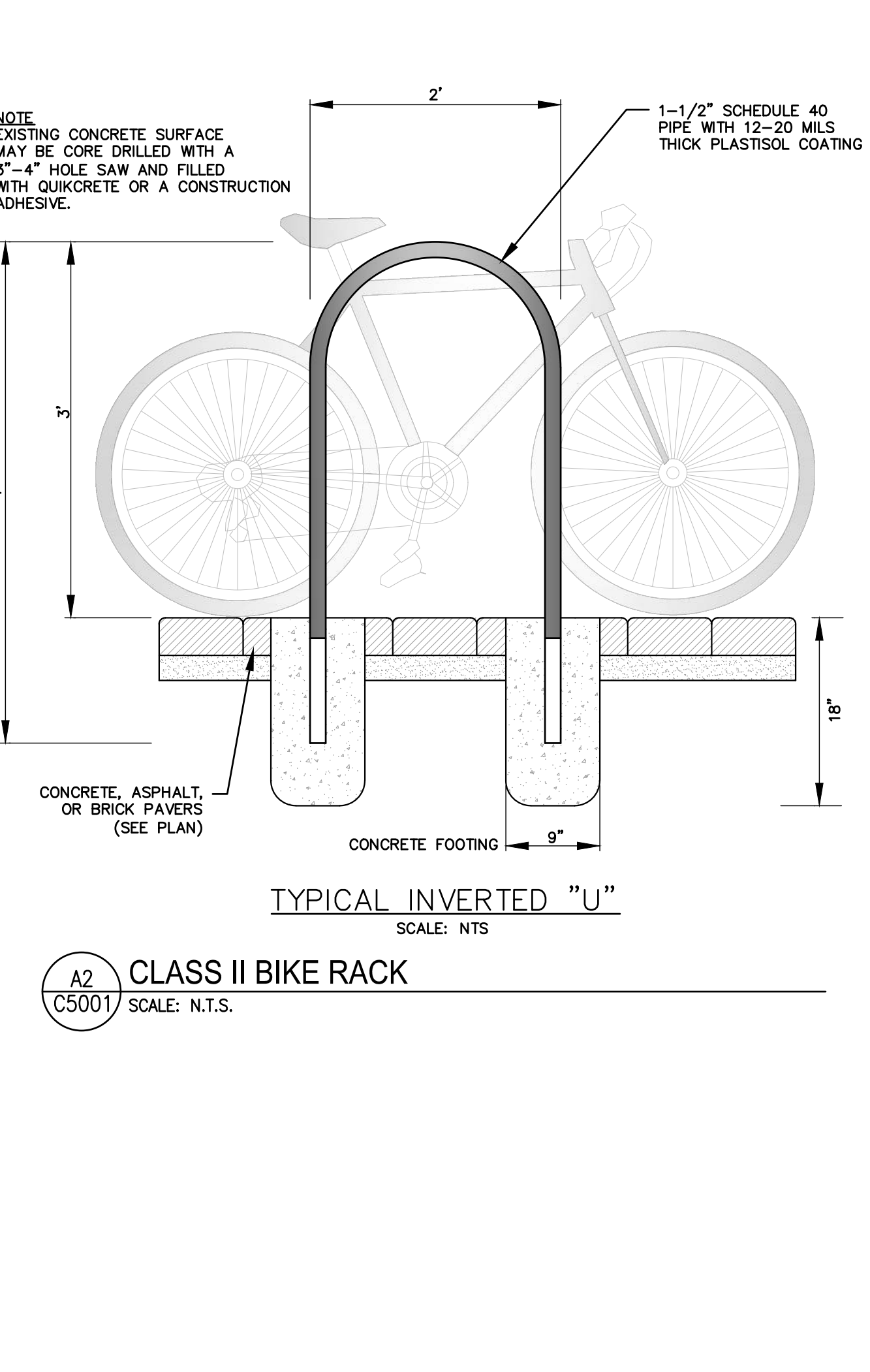
INTENDED USE

The QWICK KURB® Model L104 MEGA MARKERTM is a large marker designed to be clearly visible in order to demarcate vehicular lanes as a longitudinal channelizer. The L104 attaches directly to the L60 Category A Lane Separator, the L50 Stand Alone Base Unit and other QWICK KURB®C mounting devices.

CONTACT INFORMATION
QWICK KURB®, INC.
1916 US 41 South
Ruskin, FL 33570
Phone (813) 645-5072
Fax (813) 645-4856
www.qwickkurb.com

QWICK KURB® Model L104 MEGA MARKERTM

SHEET NO.	DATE:
2 of 2	10/05/2009



A

D

C

B

A

BALENTINE ASSOCIATES, P.A.
221 PROVIDENCE ROAD, CHAPEL HILL, N.C. 27514
(919) 529 - 0481

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SUBJECT TO LEGAL ACTION.

DATE: 23 JUL 21
28 SEP 21

REVISIONS
RESPONSE TO C2 COMMENTS
RESPONSE TO C2 COMMENTS

OWNER INFORMATION
2808 PROPERTIES, INC.
4500 CAMERON VALLEY PKWY.
SUITE 350
CHARLOTTE, NC 28211
OWNERS REPRESENTATIVE:
JOE DYE
(919) 388-5774
FAX (919) 461-3939
EMAIL joe.dye@2808properties.com

DATE: 10 FEB 21
28 MAY 21
23 JUL 21
28 SEP 21

ISSUED
CONDITIONAL ZONING SUBMITTAL #1
SCHEMATIC DESIGN
CONDITIONAL ZONING SUBMITTAL #2
CONDITIONAL ZONING SUBMITTAL #3

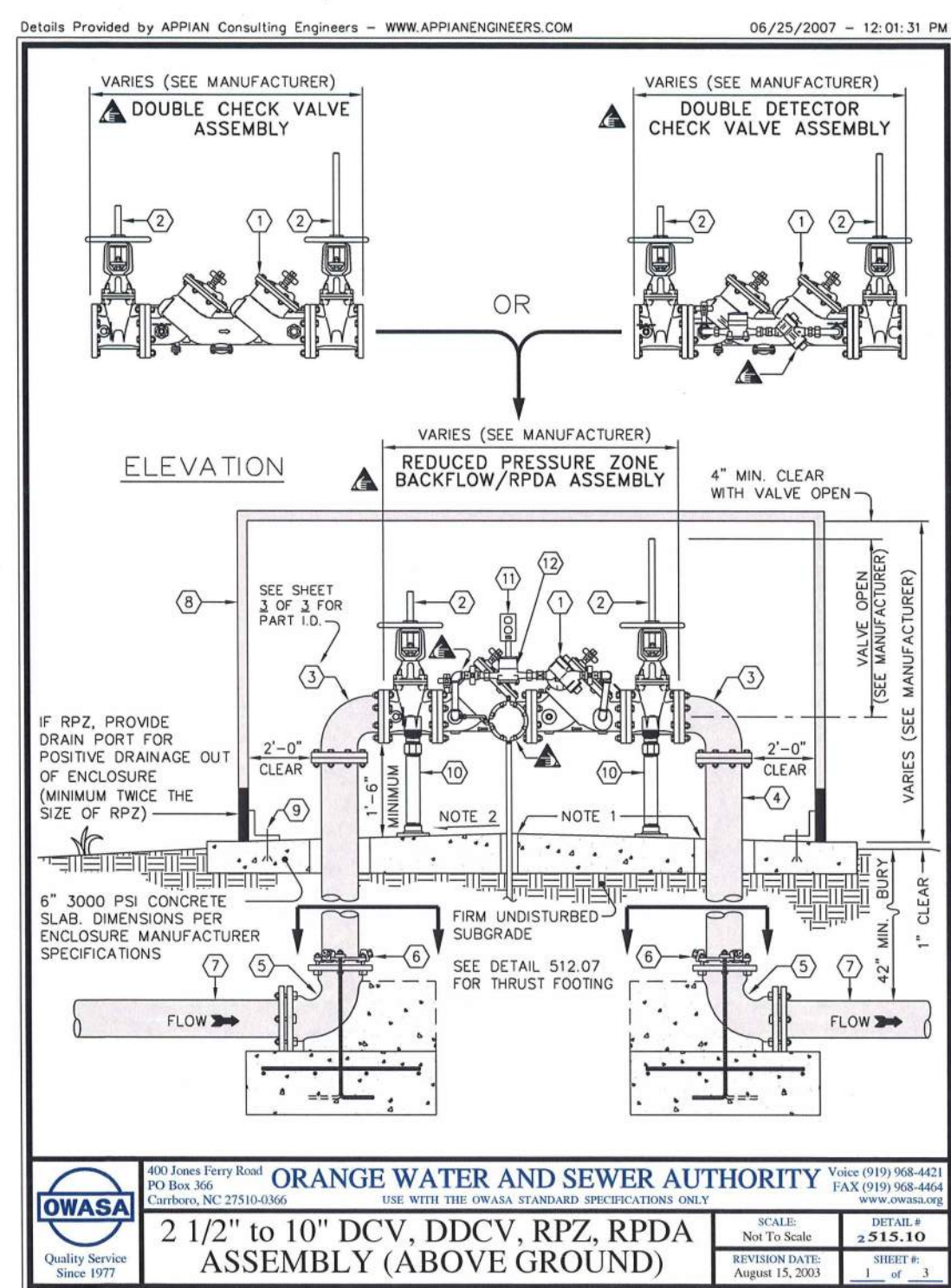
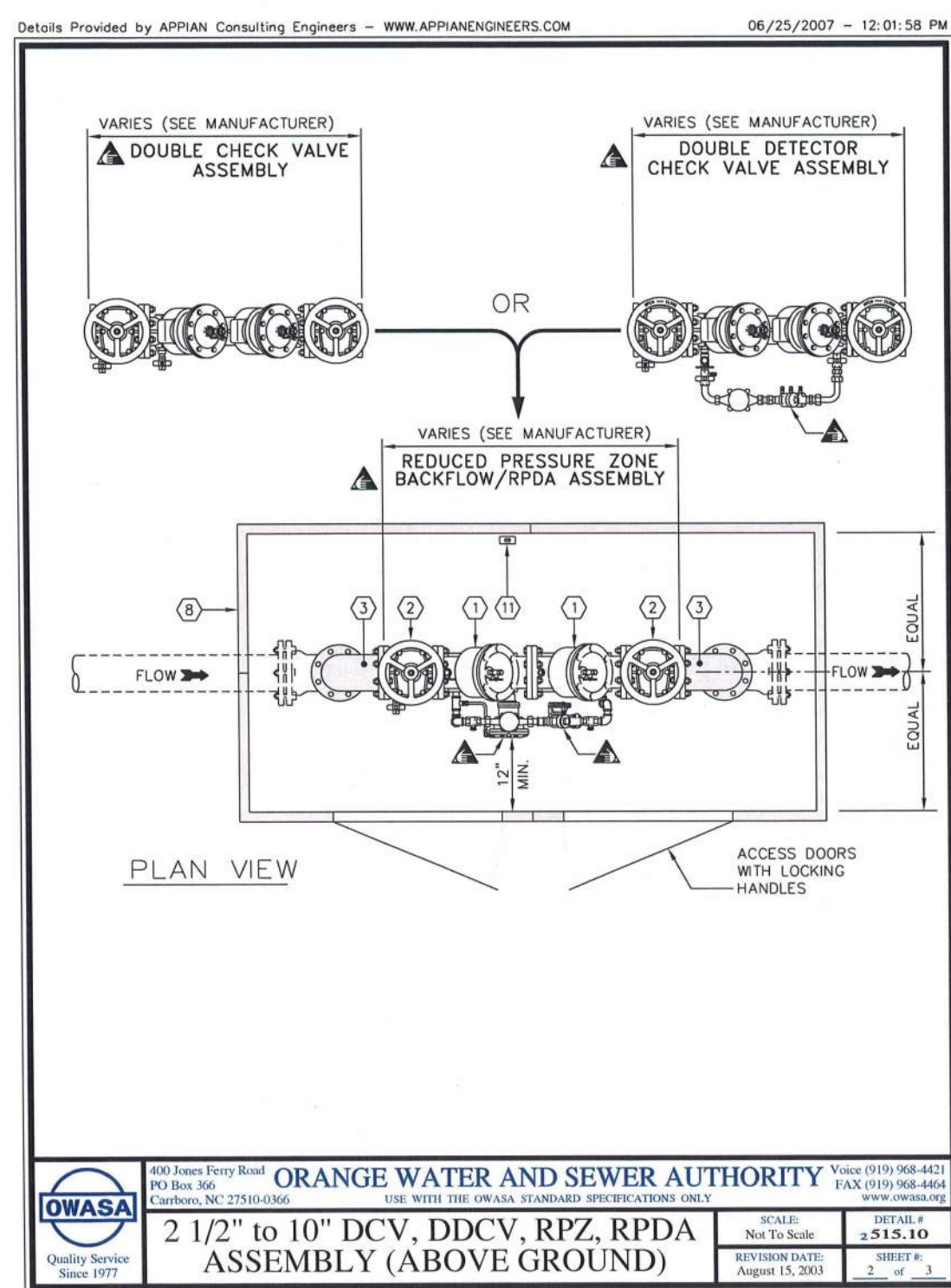
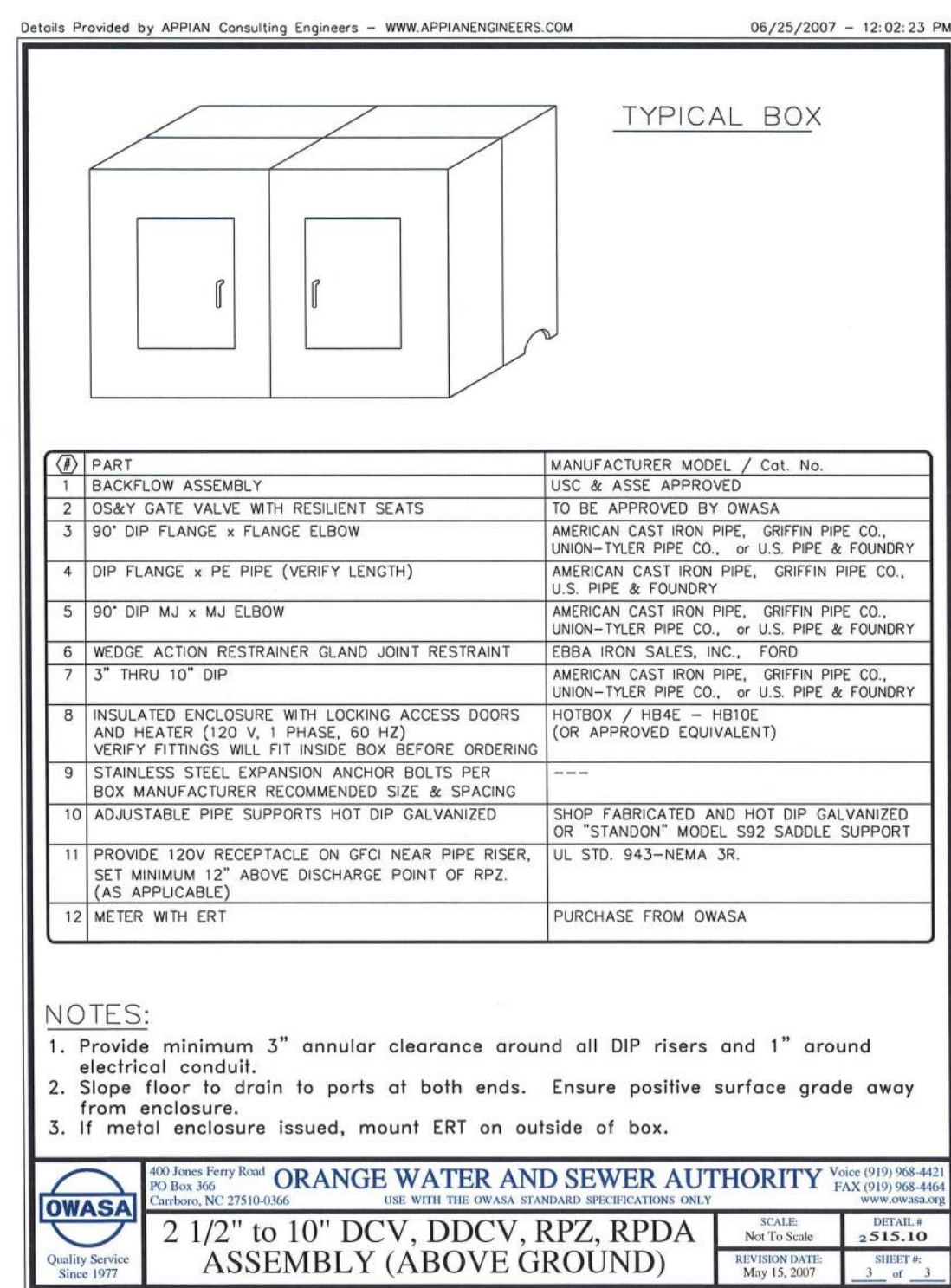
**150 E. ROSEMARY STREET
LAB & OFFICE BUILDING**
CHAPEL HILL, NORTH CAROLINA

CONDITIONAL ZONING DRAWINGS

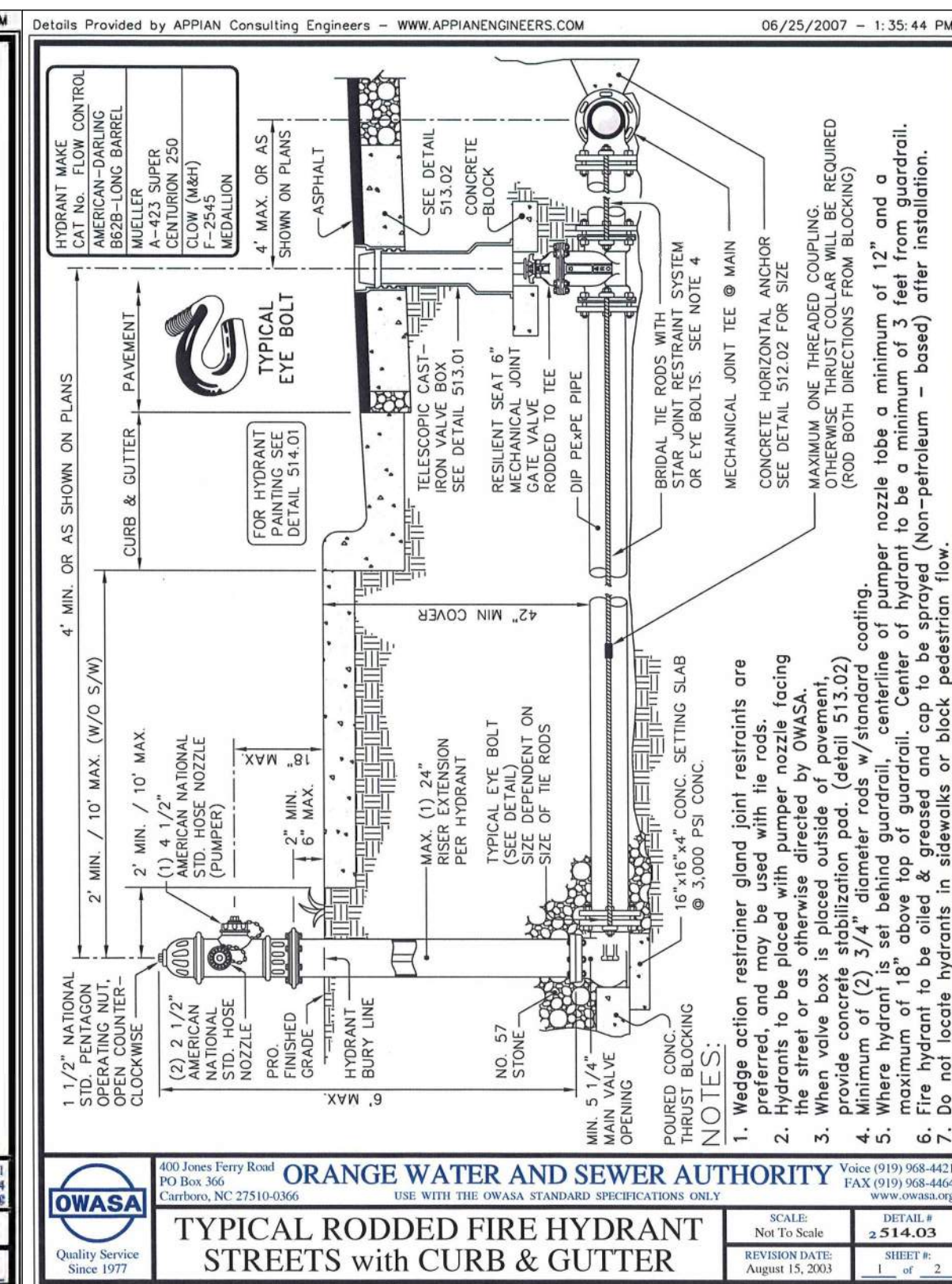
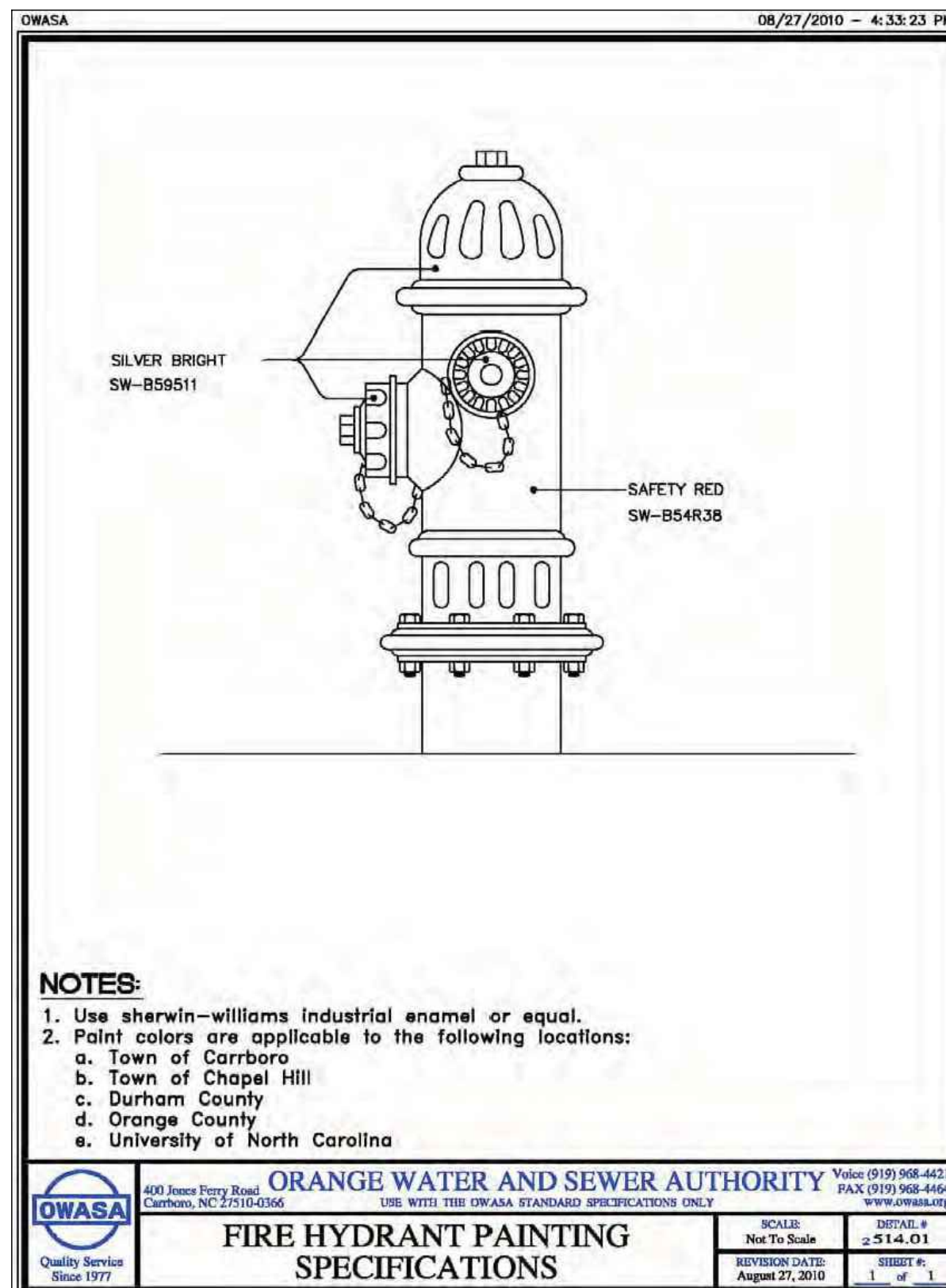
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DATE: 10 FEB 21
SCALE: AS NOTED
DRAWN BY: A.A.A./S.R.H.
REVIEWED BY: G.J.R.

SHEET
C5001

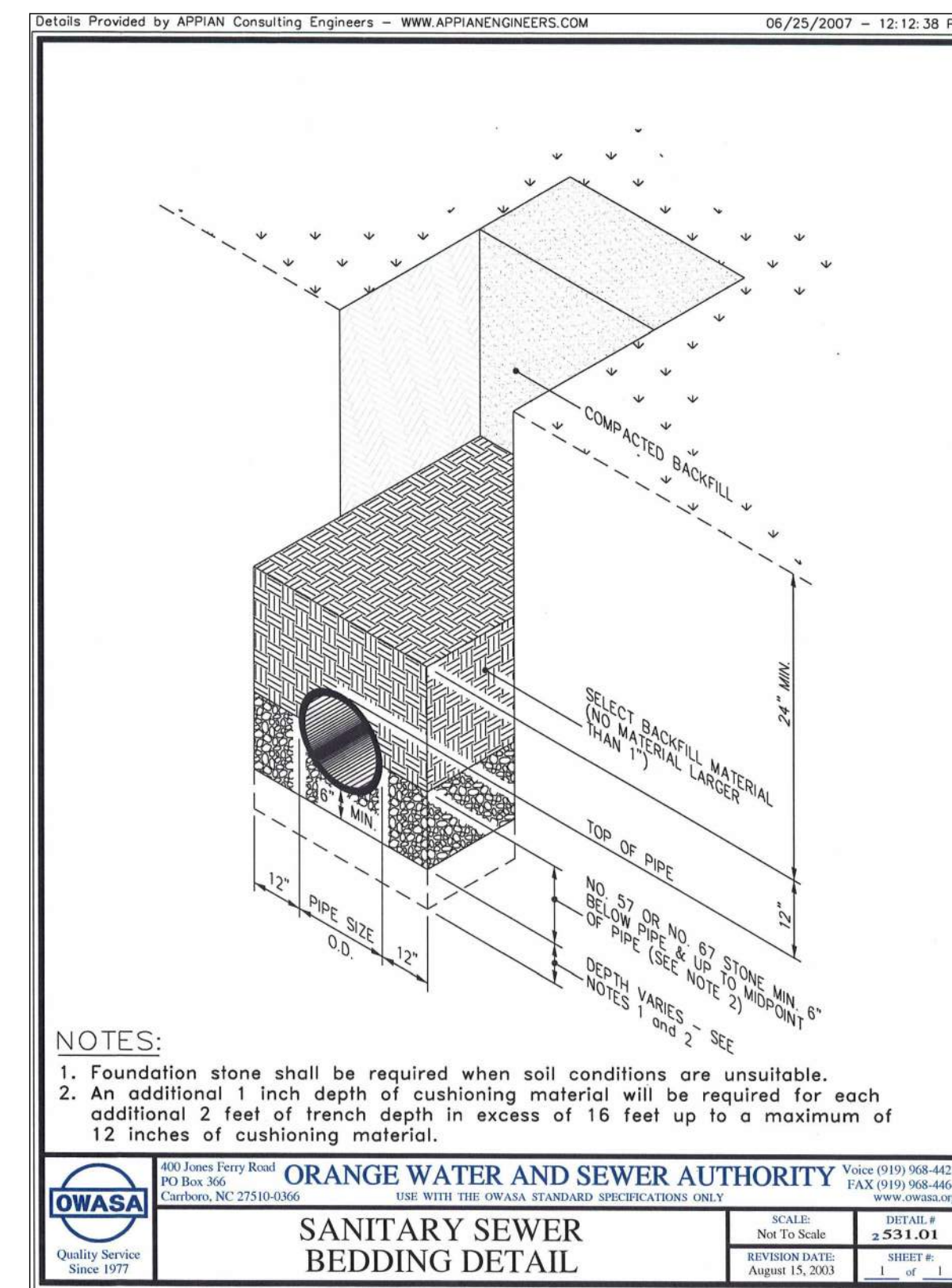
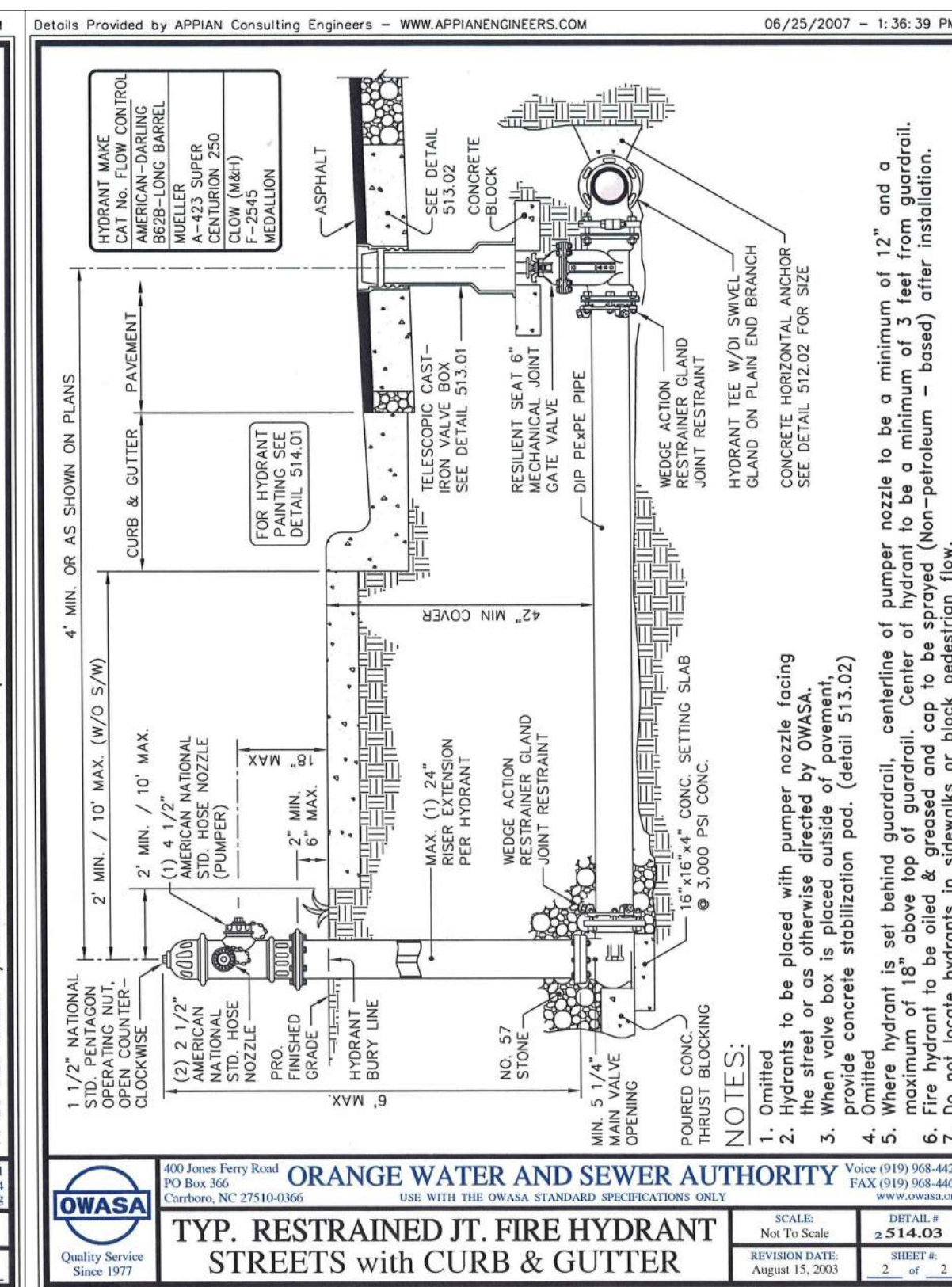
SITE DETAILS
REVIEW DRAWING
NOT FOR CONSTRUCTION



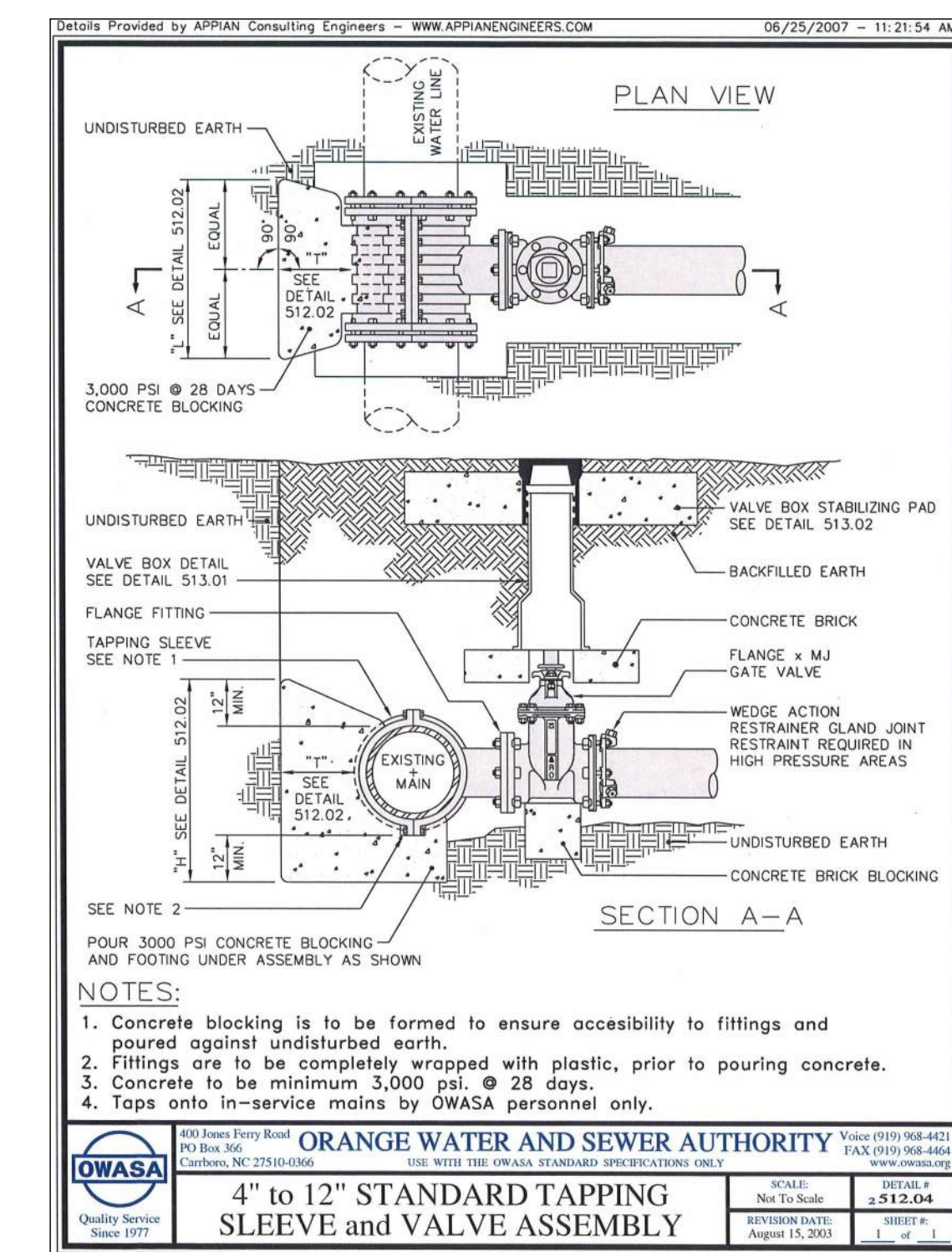
2-1/2" TO 10" DCV, DDCV, RPZ,
RPDA ASSEMBLY (ABOVE GROUND)
A5
C5101 SCALE: N.T.S.



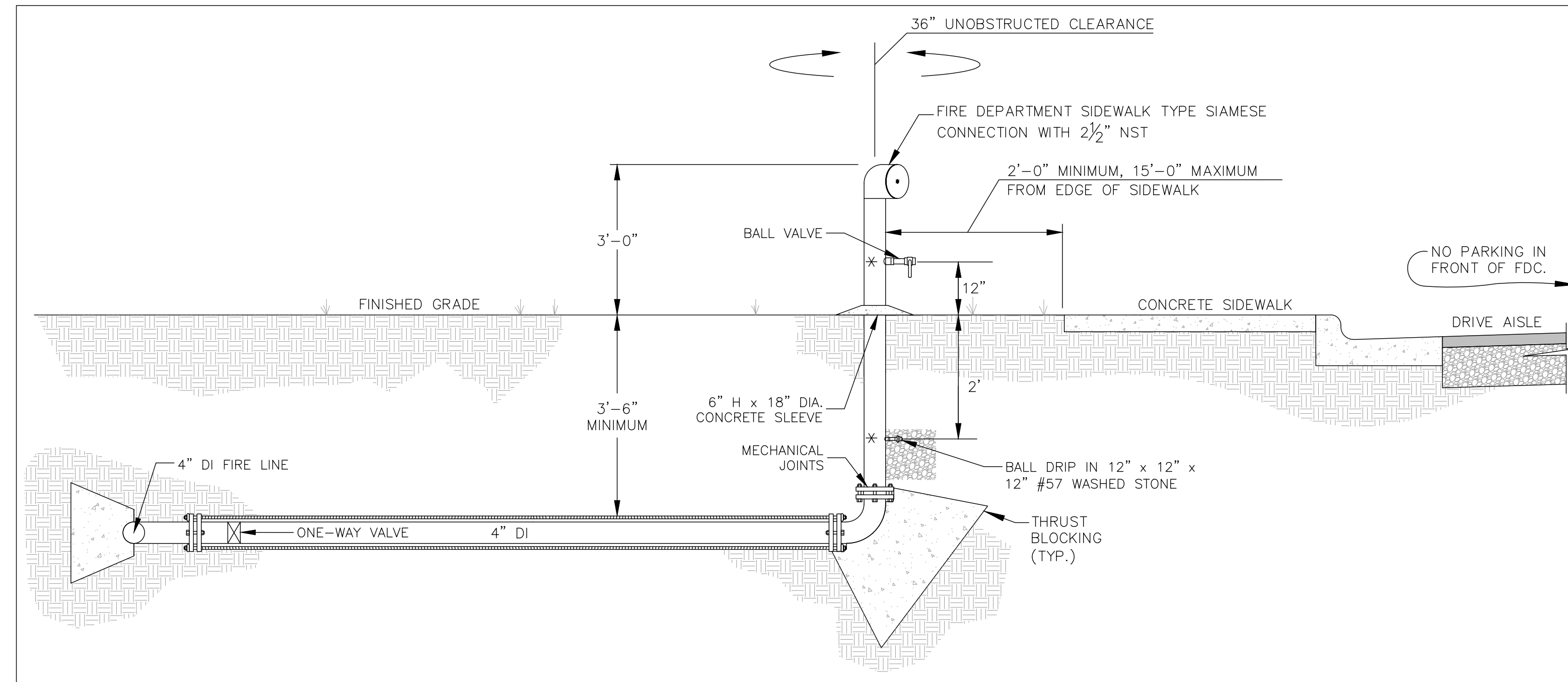
C3 FIRE HYDRANT
C5101 SCALE: N.T.S.



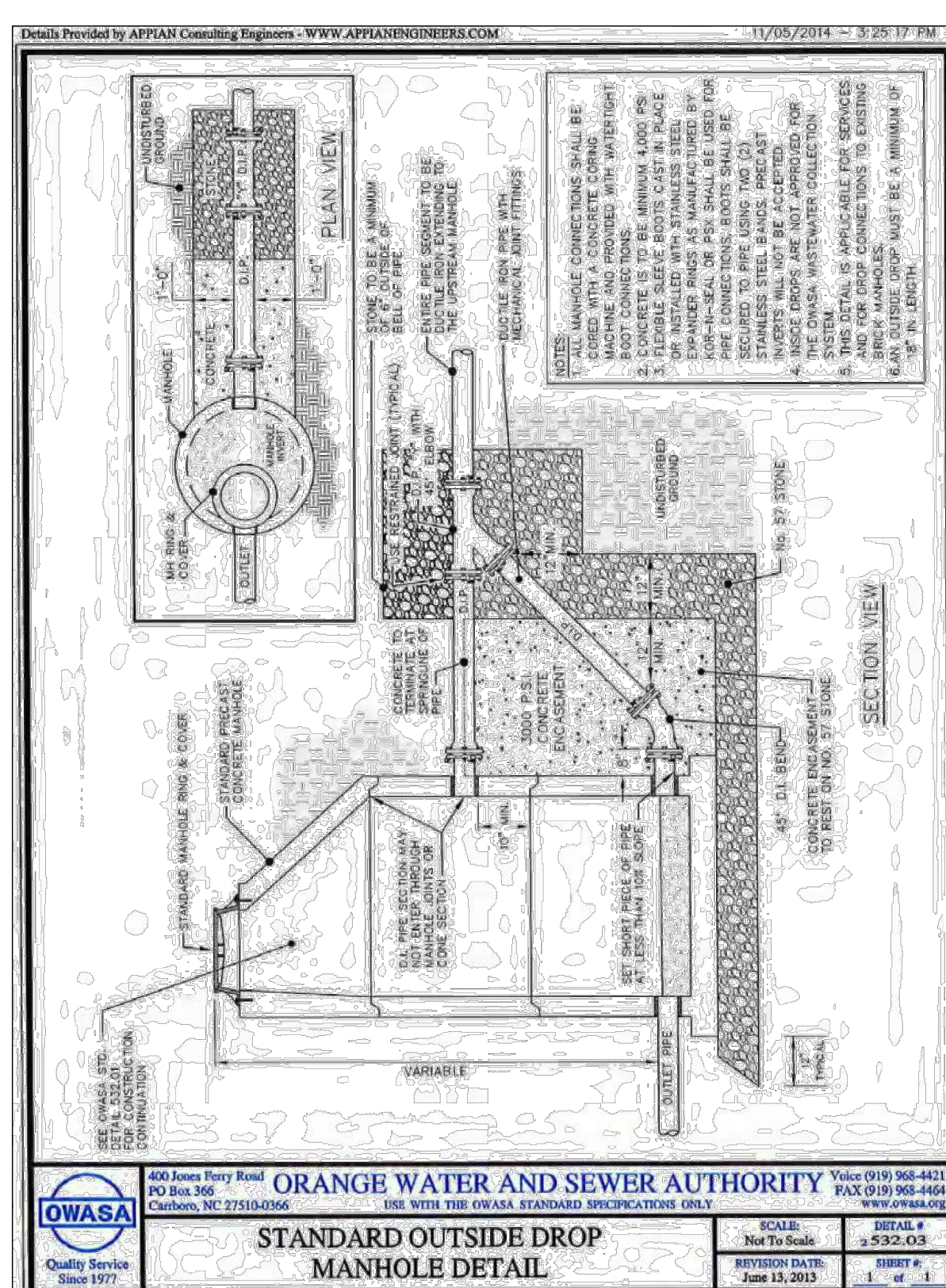
C1 SANITARY SEWER BEDDING
C5101 SCALE: N.T.S.



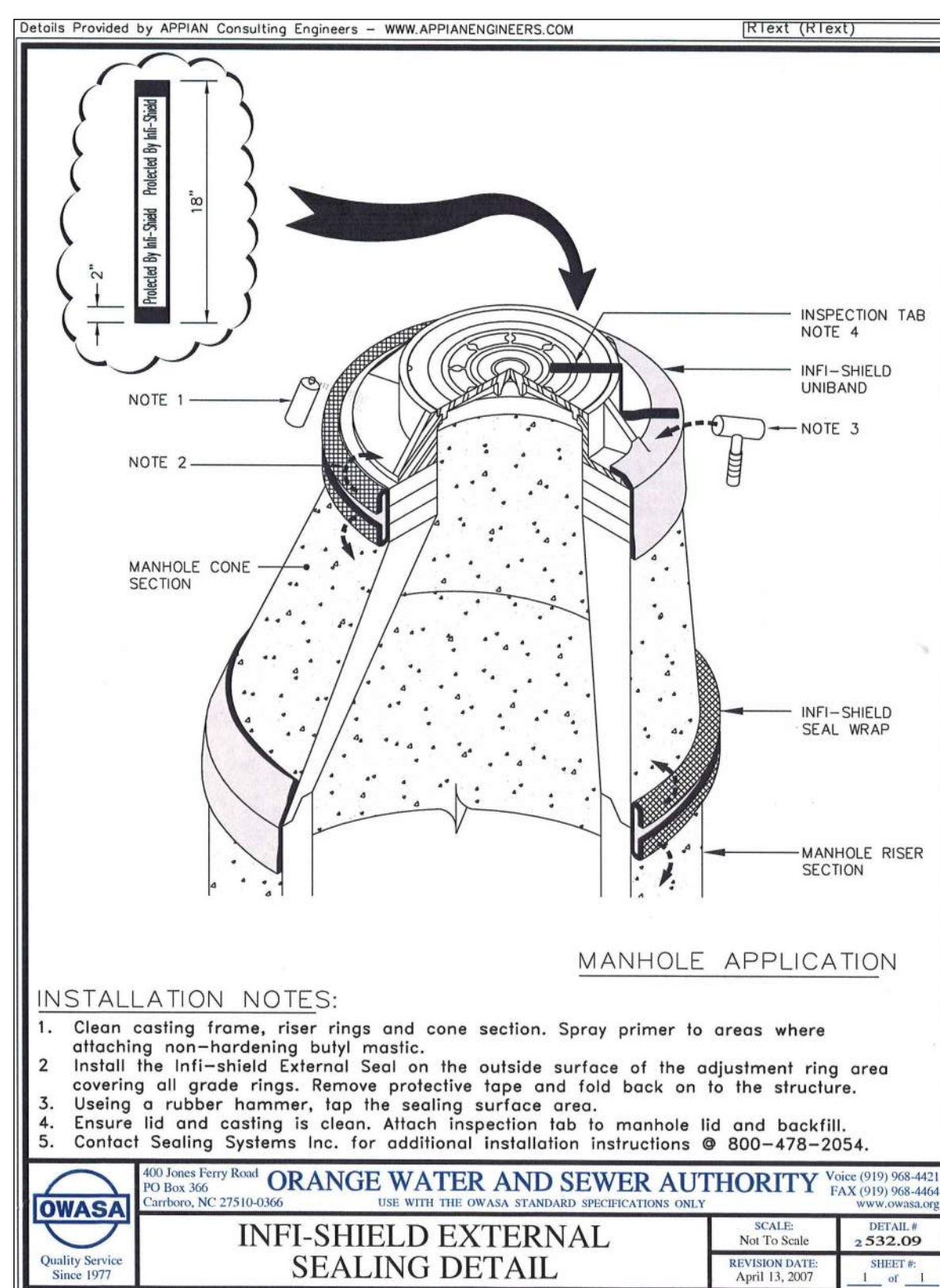
TAPPING SLEEVE & VALVE



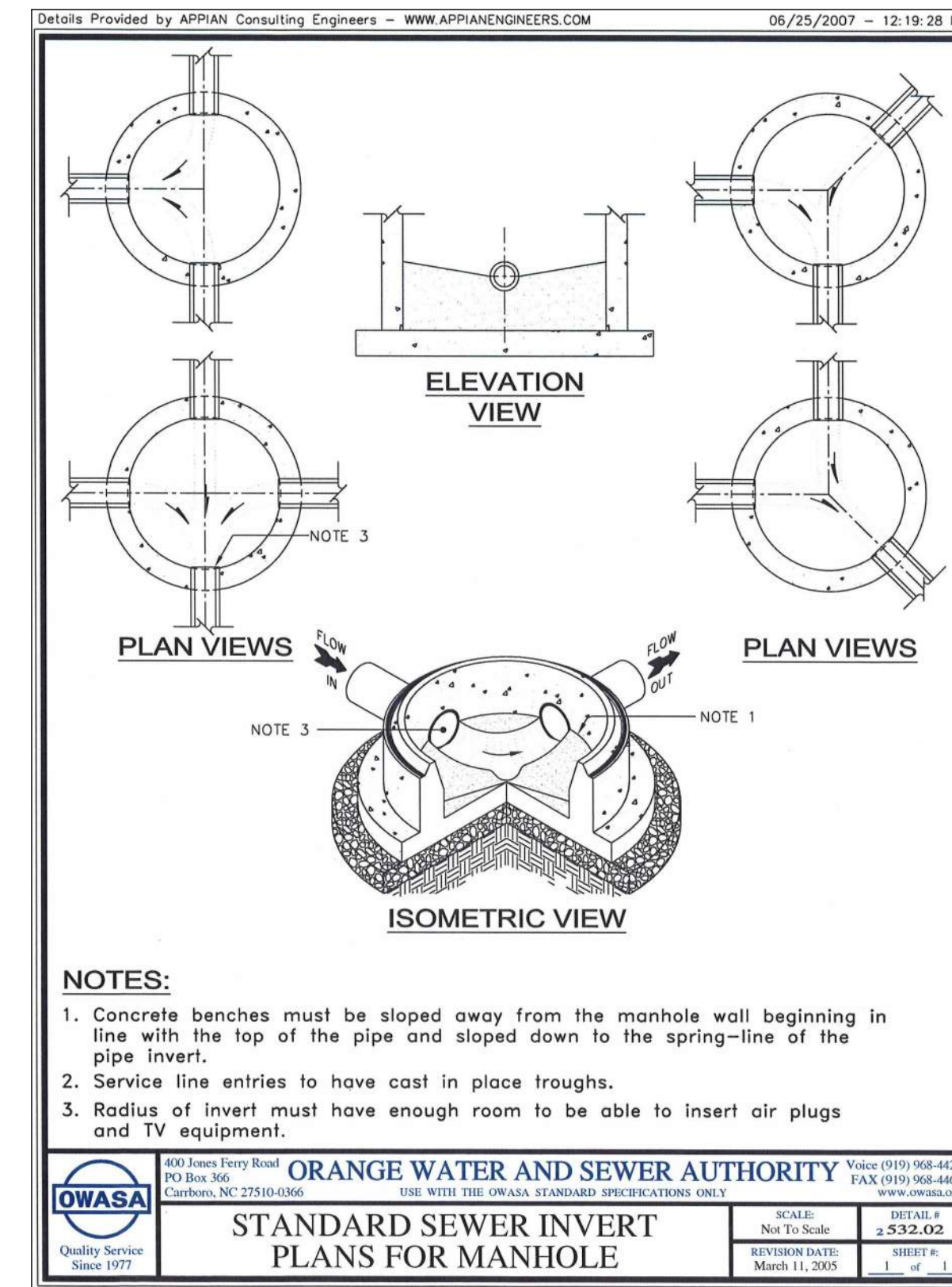
FIRE DEPARTMENT CONNECTION SCHEMATIC
SCALE: N.T.S.



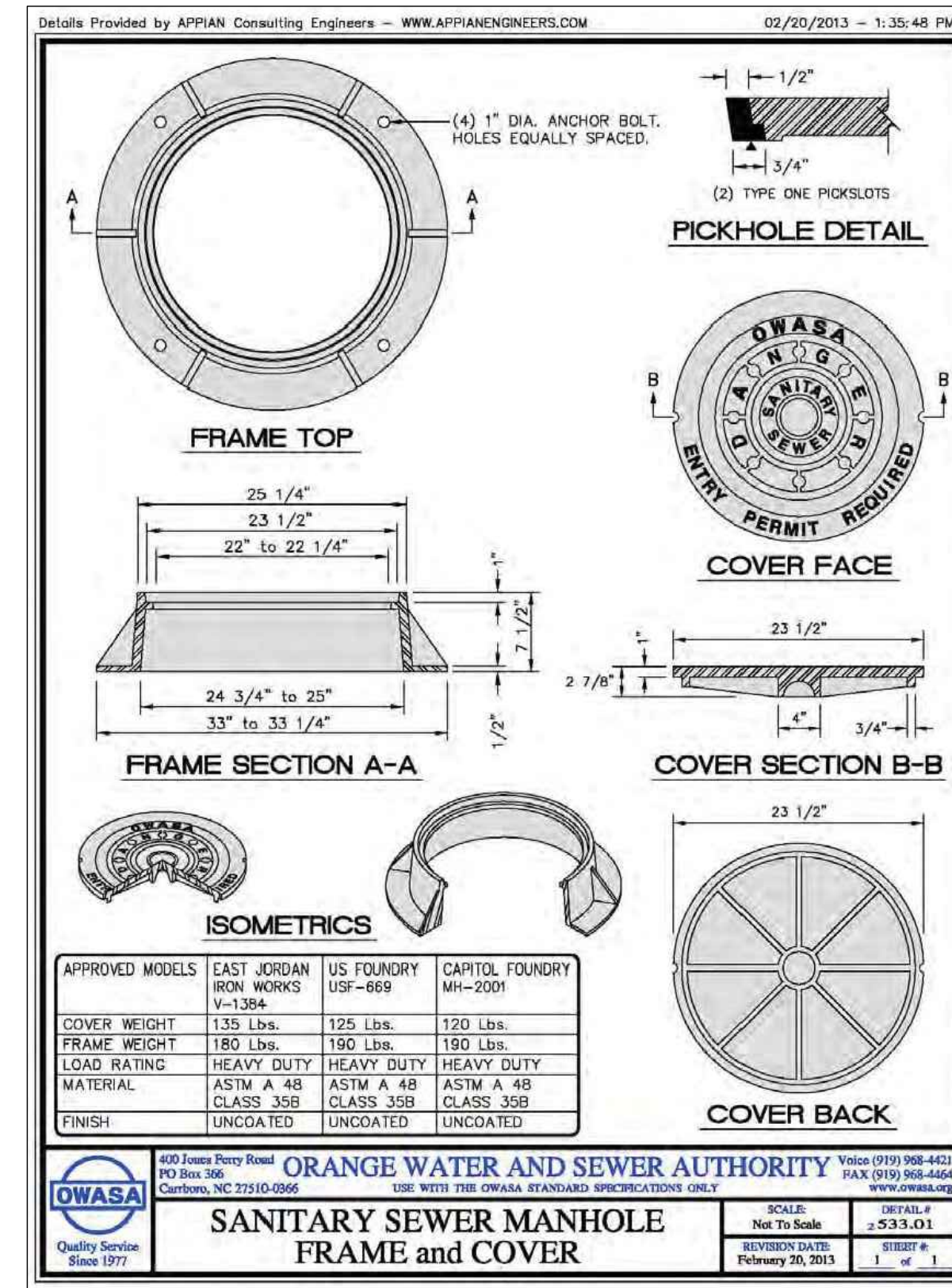
A4 STANDARD OUTSIDE DROP MANHOLE
C5101 SCALE: N.T.S.



INFI-SHIELD SEAL WRAP
SCALE: N.T.S.



SAN. SEWER MANHOLE INVERT
SCALE: N.T.S.



SAN. SEWER MANHOLE COVER
SCALE: N.T.S.

UTILITY DETAILS
REVIEW DRAWING
NOT FOR CONSTRUCTION

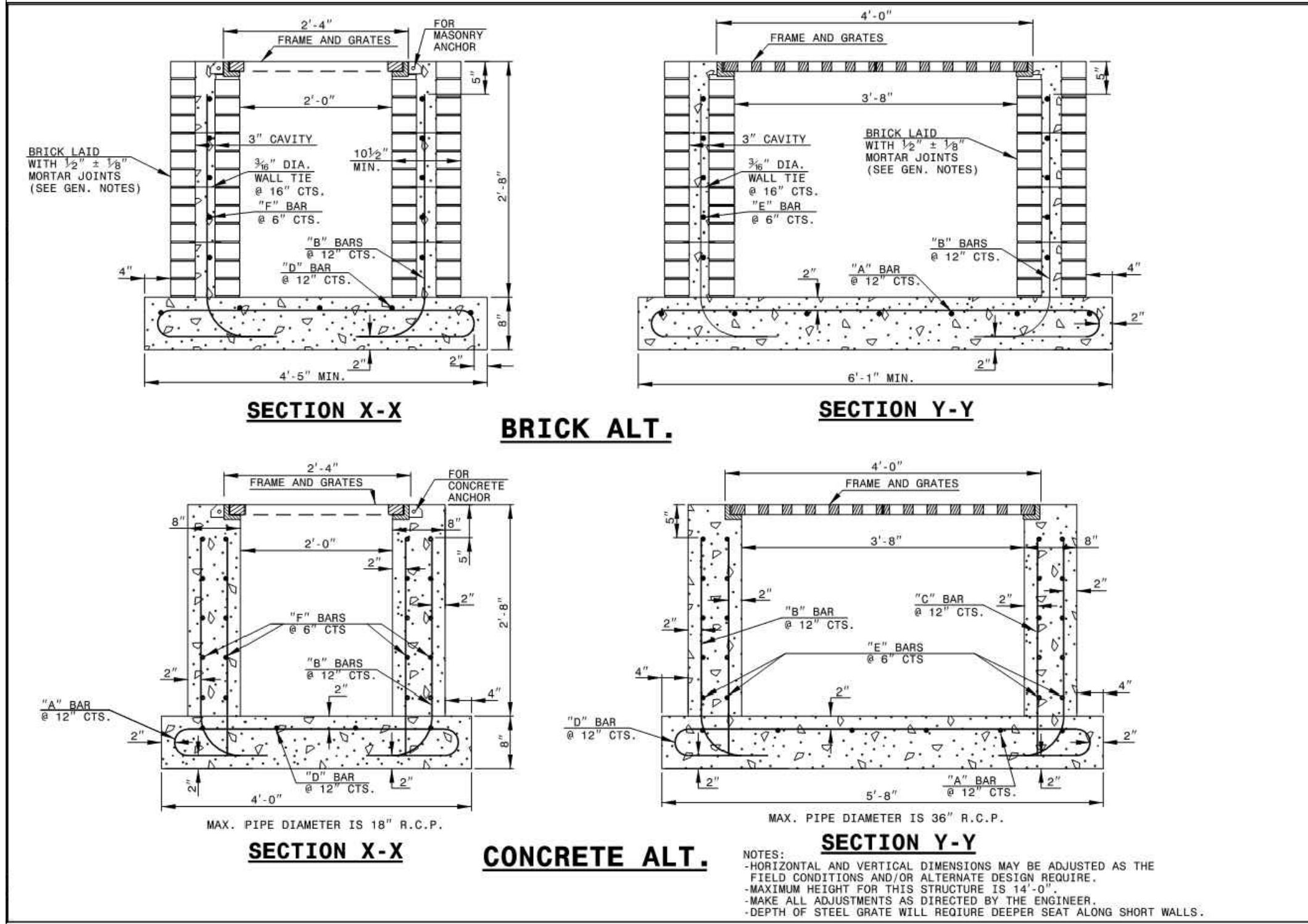
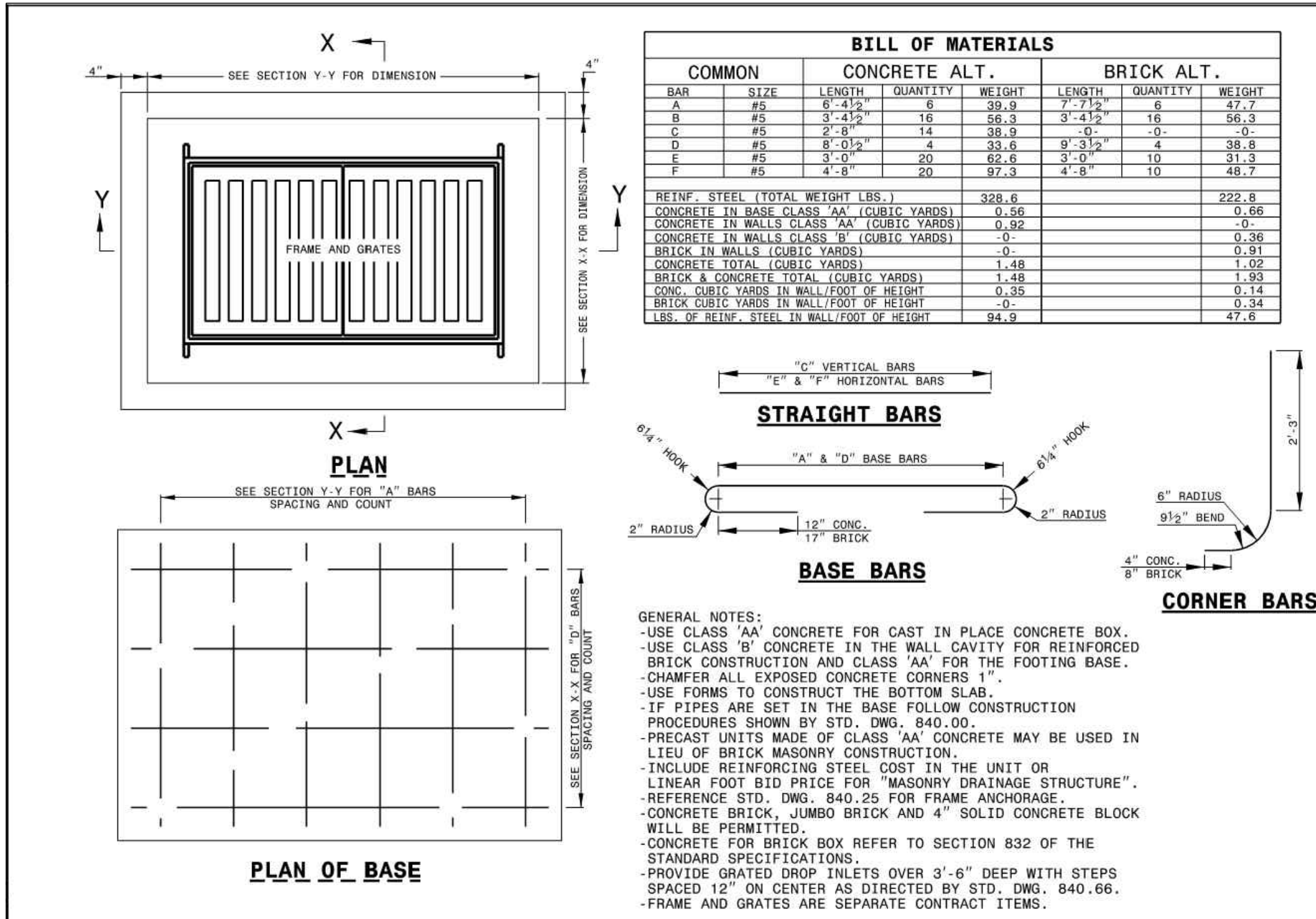


JOB #: 118038.03
DATE: 10 FEB 21
SCALE: AS NOTED
DRAWN BY: A.A.A./S.R.H.
REVIEWED BY: G.J.R.

SHEET
C5102

REVIEWED BY: G.J.M.

C5102



TRAFFIC BEARING NCDOT GRATED DROP INLET

TRAFFIC BEARING NCDOT GRATED DROP INLET

TRAFFIC BEARING NCDOT GRATED DROP INLET

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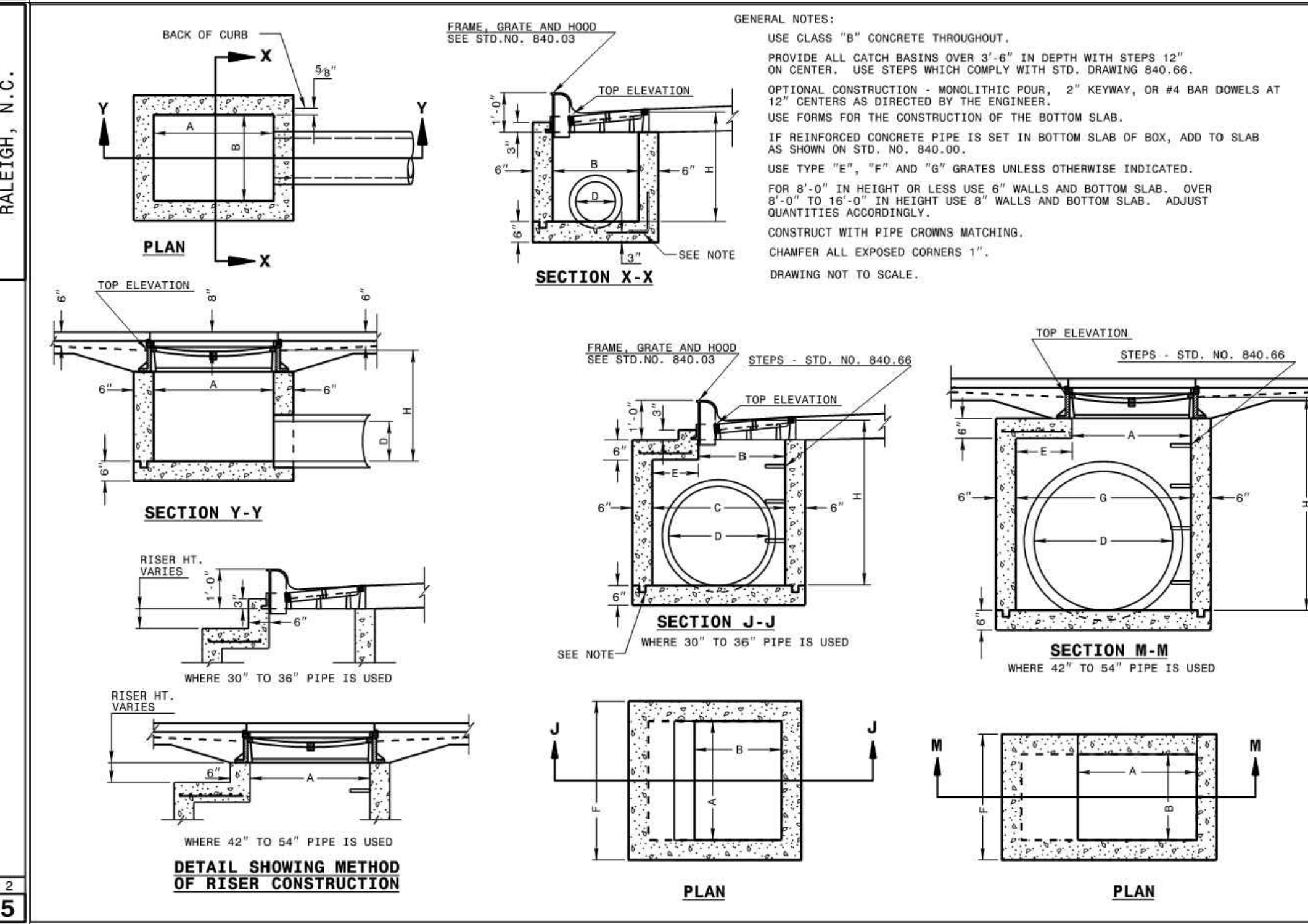
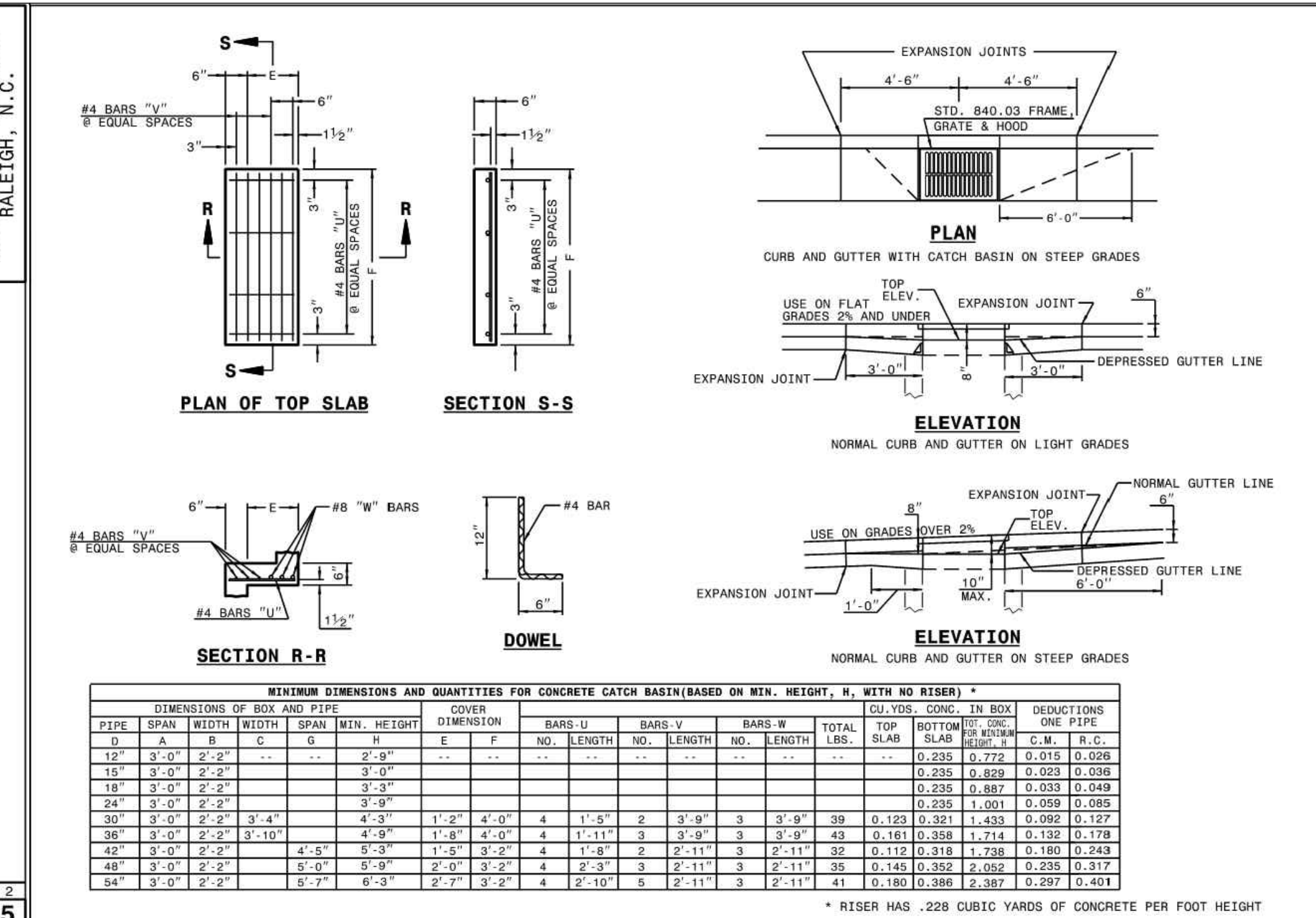
TRAFFIC BEARING NCDOT GRATED DROP INLET

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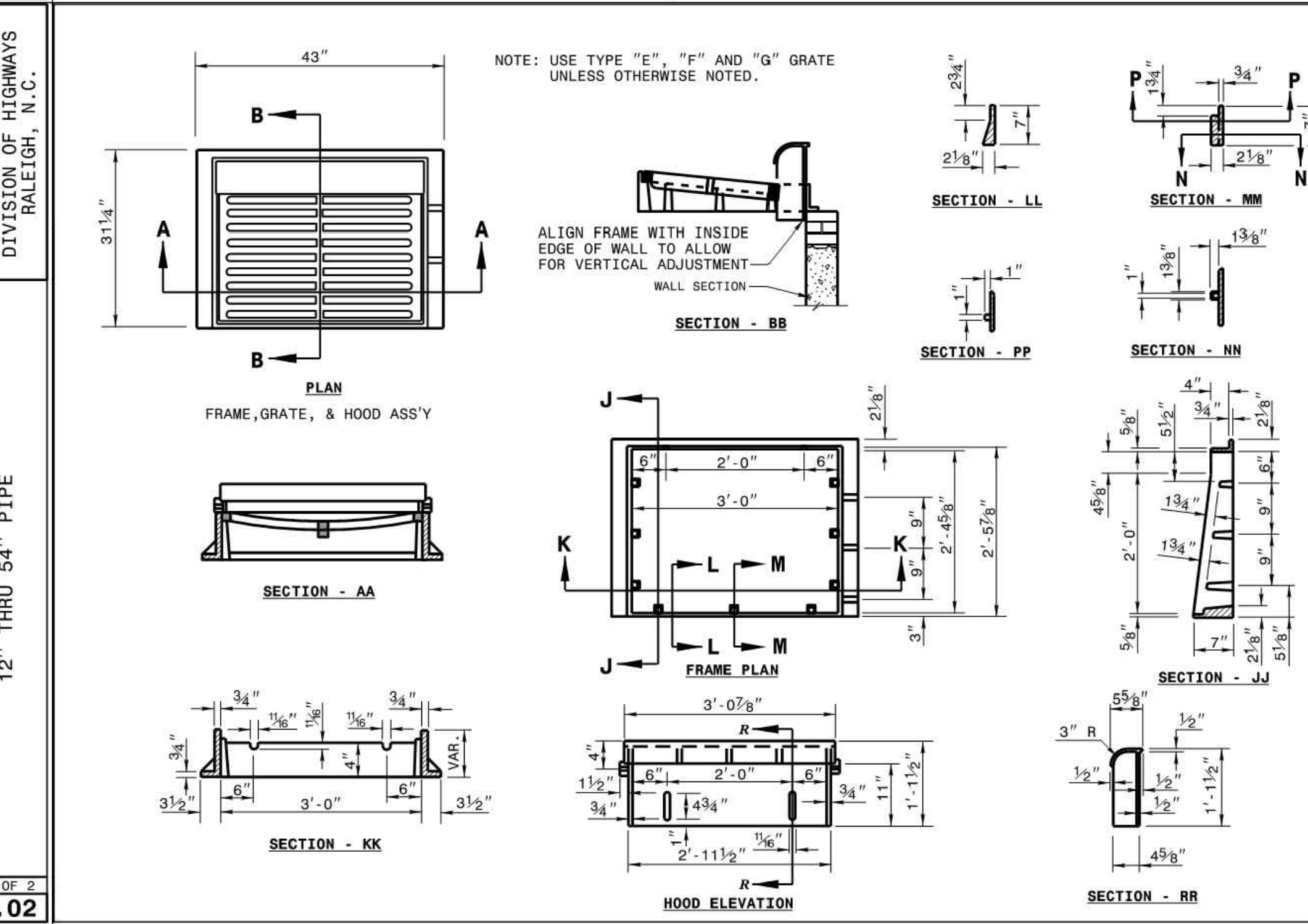
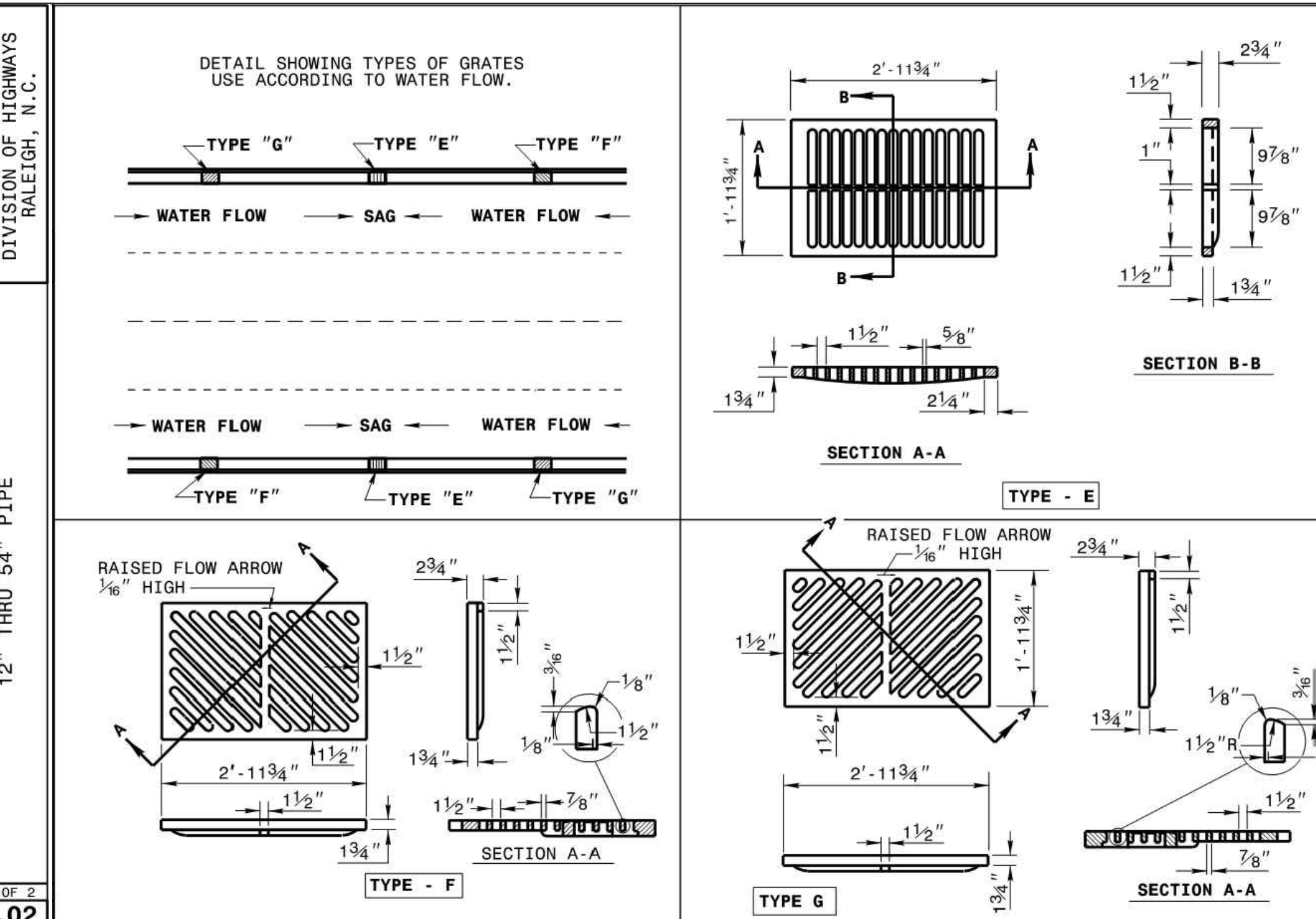
TRAFFIC BEARING NCDOT GRATED DROP INLET

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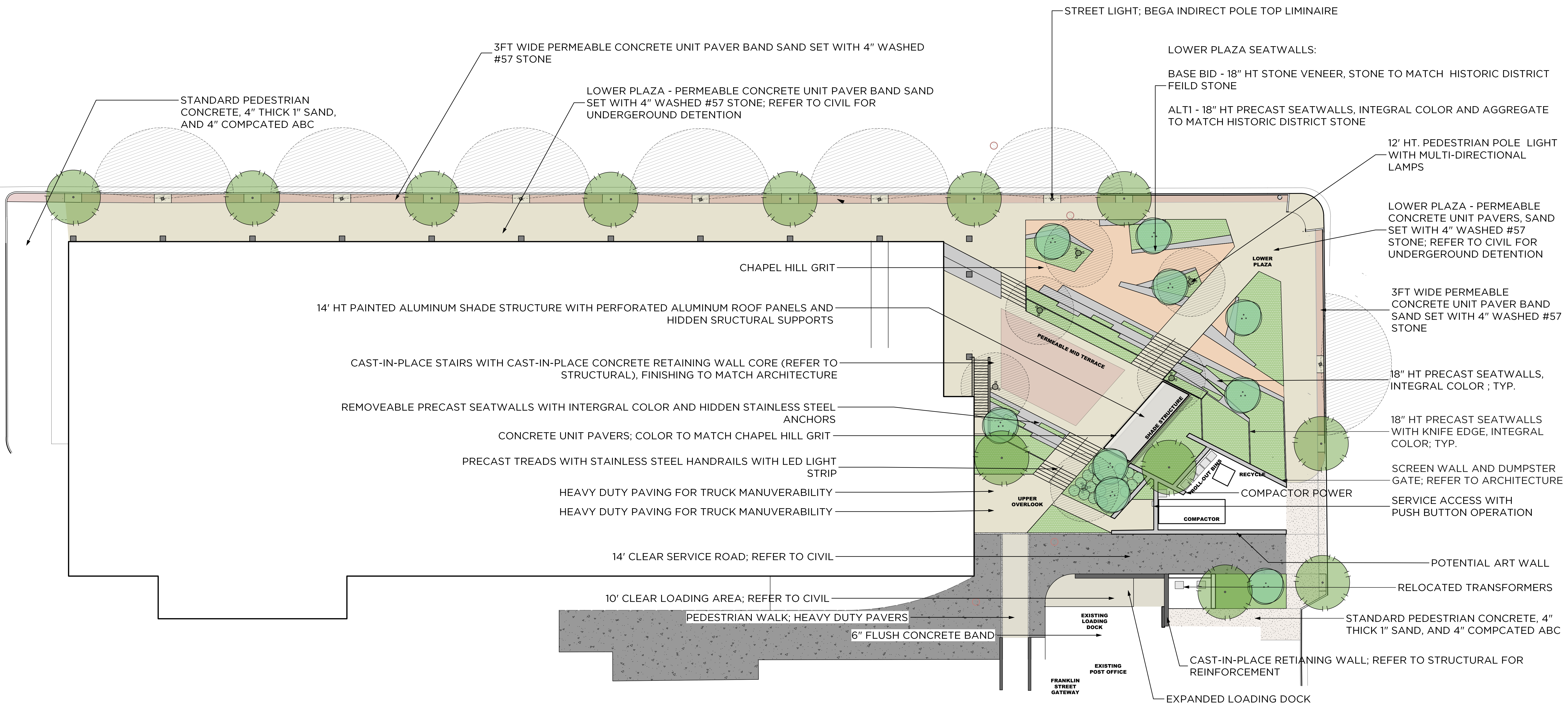
TRAFFIC BEARING NCDOT GRATED DROP INLET

150 E. ROSEMARY STREET
LAB & OFFICE BUILDING
CHAPEL HILL, NORTH CAROLINA

CONDITIONAL ZONING DRAWINGS

DATE: 10 FEB 21
SCALE: AS NOTED
DRAWN BY: A.A.A./S.R.H.
REVIEWED BY: G.J.R.

SHEET
C5202



KEY PLAN

**PERKINS —
EASTMAN**
555 Fayetteville Street
Suite 300
Raleigh, NC 27601
T. + 1 704 927 0484

Owner:
GRUBB PROPERTIES
117 EDINBURGH SOUTH DR #110, CARY, NC 27511

Civil / Site:
BALLANTINE ASSOCIATES, PA
221 PROVIDENCE RD, CHAPEL HILL, NC 27514

Landscape:
SURFACE 678
215 MORRIS ST #150, DURHAM, NC 27701

Structural:
LYNCH MYKINS STRUCTURAL ENGINEERS,
301 N WEST ST #105, RALEIGH, NC 27603

Mechanical & Plumbing:
NV5
630 DAVIS DRIVE #203, MORRISVILLE, NC 27560

Electrical:
NV5
630 DAVIS DRIVE #203, MORRISVILLE, NC 27560

PROJECT TITLE:

150 E ROSEMARY S
LAB/OFFICE BUILDING

PROJECT No: 87280

DRAWING TITLE:
SD HARDSCAPE
PLAN

SCALE:

L200

SCHEMATIC DESIGN

JULY 15, 2021



Electrical:
NV5
630 DAVIS DRIVE #203, MORRISVILLE, NC 27560

PROJECT TITLE:

150 E ROSEMARY ST
LAB/OFFICE BUILDING

SCALE: 1/16" = 1'-0"

SCHEMATIC DESIGN

C:\REVIT LOCAL\87280 - R19_ Chapel Hill Lab_f.fai.ri.vt
7/20/2021 5:51:01 PM



**PERKINS—
EASTMAN**
555 Fayetteville St., Suite 300
Raleigh, NC 28202

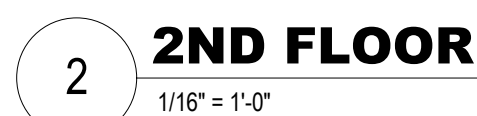
Electrical:
NV5
630 DAVIS DRIVE #203, MORRISVILLE, NC 27560

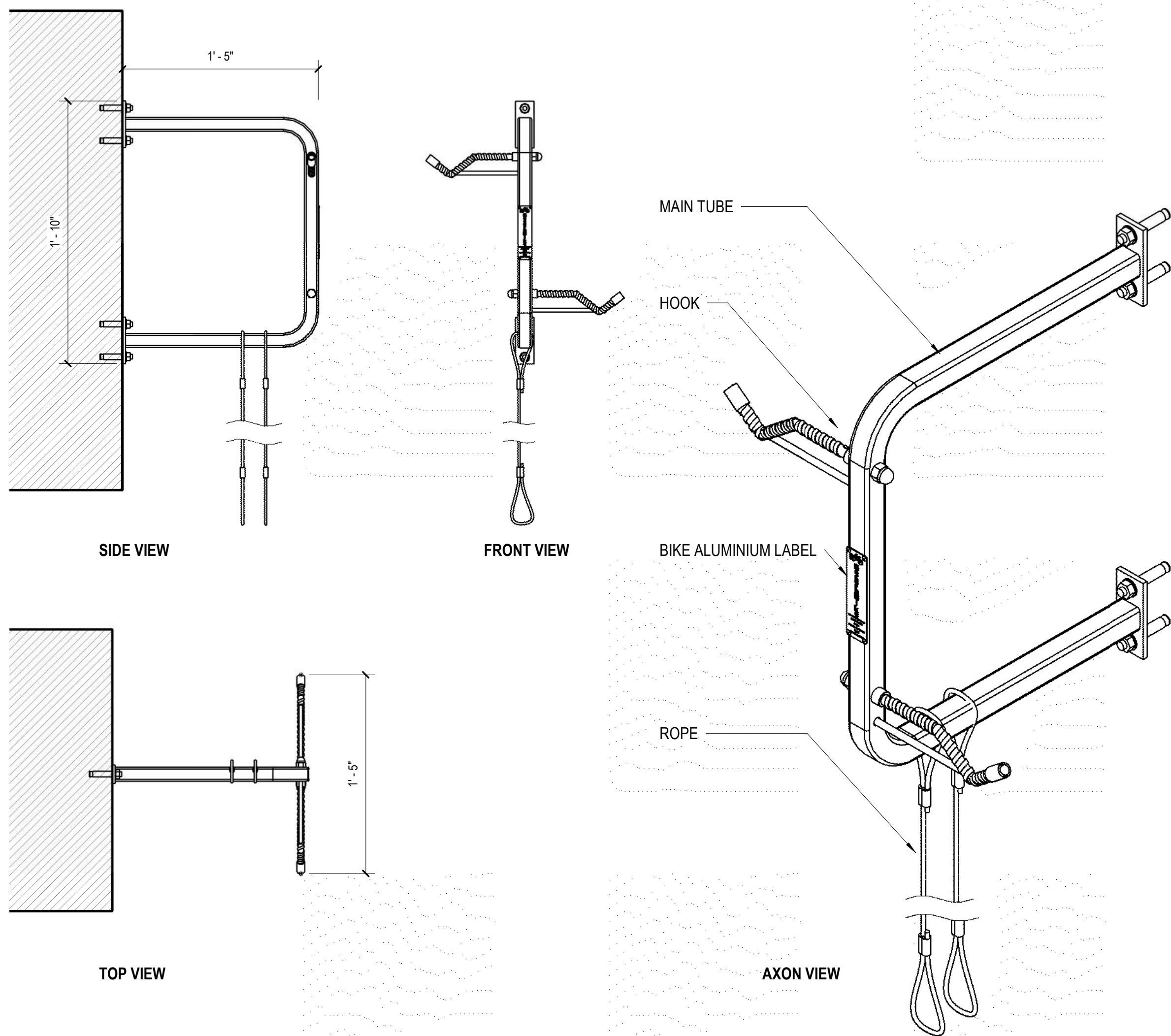
150 E ROSEMARY S
LAB/OFFICE BUILDING

DRAWING TITLE:
FLOOR PLANS - P3
MEZZANINE & 2ND
FLOOR

A-102

JUNE 01, 2021





1 WALL MOUNT BIKE RACK DETAIL
1 1/2" = 1'-0"



3D AXON VIEW

No.	Description	Date

SEAL



PERKINS — EASTMAN
555 Fayetteville St., Suite 300
Raleigh, NC 28202

Owner:
GRUBB PROPERTIES
117 EDINBURGH SOUTH DR #110, CARY, NC 27511

Civil / Site:
BALLANTINE ASSOCIATES, PA
221 PROVIDENCE RD. CHAPEL HILL, NC 27514

Landscape:
SURFACE 678
215 MORRIS ST #150, DURHAM, NC 27701

Structural:
LYNCH MYKINS STRUCTURAL ENGINEERS, PC
301 N WEST ST #105, RALEIGH, NC 27603

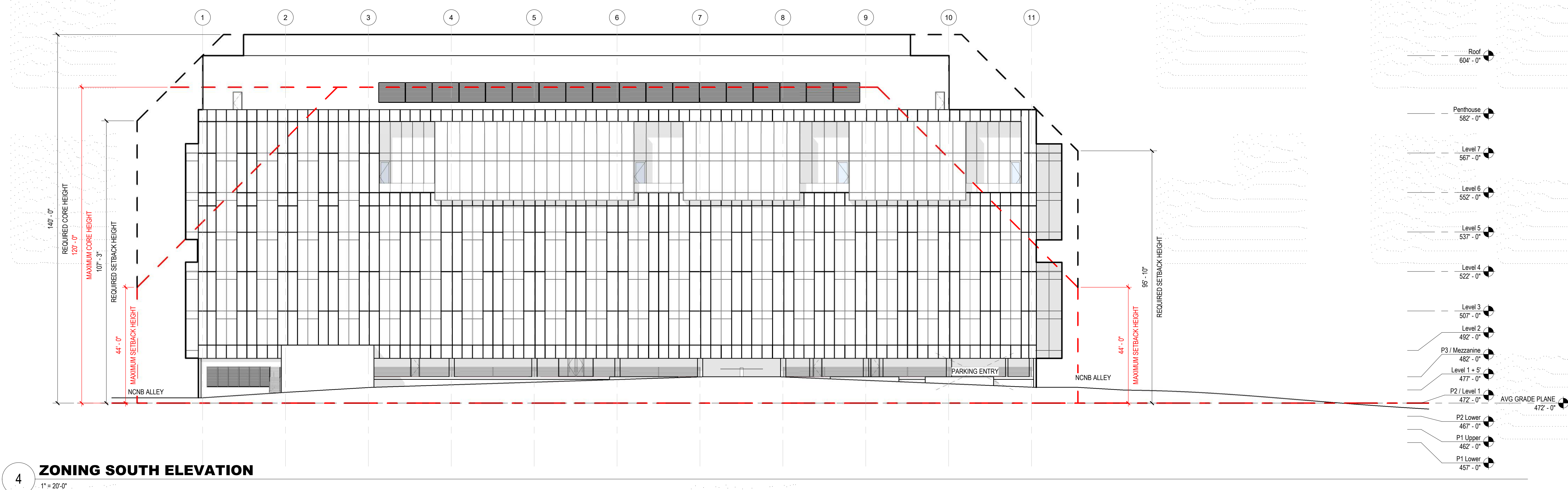
Mechanical & Plumbing:
NV5
630 DAVIS DRIVE #203, MORRISVILLE, NC 27560

Electrical:
NV5
630 DAVIS DRIVE #203, MORRISVILLE, NC 27560

PROJECT TITLE:
**150 E ROSEMARY ST
LAB/OFFICE BUILDING**

PROJECT No: 87280
DRAWING TITLE:
DETAILS

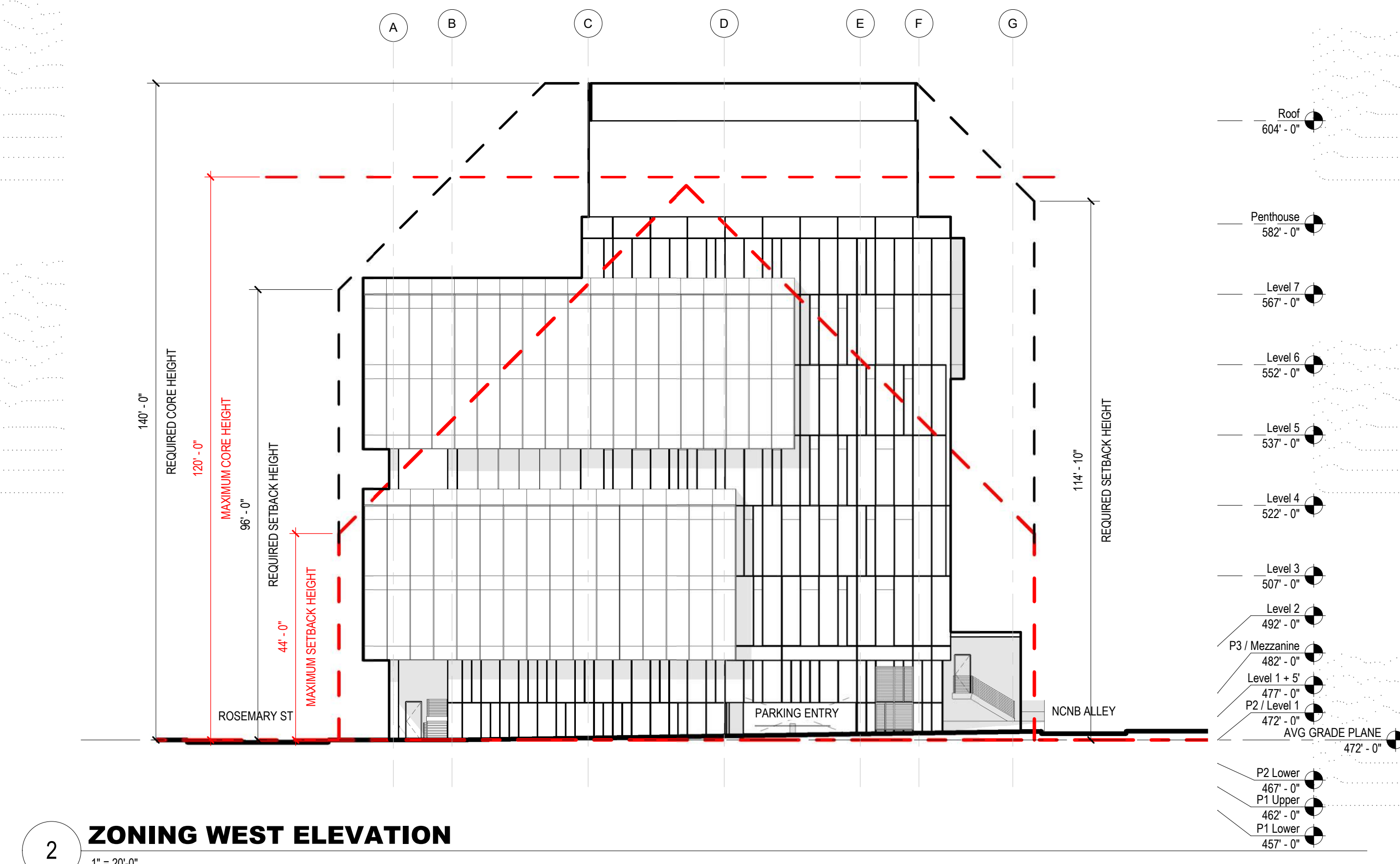
SCALE: 1 1/2" = 1'-0"
A-314
SCHEMATIC DESIGN
JUNE 01, 2021



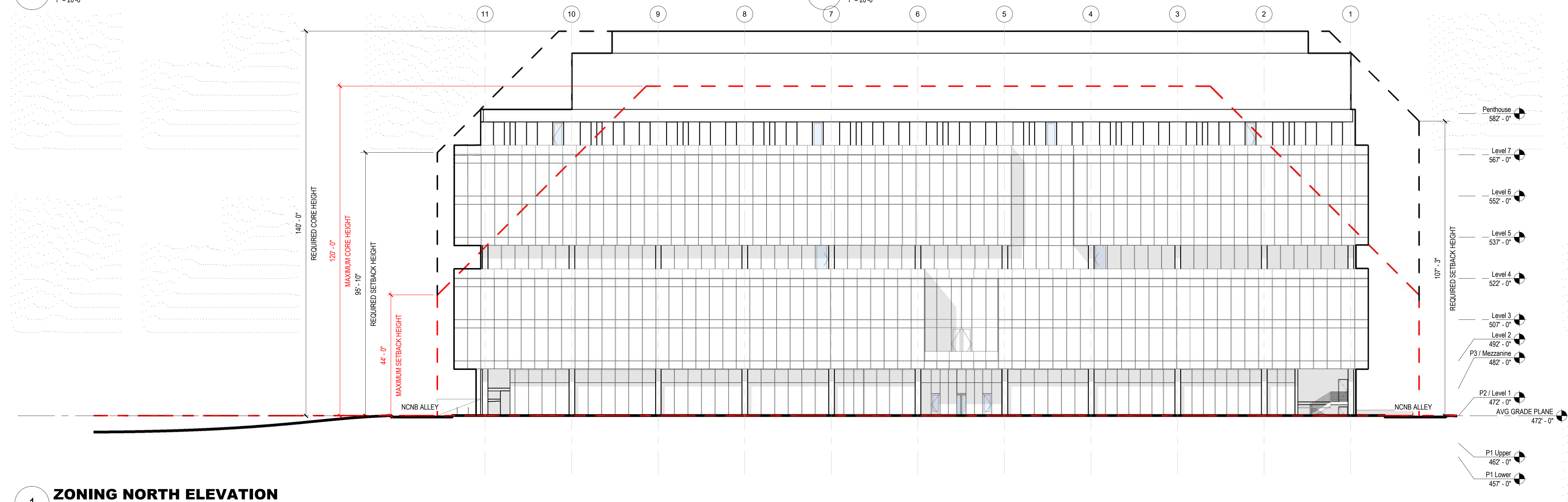
4 ZONING SOUTH ELEVATION



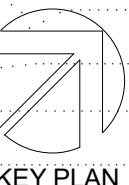
3 ZONING EAST ELEVATION
1" = 20'-0"



2 ZONING WEST ELEVATION
1" = 20'-0"



1 ZONING NORTH ELEVATION
1" = 20'-0"

[illegible]SEAL

**PERKINS—
EASTMAN**
555 Fayetteville St., Suite 300
Raleigh, NC 28202

Owner: **GRUBB PROPERTIES**
117 EDINBURGH SOUTH DR #110, CARY, NC 27511

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NV5
630 DAVIS DRIVE #203, MORRISVILLE, NC 27560

Electrical:
NV5
630 DAVIS DRIVE #203, MORRISVILLE, NC 27560

PROJECT TITLE: _____

150 E ROSEMARY ST
LAB/OFFICE BUILDING

PROJECT No: 87280

DRAWING TITLE:
**ZONING ENVELOPE
ELEVATIONS**

SCALE: 1" = 20'-0"

Z-110

SCHEMATIC DESIGN

JUNE 01, 2021.....

**150 EAST ROSEMARY STREET
OFFICE BUILDING REDEVELOPMENT
TRANSPORTATION IMPACT ANALYSIS UPDATE**

EXECUTIVE SUMMARY - *DRAFT*



Prepared for:

The Town of Chapel Hill
Public Works Department - Engineering

Prepared by:

HNTB North Carolina, PC

*343 East Six Forks Road
Suite 200
Raleigh, NC 27609*

NCBELS License #: C-1554

October 2021



150 EAST ROSEMARY STREET OFFICE BUILDING REDEVELOPMENT

TRANSPORTATION IMPACT ANALYSIS UPDATE

EXECUTIVE SUMMARY - *DRAFT*



Prepared for:

The Town of Chapel Hill
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NCBELS License #: C-1554

October 2021



EXECUTIVE SUMMARY

Project Overview

A new office building and parking deck are being proposed as a combined redevelopment project along E. Rosemary Street, just east of its intersection with NC 86 (N. Columbia Street) in Chapel Hill, NC. A Transportation Impact Analysis (TIA) was completed by HNTB in October 2020 for the Town of Chapel Hill that provided a complete analysis for both redevelopment projects with the understanding that the new Town parking deck would be completed first, the existing Wallace Deck then demolished, and the proposed office building project built on the Wallace Deck site. This TIA update focuses on site plan changes to the proposed Office Building redevelopment related to site access driveway locations and configurations as well as changes to the office building square footage and number of on-site parking spaces provided by the Applicant. **Figure ES-1** shows the general location of the site.

This TIA report update analyzes the full build-out scenario for the office building redevelopment in the year 2023 (assumes full build-out of the new parking deck prior to that year). The proposed office building preliminary site plan shows a provision for two limited access driveways that connect the redevelopment to E. Rosemary Street with a right-turn in/right-turn out only (RIRO) driveway and a new exit only access point along Henderson Street. **Figure ES-2** displays the preliminary site plan for the office building and nearby land uses and roadways.

Site Traffic Generation

Table ES-1 shows revised ITE Trip Generation Manual weekday trip generation estimates for the proposed office building. The proposed building square footage was assumed to be 200,000 square feet in the initial TIA. This has been revised to 228,000 square feet, per information from the Applicant. The table also shows the assumed breakout of vehicular trips using leased parking space provided in the E. Rosemary Parking Deck and actual on-site structured parking spaces. The on-site parking proportion of trips also has changed from 200 on-site spaces assumed initially to 158 spaces in the current TIA update.

Table ES-1. Weekday Vehicle Trip Generation Summary

Facility	Units	Daily Estimate			AM Peak Hour			Noon Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total	In	Out	Total	In	Out	Total
General Office Building	228k SF	1,003	1,003	2,006	257	35	292	114	96	210	48	220	268
E. Rosemary Deck Leased Spaces		542	542	1,084	139	19	158	62	52	114	26	119	145
Office Building Structured Parking		461	461	922	118	16	134	52	44	96	22	101	123

Impact Analysis

Peak Hour Intersection Level of Service

The 2023 analysis scenarios that include proposed office building site trip effects cause no additional study area intersections to operate over capacity in the three weekday peak hours analyzed, compared to “no-build” conditions where the site is closed on not redeveloped. Site traffic impacts are limited to mostly marginal delay and vehicular queuing increases. Intersections that experience deficient conditions in at least one peak hour in 2023 also generally experience the same conditions currently and geometric or capacity improvement options at these locations are very limited. A summary of the traffic operations for each intersection, related to vehicular delays (intersection average as a whole if signalized, critical movement if stop-controlled) and the corresponding Level-of-Service (LOS) is shown in **Table ES-2** on the following page.



Town of Chapel Hill: Transportation Impact Analysis Update - *DRAFT*
 150 East Rosemary Street - Proposed Office Building Redevelopment

Table ES-2. Peak Hour Intersection Capacity Analysis Summary

Intersections	Peak Hour	2023 No-Build		2023 Build		Intersections	2023 No-Build		2023 Build	
		LOS	Delay	LOS	Delay		LOS	Delay	LOS	Delay
W. Rosemary Street & Church Street	AM	A	9.4	A	9.6	E. Franklin Street & Hillsborough Street / Raleigh Street	C	22.5	C	22.5
	NOON	A	9.4	A	9.5		C	24.0	C	23.8
	PM	B	13.8	B	13.8		C	21.4	C	21.6
W. Rosemary Street & NC 86	AM	C	24.2	C	24.8	NC 86 (MLK Jr. Blvd) & N. Columbia Street / North Street [#] @	B	11.5	B	11.8
	NOON	C	26.5	C	27.3		B	19.8	B	20.1
	PM	C	34.2	D	37.4		C	23.7	C	24.4
E. Rosemary Street & Henderson Street	AM	A	9.4	A	9.8	NC 86 (MLK Jr. Blvd) & Longview Street	A	9.6	A	9.7
	NOON	B	12.6	B	14.9		A	5.6	A	5.6
	PM	B	11.6	B	15.2		A	8.1	A	8.1
E. Rosemary Street & Hillsborough Street	AM	B	15.1	B	15.3	W. Cameron Avenue & NC 86 (Pittsboro Street)	B	17.4	B	17.4
	NOON	B	15.7	B	15.7		C	20.4	C	20.6
	PM	B	17.7	B	17.4		C	20.3	C	20.1
W. Franklin Street & Church Street	AM	A	7.7	A	7.6	Cameron Avenue & NC 86 (S. Columbia St)	C	28.5	C	28.8
	NOON	B	13.1	B	13.3		C	33.5	C	33.9
	PM	B	18.9	B	19.1		E	59.3	E	65.3
Cameron Ave/Country Club Rd & Raleigh Street	AM	C	23.4	C	24.0	E. Rosemary St & Parking Deck Primary Driveway [#]	B	14.2	B	14.3
	NOON	C	20.9	C	21.1		C	16.1	C	16.4
	PM	C	30.6	C	30.9		C	16.2	C	16.9
Franklin Street & NC 86 (Columbia Street)	AM	C	30.3	C	29.9	E. Rosemary St & Office Bldg RIRO Driveway	N/A	N/A	B	13.1
	NOON	D	40.7	D	41.4		N/A	N/A	B	12.6
	PM	E	59.5	E	61.9		N/A	N/A	C	15.6
E. Franklin Street & Henderson Street	AM	A	7.9	A	7.5	E. Rosemary St & Office Bldg Exit-Only Driveway	N/A	N/A	B	13.1
	NOON	B	12.5	B	14.0		N/A	N/A	B	12.6
	PM	B	12.5	B	19.6		N/A	N/A	C	15.6
North Street & Proposed Deck Access Driveway	AM	A	8.9	A	8.9					
	NOON	A	9.4	A	9.4					
	PM	B	10.2	B	10.3					

BOLD/ITALICS – Critical Movement or Overall Intersection Requires Mitigation Analysis Per Town TIA Guidelines

- Worst-Case LOS/Delay for Two-Way Unsignalized/Stop-Controlled Critical Movement @ - Assumed Signalized

Access Analysis

Per information from the Applicant and shown in **Figure ES-2**, two restricted access locations are proposed. A right-turn in/right-turn out (RIRO) driveway is proposed at the current alley location along E. Rosemary Street. The current internal alley would continue to serve as access for the site structure parking areas and an exit-only driveway extension is proposed to connect to Henderson Street. Median delineators are proposed along E. Rosemary Street to prevent left-turns at the alley driveway and help facilitate full access movements for left-turning traffic at the adjacent offset E. Rosemary Parking Deck Main Access intersection.

Mitigation Measures/Recommendations

Planned Improvements

There are no planned transportation improvement projects by NCDOT expected to be complete between 2020 and 2023 in the immediate project study area. The Town of Chapel Hill is in the process of designing and implementing the West Franklin Street Lane Reallocation project to reduce the number of through travel lanes on West Franklin Street west of NC 86. The reallocated lanes will be



used for parking, loading zones, bicycle lanes and other amenities. This project was expected to be complete by the 2023 analysis year and was also assumed to include signal retiming throughout the downtown area to account for vehicular flow changes in the lane reallocation vicinity. Details are shown on **Figure ES-3**.

The Town also has the North-South Bus Rapid Transit Project, which will provide dedicated lanes for transit along the NC 86 corridor, along with other transit amenity improvements scheduled for construction in 2022. As final design details are not complete as of the submittal of this TIA, no specific lane usage changes were analyzed as part of this study.

Background Committed Improvements

Based on traffic capacity analyses for the 2023 design year, and analyses of existing study area turning bay storage lengths and site access for the proposed parking deck, the improvements shown in the original TIA (see pages 31 and 32 of the full TIA report) that were recommended specifically due to proposed Parking Deck impact were included in this TIA update as being necessary for adequate transportation network operations (see **Figure ES-3**). These are considered background committed improvements for this TIA update.

An additional improvement to prevent right-turns out of the North Street Parking Deck driveway was added to further reduce cut-through traffic potential in the North Street area and its impacts were included in this analysis.

Applicant Committed Improvements

Based on the updated site plan provided by the Applicant, the proposed Office Building redevelopment will utilize two access driveways with the connection to E. Rosemary Street limited to RIRO access only. Raised median delineators will be installed to prevent left-turns into this site access point while preserving full access for the adjacent Main Access Driveway to the proposed E. Rosemary Street Parking Deck.

A second access point for traffic exiting the proposed Office Building structured parking will be provided on Henderson Street. Full access (left and right-turns out) will be provided at the exit from a single lane. No ingress will be allowed at this location. Existing on-street parking spaces are shown on the site plan to be removed to allow adequate sight distance at the intersection.

Necessary Improvements

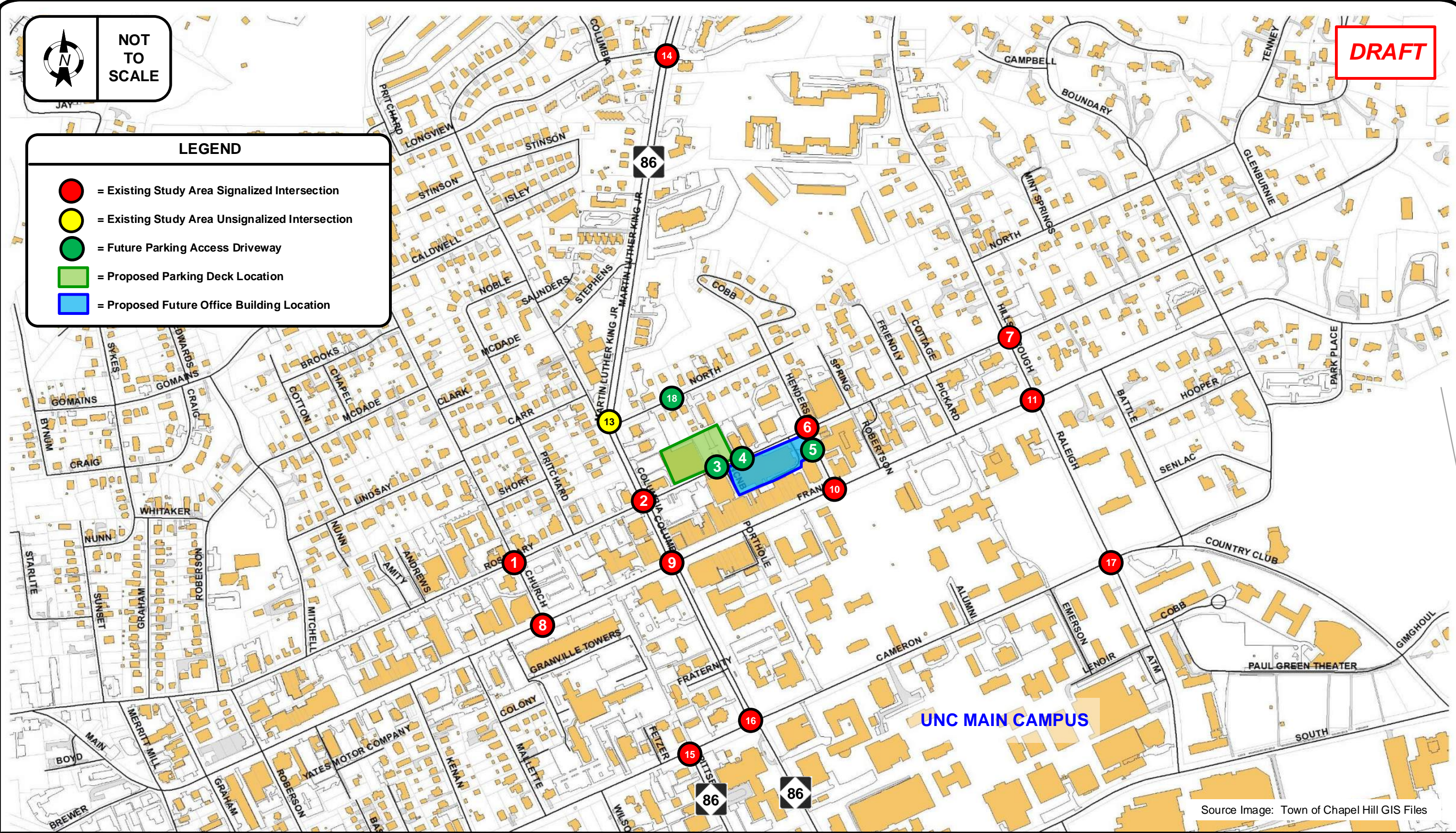
Based on traffic capacity analyses for the 2023 design year, and analyses of existing study area turning bay storage lengths and Office Building potential site access issues, the following improvements are recommended as being necessary for adequate transportation network operations (see **Figure ES-3**). These improvements are made with the assumptions that the 2022 Parking Deck analysis year Necessary Improvements listed above are all completed by the 2023 analysis year for the proposed Office Building.

- 1) To reduce potential conflicts with queues along Henderson Street for exiting Office Building traffic, signal timing adjustments may be necessary at the E. Rosemary Street and Franklin Street intersections to provide more green time for Henderson Street approaches.
- 2) "Do Not Block Intersection" signage and pavement markings on Henderson Street may be necessary to avoid vehicular conflicts at the Exit-Only Driveway intersection with Henderson Street.



Town of Chapel Hill: Transportation Impact Analysis Update - *DRAFT*
150 East Rosemary Street - Proposed Office Building Redevelopment

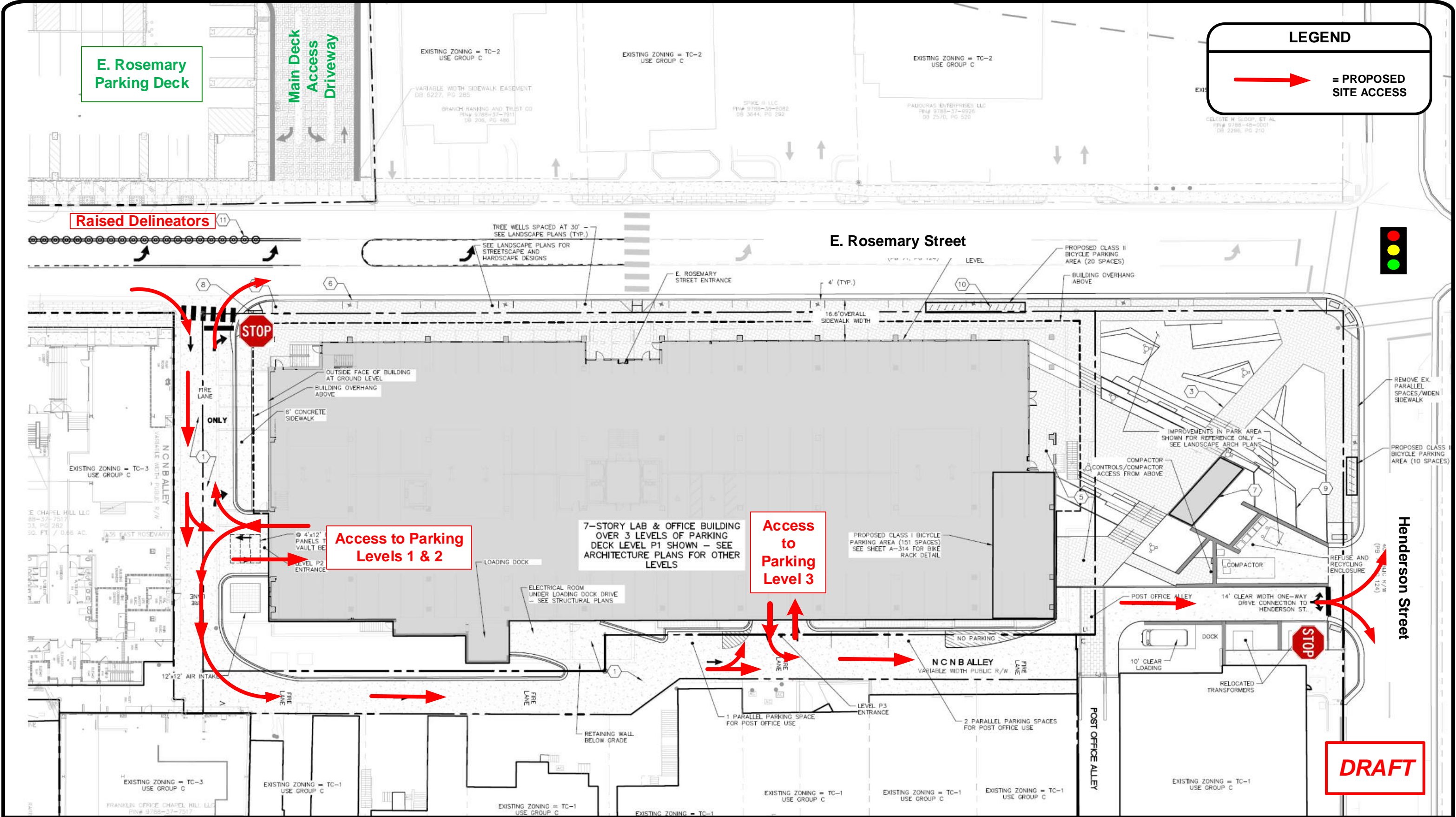
Regardless of whether or not the proposed Office Building redevelopment occurs, additional signal timing adjustments and the lengthening of the existing westbound left-turn lane storage to 250 feet at the Franklin Street and NC 86 (Columbia Street) intersection may need to be considered once the W. Franklin Street lane reallocation project is complete. This improvement is necessary to reduce potential queueing for all westbound traffic along Franklin Street upstream of this intersection and may require the elimination of several on street parking spaces along the south side of the facility.

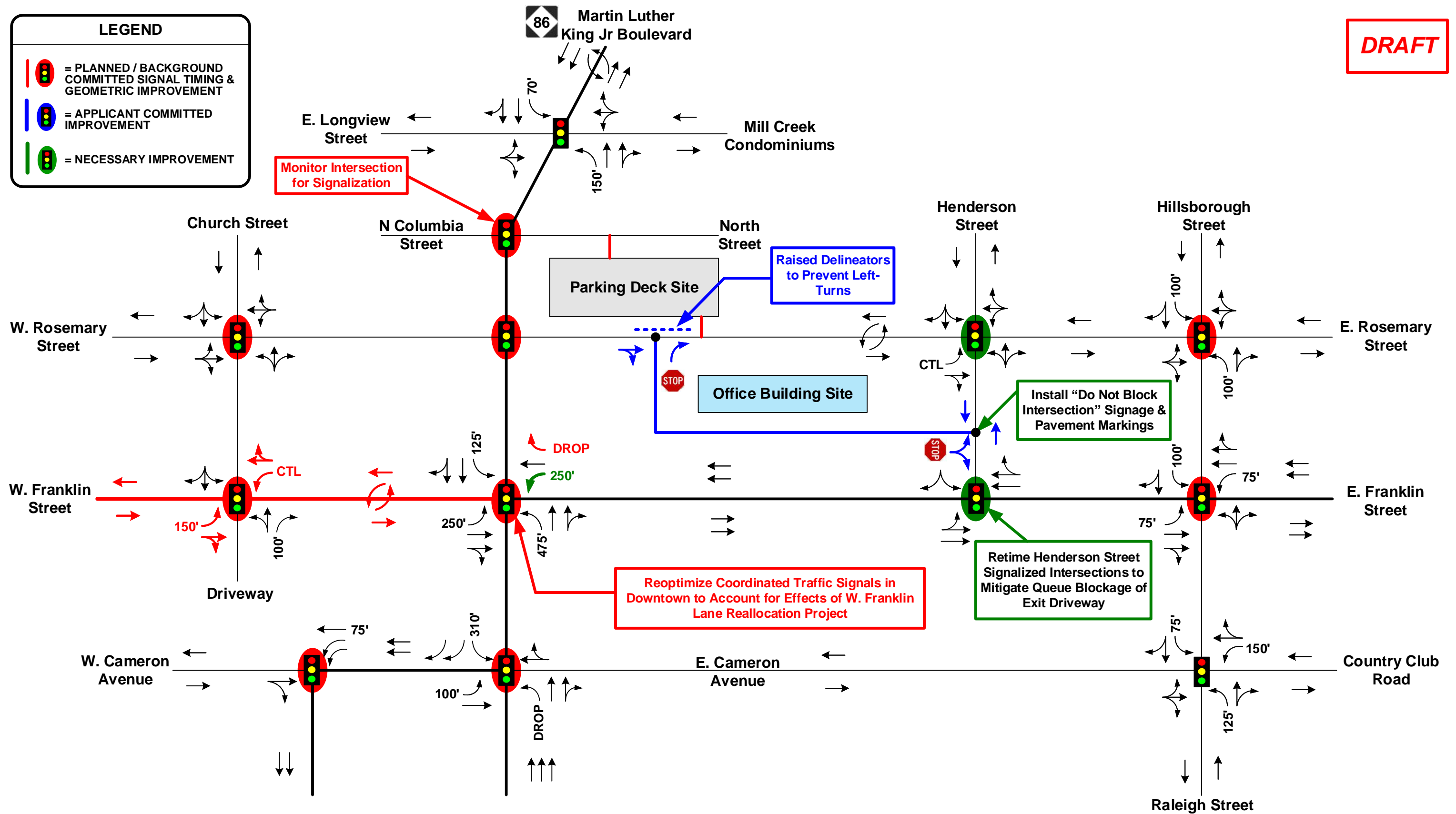
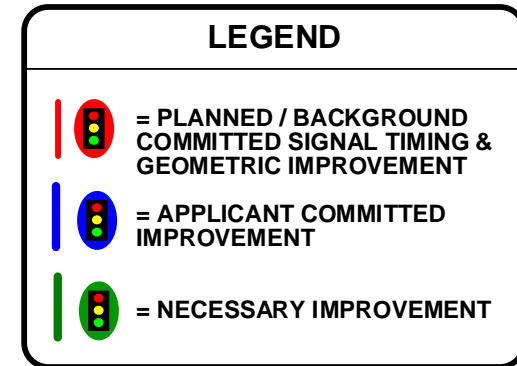


150 East Rosemary Street Office Building
Transportation Impact Analysis Update
PROJECT STUDY AREA

DATE: October 2021

FIGURE ES-1



DRAFT**HNTB**NOT TO
SCALE

150 East Rosemary Street Office Building Transportation Impact Analysis Update

PLANNED, COMMITTED AND RECOMMENDED IMPROVEMENTS

DATE: October 2021

FIGURE ES-3



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 17., File #: [21-0827], Version: 1

Meeting Date: 10/27/2021

Approve the Housing Advisory Board's Recommended Funding Plan for the Affordable Housing Development Reserve.

Staff:

Sarah Osmer Viñas, Interim Director
Nate Broman-Fulks, Affordable Housing Manager

Department:

Housing and Community

Overview: This item provides an overview of the Affordable Housing Development Reserve (AHDR) and the Housing Advisory Board's (HAB) funding recommendation.



Recommendation(s):

That the Council approve the Housing Advisory Board's funding recommendation for the Affordable Housing Development Reserve (AHDR) applications received in October 2021.

Background

- On March 23, 2015 <http://chapelhill.granicus.com/MetaViewer.php?view_id=7&clip_id=2346&meta_id=102236>, the Town Council approved recommendations by staff and the HAB to use the affordable housing funds in the FY15 budget to establish an [Affordable Housing Development Reserve](http://www.townofchapelhill.org/town-hall/departments-services/housing-and-community/funding/affordable-housing-development-reserve) <<http://www.townofchapelhill.org/town-hall/departments-services/housing-and-community/funding/affordable-housing-development-reserve>>.
- Since its creation, the Town has supported the development of over 330 units of affordable housing and the preservation of 30 affordable homes with funding from the AHDR.
- The AHDR is dedicated exclusively to the development and preservation of affordable housing and focuses on four priority project areas:
 1. Land bank and land acquisition
 2. Rental subsidy and development
 3. Homeownership development and assistance
 4. Future development planning

Overview of the FY22 AHDR Funding Cycle

- Staff announced the first FY22 AHDR Request for Proposals (RFP) at the beginning of September 2021 via the Town website, news release, email to local affordable housing partners, and direct outreach. We received five applications by the October 1st deadline:
 - On October 14, 2021, the Housing Advisory Board unanimously recommended the below funding plan.

Organization	Project	Request	HAB Recommendation
CASA	2200 Homestead Road Development	\$300,000	\$300,000
EmPOWERment	Lindsay St Acquisition	187,000	\$187,000
EmPOWERment	Gomains St House Move	61,111	\$26,395

Item #: 17., File #: [21-0827], Version: 1

Meeting Date: 10/27/2021

Habitat for Humanity	Weiner St Property Acquisition	150,000	\$0
Community Home Trust	Graham St Acquisition	60,000	\$0
Total Request		\$758,111	\$513,395

Fiscal Impact/Resources:

- The Town's total budget available for affordable housing projects for FY22 is just over \$6.4 million. The Affordable Housing Development Reserve is \$688,395 of that FY22 total.
- In fiscal year 2022, the Town has already committed from the AHDR:
 - \$175,000 to Self Help for the [Northside Neighborhood Initiative](https://www.chapelhillaffordablehousing.org/northside-neighborhood-initiative) [<https://www.chapelhillaffordablehousing.org/northside-neighborhood-initiative>.](https://www.chapelhillaffordablehousing.org/northside-neighborhood-initiative)
- The current balance of the Affordable Housing Development Reserve is \$513,395. If Council approves the HAB funding recommendations, the AHDR will be fully allocated for this fiscal year.

**Attachments:**

- Resolution
- Draft Staff Presentation
- Recommended Funding Plan Overview
- Scoring Rubric
- Affordable Housing Development Reserve Allocation Strategy
- Affordable Housing Development Reserve Historic Funding Summary
- CASA Application
- Community Home Trust Application
- EmPOWERment Lindsay St Application
- EmPOWERment Gomains St Application
- Habitat for Humanity Application

A RESOLUTION APPROVING FUNDING FROM THE AFFORDABLE HOUSING DEVELOPMENT RESERVE (AHDR) (2021-10-27/R-15)

WHEREAS, in Fiscal Year 2015 the Council approved the establishment of an Affordable Housing Development Reserve (AHDR), which established the processes and parameters for dispersal of this affordable housing funding; and

WHEREAS, in Fiscal Year 2022 the Council allocated \$688,395 in new funding for to the AHDR; and

WHEREAS, in Fiscal Year 2022 the Town has approved \$175,000 for the Northside Neighborhood Initiative.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council approves allocating the remaining \$513,395 available in the AHDR in accordance with the Housing Advisory Board's recommended funding plan for this AHDR funding cycle:

1. CASA - Homestead Gardens at 2200 Homestead - \$300,000
2. EmPOWERment, Inc. - Lindsay St- \$187,000
3. EmPOWERment, Inc. - Gomains - \$26,395

This the 27th day of October, 2021.

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

PRESENTER: Nate Broman-Fulks, Affordable Housing Manager

RECOMMENDATION: That the Council approve the Housing Advisory Board's funding recommendation for the Affordable Housing Development Reserve (AHDR) applications received in October 2021.

AFFORDABLE HOUSING DEVELOPMENT RESERVE

RECOMMENDED FUNDING PLAN

Council Meeting
October 27, 2021



Draft



Affordable Housing Work Plan FY21-23

PROJECTS	FY 2021				FY 2022				FY 2023			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
DEVELOPMENT												
Develop Town-Owned Property at 2200 Homestead Road				★		★	★	★				
Pursue Affordable Housing on Prioritized Town Properties				★		★	★	★		★		★
Identify Properties for Affordable Housing Development					★							
PRESERVATION												
Implement Manufactured Home Communities Strategy												
Create Preservation Strategy												
Develop Short Term Strategies for NOAH Resident Displacement												
Acquire and Rehab Properties for Affordable Housing Preservation												
POLICY												
Implement the Employee Housing Program						★						
Participate in the LUMO Re-Write Project		★										
FUNDING												
Implement Affordable Housing Investment Plan - Affordable Housing Bond			★					★				
Manage the Affordable Housing Development Reserve		★				★	★	★		★	★	★
Manage the Affordable Housing Fund												
Jointly Manage the HOME Program				★				★				★
Manage the Community Development Block Grant Program		★		★		★		★		★		★
MANAGING TOWN-OWNED HOUSING												
Create and Implement a Public Housing Master Plan						★	★		★			
Manage Public Housing Inventory												
Manage Transitional Housing Inventory												
COLLABORATIONS												
Convene Teams and Committees												
Serve as a Partner on Committees and Boards			★				★				★	
Expand Collaboration with Key Partners												

Implement Investment Plan for Affordable Housing



Council Item Scheduled
Council Item Heard and/or Action Taken



Council Consideration

- Consider approval of the HAB's recommended Funding Plan



Agenda

1. Background

2. Funding Requests

3. Recommended Funding Plan

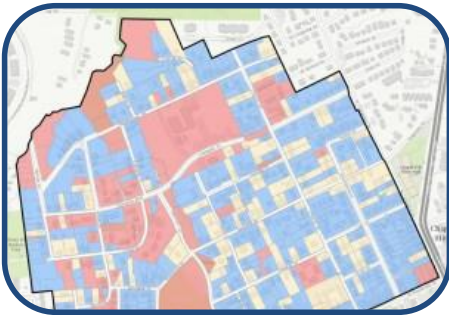
Draft



Affordable Housing Development Reserve (AHDR)

- Established by Town Council in Fiscal Year 2015
- Annual allocation of \$688,395 in General Fund Budget
- Evaluation of funding requests by Housing Advisory Board

Priority Project Areas



**Land Bank &
Acquisition**



**Rental Subsidy &
Development**



**Homeownership
Development &
Assistance**

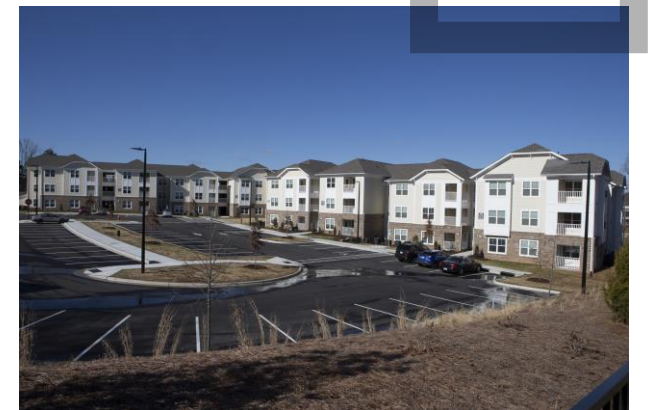


**Future
Development
Planning**






Draft

AHDR Results






- \$5 million total funding allocated for affordable housing development and preservation since 2015
- \$1.29 million to operate the Northside Neighborhood Initiative
- Supported the development of over 300 affordable homes
- 2nd year funding requests have exceeded available funding in the 1st RFP process



Funding Requests

Organization		Project	Request	Units
	CASA	Homestead Gardens	300,000	117
	Community Home Trust	Graham St Acquisition	60,000	1
	EmPOWERment	Lindsay St Acquisition	187,000	2
	EmPOWERment	Gomains St House Move	61,111	1
	Habitat for Humanity	Property Acquisition	150,000	~8
Total			\$758,111	~130

HAB Recommended Funding Plan

	Organization	Project	Request	Recommendation	Units
	CASA	Homestead Gardens	300,000	<i>300,000</i>	117
	EmPOWERment	Lindsay St Acquisition	187,000	<i>187,000</i>	2
	EmPOWERment	Gomains St House Move	61,111	<i>26,395</i>	1
	Habitat for Humanity	Property Acquisition	150,000	-	~8
	Community Home Trust	Graham St Acquisition	60,000	-	1
Total			\$758,111	\$513,395	120

CASA – Homestead Gardens at 2200 Homestead

- Request: \$300,000
- Recommendation: \$300,000
- 117 affordable units
 - 32 rental units provided by CASA
- AMI Served: 0-60%
- Master leasing units to UNC Horizons
- Funds needed to secure \$3 million grant



EmPOWERment, Inc. - Lindsay St Duplex



- Request: \$187,000
- Recommended Amount: \$187,000

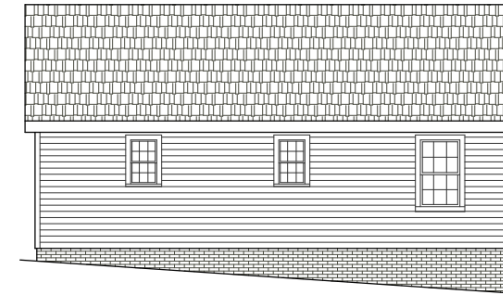
- ❑ 2 affordable rental units
- ❑ AMI Served: 0-60%
- ❑ Grisham cottages on Town-donated land
- ❑ Renovation complete and ready to be filled



EmPOWERment, Inc. - Gomains House Move



- Request: \$61,111
 - Recommended Amount: \$26,395
-
- ☐ 1 affordable homes
 - ☐ AMI Served: 0-60%
 - ☐ Town donating home before end of year
 - ☐ EmPOWERment moving the home to a lot owned on Gomains St



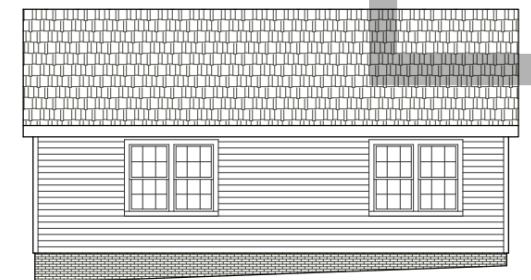
EAST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION



WEST ELEVATION

Habitat for Humanity – Property Acquisition



- Request: \$150,000
- Recommendation: \$0

- ❑ Property purchase to build ~8 homes
- ❑ AMI Served: 30-80%
- ❑ Furthest development timeline (8+ years)
- ❑ HAB discussed if the Town could consider alternate funding source








Community Home Trust – Graham St Acquisition

- Request: \$60,000
 - Recommendation: \$0
-
- ❑ 1 affordable homeownership unit
 - ❑ AMI Served: 60-80%
 - ❑ Not enough funding available for all projects






HAB Recommended AHDR Funding Plan

	Organization	Project	Request	Recommendation	Units
	CASA	Homestead Gardens	300,000	300,000	117
	EmPOWERment	Lindsay St Acquisition	187,000	187,000	2
	EmPOWERment	Gomains St House Move	61,111	26,395	1
	Habitat for Humanity	Property Acquisition	150,000	-	~8
	Community Home Trust	Graham St Acquisition	60,000	-	1
Total			\$758,111	\$513,395	~120

HAB Recommended AHDR Funding Plan

- Support the development of 120 new affordable housing units
- Town funding would leverage \$20 million dollars from outside organizations
- Permanently affordable housing

Organization		Project	Recommendation	Units
	CASA	Homestead Gardens	300,000	117
	EmPOWERment, Inc.	Lindsay St Duplex	187,000	2
	EmPOWERment, Inc.	Gomains St House Move	26,395	1
Total			\$513,395	120

Council Consideration

- Consider approval of the HAB's recommended Funding Plan
- Approve Resolution R-



AFFORDABLE HOUSING DEVELOPMENT RESERVE

RECOMMENDED FUNDING PLAN

Council Meeting
October 27, 2021



Draft





Housing Advisory Board Recommended Funding Plan Overview



Affordable Housing Development Reserve











Fiscal Year 2022 – Funding Cycle 1

The Town's Housing Advisory Board (HAB) met on October 14, 2021 to review the funding requests received for the Affordable Housing Development Reserve (AHDR), which has an annual allocation of \$688,395 in the Fiscal Year 2022 Town Budget.

Project Overviews and Recommendations

	<p><u>Homestead Gardens – 2200 Homestead Road</u> Recommendation: \$300,000 Request: \$300,000</p> <p>The Homestead Gardens community is a Town-initiated collaborative effort between Self-Help Ventures Fund, CASA, Community Home Trust, and Habitat for Humanity of Orange County. The development is planned to have about 120 units of townhomes, duplexes, and apartments. It will increase the availability of homeownership and rental housing for households with a range of incomes up to middle income.</p> <p>The funds recommended would be used to develop 32 rental housing units for households under 60% of the area median income (AMI) with a priority for households who are at risk of homelessness. CASA will be master leasing this community to UNC Horizons, who serves families with young children headed by mothers in recovery from substance use. The typical family served will earn less than 30% of AMI.</p> <p>Recommendation: The HAB recommended fully funding the CASA request. Some of the reasons cited included: the funding provides the match needed for CASA to access a \$3 million grant, it was the 2nd highest scoring application, and the project would provide the most significant impact in terms of the number of affordable housing units it would add in Chapel Hill serving very low-income households.</p>	
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	<p><u>Lindsay Street Duplex Acquisition</u> Recommendation: \$187,000 Request: \$187,000</p> <p>The EmPOWERment Lindsay Street acquisition project consists of acquiring a newly renovated duplex from the Northside Land Bank. The acquisition would add to EmPOWERment's affordable rental stock and provide housing opportunities to the most vulnerable populations such as Housing Choice Voucher holders, homeless, seniors, adults with disabilities, and veterans. One of the duplexes would be designated to serve the population below 30% AMI and the other unit would serve 60% AMI and below.</p> <p>Recommendation: The HAB recommended fully funding this request as it was one of the higher scoring applications, and it would put units on the ground immediately as the homes are ready for already identified residents to move into.</p>	
	<p><u>Gomains Street House Move and Renovation</u> Recommendation: \$26,395 Request: \$61,111</p> <p>The Gomains Street House Move project is a partnership between EmPOWERment, Inc. and the Town of Chapel Hill. The Town is donating a 2-bedroom house to EmPOWERment. EmPOWERment will relocate the home to an already purchased vacant parcel of land on Gomains Street. The home is planned to be completely renovated and will serve as rental housing for a family earning 60% AMI or less.</p> <p>Recommendation: The HAB recommended partially funding this project in an amount roughly equivalent to the cost of moving the home to allow EmPOWERment to meet the deadline of moving the home by the end of the year.</p>	

	<p><u>Weiner Street Property Acquisition</u> Recommendation: \$0 Request: \$150,000</p> <p>Habitat for Humanity proposes to apply \$150,000 in AHDR funds toward the purchase of a 2.6 acre lot on Weiner Street in the Elkins Hills area of Chapel Hill to landbank for future development. Habitat would build, at minimum, eight high-quality, affordable homes to be sold to members of the Orange County community earning between 30-80% AMI</p> <p>Recommendation: The HAB did not recommend funding this project because there was insufficient funding available to fund all projects and the proposed units had a longer timeline than the other projects (8+ years). The HAB recognized that land acquisition is a high priority and discussed if the Town could consider funding this project from another affordable housing funding source.</p>	
	<p><u>Graham Street Acquisition</u> Recommendation: \$0 Request: \$60,000</p> <p>The Graham Street acquisition requested funds to purchase a renovated home from Self-Help as part of the Northside Neighborhood Initiative. Community Home Trust would then sell the home to an eligible buyer earning under 80% AMI at an affordable price using a 99-year ground lease, keeping permanent affordability on the home.</p> <p>Recommendation: The HAB did not recommend funding this request because the project scored the lowest on the scoring rubric and there was not enough funding available to fund all requests.</p>	

Local Affordable Housing Funding Sources Scoring Criteria

Threshold Requirements

1. The project is located within the Town of Chapel Hill city limits or ETJ.
2. The applicant can demonstrate site control (if applicable).
3. The project falls within one of the priority project areas identified by the Town.
4. The application is complete and submitted by the established deadlines.

1. Income Target	30	maximum points	CASA 2200 Homestead	Community Home Trust - Graham St	Empowerment - Lindsay	Empowerment - Gomaines	Habitat - Weiner St
a. The households to be served through the proposed project fall within the household income ranges.							
Household Income Range	Points	See Question 7					
0-30% AMI	30		8		15		
31-60% AMI	25		8		13	25	19
61-80% AMI	15		6	15			4
81-100% AMI	10		0				
100-120% AMI	0		0				
2. Financing and Leverage	55	maximum points					
a. The degree to which the proposed project includes other sources of funds.							
Percent Funded by Town Source	Points	See Question 6					
41-100%	0				0		
21 – 40 %	5		5	5		5	
11 – 20 %	10						10
0 – 10 %	15						
b. Total Town Subsidy Per Unit		See Question 7					
Less than \$10,000	15						
\$10,000-\$20,000	10						10
\$20,001-\$30,000	5						
\$30,001+	0		0	0	0	0	
c. Total Development Cost Per Unit							
\$200,000 +	0		0	0		0	
\$125,000 - \$199,999	5						5
< \$125,000	10				10		
d. Town subsidy will be repaid to the Town							
No	0		0	0	0	0	0
Yes, principal only repayment	10						
Yes, principal and interest repayment	15						
3. Feasibility	10	maximum points					
a. The applicant can demonstrate zoning compliance.	2	See Attachment - Project Information	2	2	2	2	2
b. Planning approval already received.	4	See Question 7	0	4	4	4	0
c. 50% of other financing has been committed.	4	See Question 6	0	0	4	4	0
4. Experience	20	maximum points					
a. Experience of the applicant in carrying out projects of comparable scope and nature.	Points	See Question 3					
The applicant has successfully completed 3+ comparable projects.	10		10	10	10	10	10
The applicant has successfully completed 1-2 comparable projects	5						
The applicant has successfully completed no comparable projects.	0						
b. Applicant has successful record of meeting project budgets and schedules with projects funded by the Town.		See Question 3					
All projects funded by the Town completed on schedule, within budget, and without any major performance issues.	10		NA	10	10	10	10
Some projects funded by the Town completed on schedule, within budget, and without any major performance issues.	5						
No projects funded by the Town completed on schedule, within budget, and without any major performance issues.	0						
5. Design	30	maximum points					
a. The proposed project utilizes energy efficiency principles.	Points	See Question 8					
Meets Energy Star 3.0 or QAP Standards and Requirements.	10		10				10
Does not meet Energy Star 3.0 or QAP Standards but includes some energy efficiency measures.	5			5	5	5	
Does not include any energy efficiency standards.	0						
b. The proposed project utilizes the principles of Universal Design.		See Question 9					
Includes many universal design features.	10		10				10
Includes some universal design features.	5				5	5	
Does not include any universal design features.	0			0			
c. The proposed project is accessible to needed services for the population to be served, such as healthcare, schools, and public transportation.	10	See Attachments	10	10	10	10	10
6. Impact	45	maximum points					
a. The proposed project includes provisions to ensure long-term affordability.	Points	See Question 5					
Development Projects:							
Less than 30 years	0						
30-98 years	15						
Permanent (99 years)	25		25	25	25	25	25
Preservation Projects:							
Less than 5 years	0						
5-10 years	5						
11-20 years	10						
21-30 years	15						
31-98 years	20						
Permanent (99 years)	25						
b. Number of Units		See Question 7					
<10	0			0	0	0	0
10 to 15	5						
16-30	10						
31-45	15						
>45	20		20				
7. Social Equity	25	maximum points					
a. The proposed project serves a vulnerable population. (Older adults age 55+, individuals with disabilities, homeless, or veterans).	5	See Question 7	5	5	5	5	5
b. The applicant involved the intended beneficiaries of the project in the planning process.	10	See Question 10	10	0	10	10	10
c. The organization demonstrates commitment to addressing racial equity issues	10	See Question 10 and Attachments	10	10	10	10	10
TOTAL	215		139	101	138	130	150
Percentage			68%	47%	64%	60%	70%

[illegible]

Affordable Housing Development Reserve (AHDR)

Allocation Strategy

Introduction

The Town Council allocated new funding for affordable housing in the budget for fiscal year 2014-15. Rooted in existing plans and strategies, and based on guidance from Town Council, staff drafted a proposed allocation strategy for use of this funding.

Staff proposes that these funds be used exclusively on development and preservation of affordable housing and that their use align with the strategy statement of the Town's Affordable Housing Strategy:

The Town of Chapel Hill's goal is to increase the availability of and access to housing for households and individuals with a range of incomes, from those who are homeless to those in middle-income households. The Town of Chapel Hill will work with for-profit and non-profit housing providers to offer a variety of housing opportunities that will promote socioeconomic diversity; provide individuals with the ability to remain in Chapel Hill through different stages in their lives; and support employee recruitment and retention.

Priority will be given to rental projects that serve households with incomes 60% and below the Area Median Income (AMI) and homeownership projects that serve households with incomes 80% and below the AMI.

The guiding documents that were used to put together this allocation strategy include the [Affordable Housing Strategy \(AHS\)](#), the [Affordable Rental Housing Strategy \(ARHS\)](#), the [Northside and Pine Knolls Community Plan \(CP\)](#), the [2014-16 Council Goals](#), and recommendations from the Orange County Affordable Housing Coalition.

Priority Projects

1. Land Bank and Land Acquisition

Description: A land bank is a mechanism by which property can be strategically acquired, assembled, and redeployed to serve a community purpose, with a goal of creating inclusive, mixed income neighborhoods.

Related Strategies and Goals:

- a. Fund land bank to acquire land for future affordable housing (rental and ownership) development. (ARHS)
- b. Acquire and preserve vacant land along transit corridors for future affordable development. (ARHS)
- c. Address the development pressures of the Pine Knolls and Northside neighborhoods by supporting a housing and cultural preservation program in the neighborhoods. (ARHS)

Eligible Activities: Property and land acquisition and associated program expenses with emphasis in Northside and Pine Knolls neighborhoods and along transit corridors.

2. Rental Subsidy and Development Program

Description: Eligible projects support the development of rental housing opportunities for households earning less than 80% of the AMI or providing subsidies to reduce the monthly housing expenses for households earning less than 80% of the AMI. The 80% AMI threshold reflects the Town's priority to support housing for people at a range of income levels, but priority will be given to those with incomes below 60% AMI.

Related Strategies and Goals:

- a. Establish useful incentives to encourage development of affordable rental units in all target income ranges. (ARHS)
- b. Identify other properties that may be appropriate for redevelopment and encourage the production of affordable rental units through the use of incentives. (ARHS)

Eligible Activities: Security and utility connection fee assistance program, rental subsidy program, gap subsidies to developers to provide affordable units, new or redeveloped rental housing construction.

3. Home Ownership Development and Assistance Program

Description: The Town's Affordable Housing Strategy states a goal of increasing the availability and access to housing for households and individuals with a range of income, from those who are homeless to middle-income. Eligible projects support the development of owner occupied housing opportunities to create and preserve affordable housing opportunities for households earning up to 120% of the AMI. Priority will be given to those with incomes below 80% AMI.

Related Strategies and Goals:

- a. Address the development pressures of the Pine Knolls and Northside neighborhoods by supporting a housing preservation program in the neighborhoods. (AHS)
- b. Middle Income/Workforce Housing Second Mortgage Assistance Program. (CP)
- c. Major and minor rehabilitation of existing housing. (CP)

Eligible Uses: Programs involving new construction, renovation, and redevelopment of existing units and second mortgage assistance programs.

4. Future Development Planning

Description: Eligible projects include strategic and master planning activities for specific areas to serve a community purpose, with a goal of creating inclusive, mixed income neighborhoods.

Related Strategies and Goals:

- a. Partner for ambitious development that includes affordable rental on Greene Tract. (ARHS)
- b. Initiate future development planning for the Greene Tract with ownership partners. (Council Goal 2016)

Eligible Activities: Pre-development costs, community engagement programs, and professional services for strategic and master planning.

Funding Allocation Process

- Accept applications three times per year (approximately every 4 months), synching funding application deadlines with existing processes.
 - February, award in April
 - June, award in September
 - October, award in January
- Application review process to be coordinated by Town staff with review and recommendation of the Housing Advisory Board. Final review and approval required by Council.
- Funds typically will be allocated on a reimbursement basis once projects have been completed.
- Evaluation of applications will be based on a scoring rubric.
- During each evaluation period, the Housing Advisory Board and the Council will consider retaining a portion of the annual appropriation for an “opportunity fund” that is reserved for future large-scale/highest priority projects.

Affordable Housing Development Reserve (AHDR) Funding Summary

UPDATED 9/30/21

FY15 (first year, only one cycle)

	Request	Approved	Total Available Budget	Notes
Habitat for Humanity - Northside Land Acquisition and Second Mortgage Assistance Project	\$270,000	\$270,000		
Empowerment Inc. - Home Purchase	\$27,000	\$27,000		
Opportunity Fund	\$68,395	\$68,395		
Self Help - Northside Neighborhood Initiative	\$100,000	\$100,000		
	\$465,395	\$465,395	\$688,395	

FY16

Jackson Center - Promise of Home Home Repair Program	\$75,000	\$75,000		
Community Home Trust - Ramsley Development	\$57,000	\$57,000		
DHIC - Greenfield Commons	\$450,000	*\$450,000		*Alternate Source Identified FY16 Installment Financing
Habitat for Humanity - Affordable homeownership	\$55,000	\$55,000		
Habitat for Humanity - A Brush with Kindness	\$25,000	\$0		
Empowerment - Purchase of eight affordable rental units on Shepherd Lane	\$250,000	\$0		
Self Help - Northside Neighborhood Initiative	\$150,000	\$150,000		
	\$1,062,000	\$337,000	\$688,395	

FY17

Habitat - Affordable homeownership	\$55,000	\$55,000		
Church of the Advocate - Tiny house development	\$70,000	\$70,000		
CASA - Merrit Mill Rd multi-family development	\$330,810	\$330,810		
Empowerment - Purchase of affordable rental home in Northside	\$54,128	\$54,128		
Rebuilding Together - Home repair program	\$40,000	\$0		
Self Help - Northside Neighborhood Initiative	\$200,000	\$200,000		
	\$749,938	\$709,938	\$688,395	

FY18

Community Home Trust - Single Family Home Acquisition	\$165,000	\$165,000		
Self Help - Tiny Home	\$60,521	\$60,521		
Self Help - Northside Neighborhood Initiative	\$150,000	\$150,000		
DHIC - Greenfield	\$700,000	\$700,000		
Community Home Trust - Courtyards	\$100,000	\$100,000		
	\$1,175,521	\$1,175,521	\$688,395	

FY19

Self Help - Northside Neighborhood Initiative	\$150,000	\$150,000		
Town of Chapel Hill - Future Development Planning	\$150,000	\$150,000		
Community Home Trust - Master Lease	\$97,324	\$97,324		
Community Home Trust - Chandler Woods	\$90,000	\$90,000		
Habitat for Humanity - Weavers Crossing	\$375,000	\$266,797		
	\$862,324	\$754,121	\$688,395	

FY20

Self Help - Northside Neighborhood Initiative	\$190,000	\$190,000		
Town of Chapel Hill - Future Development Planning	\$150,000	\$150,000		
Empowerment Inc. - Pine Knolls Acquisition	\$101,000	\$101,000		
Pee Wee Homes - Tiny Plex	\$55,313	\$55,313		
CASA - Perry Place Development	\$438,995	\$192,082		*Received balance of request from Bond funds
	\$935,308	\$688,395	\$688,395	

FY21

Self Help - Northside Neighborhood Initiative	\$175,000	\$175,000		
Town of Chapel Hill - 2200 Homestead	\$200,000	\$173,395		
Empowerment Inc. - PEACH Development	\$200,000	\$200,000		
Community Home Trust Master Leasing	\$140,000	\$140,000		
	\$715,000	\$688,395	\$688,395	

FY22

Self Help - Northside Neighborhood Initiative	\$175,000	\$175,000		
		\$175,000	\$688,395	

Total Budget of AHDR FY15-22 (since inception in Fiscal Year 2015)

\$5,507,160

Total Allocations AHDR FY15-21

\$4,993,765

Balance of AHDR

\$513,395

Affordable Housing Common Funding Application



Affordable Housing Bond

Affordable Housing Development Reserve

Affordable Housing Fund



Town of Chapel Hill Office for Housing and Community

housingandcommunity@townofchapelhill.org

919-969-5079

www.townofchapelhill.org/town-hall/departments-services/housing-and-community/funding

GENERAL INFORMATION & APPLICATION INSTRUCTIONS

OVERVIEW

Thank you for your interest in the Town of Chapel Hill's Affordable Housing funding sources! This application is used for funding requests for all of the Town's local funding sources for affordable housing projects (Housing Bond, Affordable Housing Development Reserve, and Affordable Housing Fund). To learn more about each of these sources and eligible uses, see the Attachments Section.

INCOME ELIGIBILITY

In general, projects for the Town's affordable housing sources must serve households with income below 80% of the area median income as defined by the U.S. Department of Housing and Urban Development, adjusted for family size, though projects may be approved that serve households of higher incomes. Please see the Attachments for additional information about income limits.

PROJECT REPORTING AND MONITORING

Organizations must submit progress reports to the Town quarterly to monitor progress and performance, financial and administrative management, and compliance with the terms of the performance agreement. Please submit reports using the template linked on the Town website and in the Attachments section electronically to: housingandcommunity@townofchapelhill.org.

ORIENTATION MEETING

Applicants are invited to attend an optional orientation session prior to applying for funding, which will be held once per year and provide an overview of all of the Town's affordable housing sources.

Applicants are also invited to participate in a pre-application meeting, which is a one-on-one session during which applicants can discuss their funding proposal with Town staff. To schedule a pre-application meeting, contact Nate Broman-Fulks at 919-969-5077 or nbfulks@townofchapelhill.org.

SUBMISSION INSTRUCTIONS

Submit applications electronically in PDF form to: housingandcommunity@townofchapelhill.org. Note that the Project Financials attachment asks for an Excel document, or similar file format, rather than a PDF. If you have questions, please contact: Nate Broman-Fulks at 919-969-5077 or nbfulks@townofchapelhill.org

Applications may not be considered for the following reasons:

1. Projects are not located within the Town limits or the Town Extra-Territorial Jurisdiction
2. Projects do not have site control (if applicable)
3. Projects do not align with the eligibility criteria for the funding source
4. Incomplete or late applications

CHECKLIST OF REQUIRED DOCUMENTATION

Application:

<input checked="" type="checkbox"/>	Section 1:	Cover Page
<input checked="" type="checkbox"/>	Section 2:	Disclosure of Potential Conflicts of Interest
<input checked="" type="checkbox"/>	Section 3:	Organization Information
<input checked="" type="checkbox"/>	Section 4:	Project Information
<input checked="" type="checkbox"/>	Section 5:	Attachments

COVER PAGE

Organization Contact InformationLegal Name: CASATax ID Number: 56-1778714Physical Address: 624 W Jones St, Raleigh, NC 27603Mailing Address: PO Box 12545, Raleigh, NC 27605Organization's Website: casanc.orgDate of Incorporation: 03/10/1992Executive Director Name: Mary Jean SeydaTelephone Number: (919)307-3434E-Mail: mjseyda@casanc.org**Funding Request**Project Name: Homestead HorizonsTotal Number of Units Included in Funding Request: 32Total Project Cost: \$4,977,172Total Amount of Funds Requested: \$300,000Please specify the **type** and **amount** of funding requested:☐ Affordable Housing Bond: \$_____☐ Grant☐ LoanX ☒ Affordable Housing Fund: \$_____ 300,000X ☒ Grant☐ Loan**OR**X ☒ Affordable Housing Development Reserve: \$300,000X ☒ Grant☐ Loan

****New this year.** If you're not requesting a loan, describe reasoning (the Town will analyze project financials, including debt coverage ratio, to explore the project's ability to support a loan):

CASA is requesting these funds as a GRANT, to serve as part of the matching funds required by the \$3 million award made to the project by The Oak Foundation. This \$3 million award requires that \$500,000 of matching funds be identified to draw the first tranche of funds. \$200,000 in matching funds have already been awarded from a philanthropic source to our partner in this project, UNC Horizons, to be used in the development. We are seeking the balance of the remaining \$300,000 of match from the Town. We plan to seek additional dollars from Town Bond funds next spring that will be structured as a loan amortized over 40 years with the majority repaid (see pro forma).

Loan Terms Requested, if applicable, (provide a concise description, including interest rate, term length, amortization schedule): _____

Proposed Use of Funds Requested (*provide a concise description, not to exceed 100 words*): To develop approximately 32 units of rental housing for households under 60% AMI with a priority for households who are at risk of homelessness. CASA will be master leasing this community to UNC Horizons, who serves families with young children headed by mothers in recovery from substance use. The typical family served in Homestead Horizons will earn less than 30% of AMI and would face homelessness in Chapel Hill were it not for this housing.

1. Type of Activity. Please check the category under which your project falls.

☐ Acquisition

To the best of my knowledge and belief all information and data in this application is true and current. The document has been duly authorized by the governing board of the applicant.

Signature: Mary Jean Seyda September 17, 2021
Executive Director Date

DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST AND NON DISCRIMINATION CLAUSE

Are any of the Board Members or employees of the organization which will be carrying out this project, or members of their immediate families, or their business associates:

YES NO

- ☐ ☒ a) Employees of or closely related to employees of the Town of Chapel Hill?
- ☐ ☒ b) Members of or closely related to members of the governing bodies of the Town of Chapel Hill?
- ☐ ☒ c) Current beneficiaries of the program for which funds are being requested?
- ☐ ☒ d) Paid providers of goods or services to the program or having other financial interest in the program?

If you have answered YES to any question, **please provide a full explanation below.**

NON-DISCRIMINATION

Provider agrees as part of consideration of the granting of funds by funding agencies to the parties hereto for themselves, their agents, officials, employees and servants agree not to discriminate in any manner of these basis of race, color, gender, national origin, age, handicap, religion, sexual orientation, gender identity/expression, familial status or veterans status with reference to any activities carried out by the grantee, no matter how remote.

To the best of my knowledge and belief all of the above information is true and current. I acknowledge and understand that the existence of a potential conflict of interest does not necessarily make the program ineligible for funding, but the existence of an undisclosed conflict may result in the termination of any grant awarded.

Signature: Mary Jean Seyda
Executive Director

September 17, 2021
Date

ORGANIZATION INFORMATION

1. Organization Mission *(no more than a few sentences):*

CASA's mission is to provide access to stable, affordable housing for people who are homeless or at risk by developing and managing rental communities.

CASA has developed, owns and manages over 450 apartments throughout the Triangle, of which 70% are permanent supportive housing for persons with disabilities, and all of which serve low-income individuals and families. CASA's goal is that once a tenant moves into a CASA unit, they never face homelessness again.

2. Organization Staff: Please provide names of staff, contractors, and/or volunteers that will be involved with the project. Describe their responsibilities with the project and track record in successful completion of similar projects in the past.

Mary Jean Seyda, Chief Executive Officer – Ms. Seyda has been with CASA since 2001 and has an extensive background in homeless service program design, development and management. Prior to joining CASA, Mary Jean worked as Wake County's Homeless Services Coordinator for 3 years and Program Manager for 3 years. Mary Jean served as CASA's COO for 16 years before stepping into the role of CEO in 2018. Mary Jean oversees the strategic direction of our agency. She is past Chair of Orange County's Partnership to End Homelessness, and she currently serves on the Town of Chapel Hill's Housing Advisory Board, to which she was appointed by Town Council. After being one of CASA's key leaders for over 20 years, Mary Jean announced her intention to retire as CEO at the end of calendar year 2021. She will remain on staff part-time for 2 more years working in the Fund Development Department continuing to cultivate our long-term partnerships through the opening of King's Ridge and Perry Place.

Daneene Barton, PhD, DBA, Chief Financial Officer – Dr. Barton joined CASA's senior leadership team in February 2020 and oversees all financial activities of our agency including a \$4.5 million annual operating budget. She is responsible for the budgets for all CASA programs and developments, monitors the expenditure of grant funds, and assures that CASA meets its financial obligations to funders, vendors, and tenants. Daneene has over 20 years of experience in finance, accounting, financial reporting & modeling, real-estate housing (including retirement, assisted living, skilled nursing, and affordable housing), federal & state taxation. She has substantial industry experiences in government, supply chain management, real estate and senior housing. She holds a Six Sigma Black Belt Certification and has a passion for academics with interests in accounting, leadership, and financial research serving as a higher education instructor and course designer for top-rated universities. Daneene's academic background includes a Bachelor of Business Administration specializing in Accounting from the University of Georgia, Master of Business Administration from Webster University, and PhD in Leadership & Education specializing in Leadership from Barry University. The academic journey ends with a second Doctorate of Business Administration (DBA) specializing in Accounting.

Jess Brandes, Transitional Chief Operations Officer/Senior Director of Real Estate

Development– Ms. Brandes has a background in non-profit financial development and a Masters in City and Regional Planning. She works to get more affordable housing units on the ground throughout our communities, doing so in partnership with our elected officials,

community development staff, funding and service partners. Jess and her team ensure that projects move forward on schedule and on budget while adhering to the development regulations of various municipalities, and the project requirements of various funders. She has worked at CASA since 2008 and has her NC Real Estate Broker's License. In 2017, Jess was named a 40 Under 40 Leadership Award winner by the Triangle Business Journal for her leadership in affordable housing. In March 2021, Jess was appointed as Transitional COO to support CASA's day-to-day activity as the agency prepares to welcome a new CEO at the end of calendar year 2021.

Missy Hatley, Senior Director of Resource Development – Recognizing that neither government nor the community can create and sustain affordable housing alone, CASA hired Missy Hatley in 2014 to launch our private sector charitable giving program. Ms. Hatley has more than 20 years of experience in nonprofit fundraising and communications focused on homelessness and housing, including seven years at CASA and previous stints at One80 Place, a comprehensive homeless services center in Charleston, SC, and at Habitat for Humanity of Wake County. Under Ms. Hatley's leadership, CASA's community support grew from less than \$35,000 annually in 2013 to over 1M in 2019. CASA now engages more than 600 charitable donors annually, including individuals, corporations, foundations, civic groups and communities of faith. Donor support helps meet operating costs that exceed our rental revenue set at 30% of household income and also provides real estate development dollars for pre-development. In 2020, CASA launched a private-public campaign to raise 13.7M for the construction of a 100-unit permanent, supportive housing community in Raleigh. In the first six months of the campaign, community donors have contributed more than 4M. Ms. Hatley holds a Masters degree in English from the University of North Carolina at Wilmington, and a Bachelors degree from North Carolina State University.

Rachel Eberhard, Real Estate Developer – Ms. Eberhard initiates and evaluates new development opportunities, including analyzing potential project sites and negotiating acquisitions for CASA. She previously served as the founder and managing principal of Apiary Community Consulting and worked in the acquisitions group for a national low-income housing tax credit (LIHTC) syndication firm after receiving a Master's degree in City and Regional Planning at the University of North Carolina at Chapel Hill. Her consulting work has consisted of supporting HUD Consolidated Planning efforts, developing affordable housing informational tools for voters, creating a redevelopment plan for the City of Roanoke Rapids, and evaluating key performance indicators for Chapel Hill's Community Home Trust. In her own time, she serves on Durham's Citizen Advisory Committee that works to facilitate citizen participation in the planning and implementation of the Community Development Block Grant (CDBG), Home Investment Partnership Program (HOME) and Emergency Solution Grant (ESG) funds.

Neil Ritter, Real Estate Project Manager – Mr. Ritter came to CASA in 2010 with 13 years of conventional housing experience working in both facilities maintenance and general contracting. For 9 years, Neil served as CASA's Facilities Director, overseeing all day to day maintenance activity for CASA and supervising 5 maintenance technicians. In 2019 Neil transitioned to his current position supporting the Real Estate Development Department with project management of complex new construction projects and renovations. Neil sees projects through from creating the scope of work and identifying funding sources, to unit completion and inspection approvals. He also oversees and operationalizes CASA's Asset Management.

of FTE – Full-Time Paid Positions: 28

of FTE Part-Time (less than 40 hours/wk) Paid Positions: 1

3. **Agency Track Record:** Briefly describe three relevant and substantially similar affordable housing development or preservation projects completed by the organization in the last 10 years (preferably 5 years). The project description should include:
- Location
 - Scope and scale of project
 - Total development budget and financing sources
 - Indication of whether the projects were completed on budget and on time. If not completed on budget and on time, please describe why.
 - Photos/illustrations of completed project

Please see 5+ year Development History, included with Funding Commitments & Other Attachments.

For all projects for which you have received Town funding within the last 5 years, please provide the information below.

Project Name	Project Type	Amount of Funding Approved	Is the Project Completed? (Yes/No)
Merritt Mill Apartments	9% LIHTC Rental new construction	\$990,805	Not yet

**Add rows as needed to reflect additional projects that have received Town funding within the last 5 years.*

PROJECT INFORMATION

4. **Project Description:** Please provide a general overview of your project, including what you are planning to produce and how you are planning to carry out the project. *(in 100 words or less).*

To develop an approximately 32 unit rental apartment community for households under 60% AMI with a priority for households who are at risk of homelessness. This 3-story building will consist of 2 and 3-bedroom units, an elevator, community room, laundry and office spaces. CASA will be developing, owning and managing the community. We will be master leasing the building to UNC Horizons, who serves families with young children headed by mothers struggling with substance use. The typical family served in Homestead Horizons will earn less than 30% of AMI and would face homelessness in Chapel Hill were it not for this housing. CASA and UNC Horizons will execute a 20-year lease that will be renewable by the lessee. Our pro forma is structured to include a limited income increase of just 1.5% each year in order to ensure an affordable and predictable rent structure over the long-term for our lessee, UNC Horizons. Our pro forma also includes an operating reserve that is funded in the early years of the development, and is then drawn from in the latter years when the property begins to see less cashflow.

5. **Affordability Term.** Is the proposed project permanently affordable (99 year affordability term)?

☒ Yes

☐ No

If no, what is the affordability term of the proposed project?

Briefly describe any methods to ensure long-term affordability of housing units, including subsidy recapture, equity sharing, and deed restrictions. **Deed Restrictions**

- 6. Leverage:** How much funding is committed at the time of submission of this application? \$ 3,200,000 What percentage of funding for the proposed project would be leveraged from sources other than the Town? 76% (Please provide documentation of how you calculated leverage as well as funding commitment letters if applicable).

Funding Source	Development Cost	Percentage	Commitment Letter?
Total	\$4, 977,172	100%	
Town of CH Requested Now	\$ 300,000		
Town of CH Bond Funds (planning to request in Spring)	\$ 877,172*		
Total Town funds	\$1,177,172	24%	
Oak Foundation	\$ 3,000,000		Attached
UNC Horizons – Hanley Family Foundation	\$ 200,000		Attached
CASA anticipated fundraising	\$ 100,000		Estimate
UNH Horizons anticipated fundraising	\$ 500,000		Estimate
Total Non-Town funds	\$3,800,000	76%	

*our proform assumes \$767,515 of this is eventually repaid

7. Project Profile *Insert project information below*

Location (insert address if available)	<u>2200 Homestead Road</u>				
Size (insert acreage of development site)	<u>TBD on exact acreage of Homestead Horizons community</u>				
Total Number of Units					
	# of Total Housing Units	# of Bathrooms	Square Footage	Proposed Rent or Sale Price Per Unit	Projected Cost Per Unit Including Utilities
Studios					
One-bedroom					
Two-bedroom	<u>21</u>	<u>2</u>	<u>923</u>	<u>\$400</u>	<u>\$521</u>
Three-bedroom	<u>11</u>	<u>2</u>	<u>1105</u>	<u>\$400</u>	<u>\$542</u>
Four-bedroom					
Area Median Income Served (insert # of units by AMI)					
<30%	<u>24</u> (estimate based on income of current families in program)				

31-60%	8 (estimate assuming some graduate families may increase income over time)				
61-80%					
81-100%					
>100%					
Target Population (check all that apply)					
Families	X <input type="checkbox"/>				
Older Adults (Age 55+)	<input type="checkbox"/>				
Disabled	<input type="checkbox"/>				
Homeless	<input type="checkbox"/>				
Veterans	<input type="checkbox"/>				
Other (specify)	<input type="checkbox"/>				
ADA Accessibility (insert # of total units)	2 are fully accessible. Since building has elevator 100% of units are visitable				
Total Development Cost Per Unit	\$146,387				
Per Unit Subsidy	\$ 9,375 / unit in this application for \$300,000				
Town Planning Approvals Received (as of the date of application)	X Yes <input type="checkbox"/> No <input type="checkbox"/> NA				

- 8. Energy Efficiency:** Will the proposed project meet the standards and requirements of [Energy Star 3.0](#) or standards outlined in the latest [NCHFA QAP](#) as verified by an independent, third party expert?

X Yes

☐ No

If not, please briefly describe the energy efficiency features included in the proposed project:

- 9. Universal Design:** Please briefly describe the universal design features included in the proposed project:

- All units are visitable and all units include wide doorways.
- All our units are one-level living.
- Blocking for grab bars are included in all showers and bathrooms to accommodate tenants' changing needs.
- All new construction includes levers rather than knobs on doors and on sinks.
- All common spaces including laundry facilities are fully accessible.

10. Social Equity

- a. Please describe how you have involved the intended beneficiaries of the proposed project in the planning and design process (in 100 words or less).

CASA's intended beneficiaries are predominantly persons who are homeless and/or have disabilities. CASA gathers input about the needs of the homeless and disabled community through the following formal processes:

- In 2013 CASA's Board authorized the creation of an annual tenant survey. It has been conducted since then and is reviewed by Leasing Staff and Real Estate Development.
- CASA hears input from our intended beneficiaries through extensive involvement in each community's Partnerships to End Homelessness and Continuum of Care.
- Specific to addressing needs of people with disabilities, CASA is a member of NAMI
- CASA in 2019 began working to pilot a Tenant Council at one of our properties, intending to expand this to our broader portfolio.

Specific to this project, our partner UNC Horizons has shared the unit floorplans with current program participants and their feedback has been included in unit design.

b. How has your organization incorporated racial equity goals into your organizational goals?

Like many organizations, CASA renewed our commitment to Diversity, Equity and Inclusion in 2020. We engaged a partner, Catapult Consulting, who is supporting us in the following activities:

* DE&I staff training

* The creation of a cross departmental staff DE&I Council, championed by our CFO Daneene Barton. This team has created its own charter and goals. They led a 2 hour staff event and will engage staff monthly with a variety of activities. Plus they will make recommendations regarding policies and procedures.

* Hired a new Human Resource Manager who has both DE&I training/certification and experience. They will be reviewing, recommending, and implementing a range of HR policies from hiring, onboarding, promotions, training & development and performance reviews.

* Engaged in a compensation study to align job titles, descriptions and salary ranges that include an equity lens for race and gender.

We also created a standing line item in our budget for DE&I training and for the DE&I Council. In response to being inclusive to a variety of faith traditions and other holidays staff may want to honor, we added 3 floating holidays for each calendar year.

CASA's Board of Directors also began working in 2020 to identify specific strategies for the recruitment of people of color to the Board Membership committee. In 2020, the Board was successful in both increasing the number of members who are persons of color and who have the lived experience of homelessness -- four members of our Board (36%) have experienced homelessness themselves.

c. Please fill in the below questions and provide any additional context on the racial composition of the organization and board leadership:

- i. % of staff that are people of color: 50%
- ii. % of board that are people of color: 25%
- iii. % of staff that have attended racial equity training: 100%

d. Please describe any additional activities your organization is doing to address racial equity.

ATTACHMENTS

Description of Required Attachments

1. Financial Audit

- a. Please include your organization's most recent financial audit. For organizations with prior year revenues totaling \$500,000 or more a financial audit, prepared by a certified public accountant is required. Agencies with prior year revenues of less than \$500,000 may submit a completed [Schedule of Receipts and Expenditures](#) form (see application materials), in lieu of an audit/report. Agencies with a certified audit/report do not need to complete the form.

2. Organization Budget

- a. Please submit an organizational budget. Among other relevant revenue and expenditure information, please include line items on any government grants or loans by jurisdiction. If your organization has run a deficit, please include that information here.

3. Project Financials

- a. Please submit the following information about the project in a Microsoft Excel document or similar format, as relevant:
 - Project Budget/Development Costs
 - Sources and Uses
 - Operating pro forma (rental projects):
 - must show 20+ year cash flow projections that includes documentation of key operating assumptions, estimated rental income, operating expenses, net operating income, and any anticipated debt service, including a separate line item for any debt service (principal and/or interest) associated with Town loans requested as part of this application. Pro forma should project expenses far enough out to show when debt service ends (i.e., more than 20 years if necessary). Applicants may use the attached template or a similar version of their own.
 - Rental Income Breakdown: must show rent and utilities by bedroom size and AMI level, using the attached template or something similar.
 - Housing Affordability and Sale Proceeds (homeownership projects): must show sales price by bedroom size and AMI level, using the attached template or something similar.

4. Articles of Incorporation

5. List of Board of Directors

- a. Provide the following information about each board of director's member: name, occupation or affiliation of each member, officer positions, race/ethnicity.

6. Project Information

- a. For all projects, please submit a detailed timeline showing when each work task will be completed over the duration of the project.
- b. For development and renovation projects, please submit the following:
 - Site map showing lot boundaries, locations of structure(s), and other site features
 - General location map (at least ½ mile radius)
 - Floor plan(s)

- Elevation(s)
- Property Appraisal – N/a
- Evidence of zoning compliance -
- Map showing proximity to bus stops, grocery store, schools and other amenities (including distance in miles from project site and amenities)

Non-Profit Corporations:

1. IRS Federal Form 990

A copy of the organization's most recent Form 990 is required for nonprofit applicants. The specific form depends upon the organization's financial activity. Review the IRS' table guide, for more details. For Form 990-N (e-postcard) filers, include a copy of the postcard, with the organization's application materials.

2. NC Solicitation License

A copy of the organization's current solicitation license is required. Organizations that solicit contributions in North Carolina, directly or through a third party, must renew their licenses annually. For more details, refer to the NC Secretary of State's licensing website and its Frequently Asked Questions Guide (PDF), about exemptions. If exempt per N.C.G.S. § 131F-3, include a copy of the exemption letter with the organization's application materials.

3. IRS Federal Tax-Exemption Letter

A copy of the organization's current IRS tax-exempt letter that confirms its nonprofit status is required. An organization can request a copy of its letter from the [IRS' Customer Account Services](#).

For-Profit Corporations:

1. Tax Returns

- a. Most recent two years of corporate tax returns.

2. YTD Profit and Loss Statement and Balance Sheet

3. Tax Returns

- a. Most recent two years personal tax returns and financial statements for all persons who have more than 19.9% ownership interest in the organization

4. References

- a. Two business references with name, address, and telephone number

5. Signed "Authorization to Release Information" for each person who has more than 19.9% ownership interest in the organization

6. Completed W-9 Form



OVERVIEW OF AFFORDABLE HOUSING FUNDING SOURCES

Purpose: This document is intended to provide a summary of the Town's affordable housing funding sources available to assist in creating a vibrant and inclusive community. The Overview includes a brief description of each funding source, as well as the eligible uses of each source.

TOWN FUNDING AVAILABLE FOR AFFORDABLE HOUSING PROJECTS FISCAL YEAR 2021-22:

SOURCE	AMOUNT
Affordable Housing Bond	\$5,000,000*
Affordable Housing Fund <i>(funding available varies based on receipt of payments in lieu from developers of affordable housing projects)</i>	\$450,000
Affordable Housing Development Reserve	\$688,395
Community Development Block Grant (CDBG)** <i>(Federal Funding - amount is approximate and varies year-to-year, based on Federal Budget)</i>	\$275,000
HOME** <i>(Federal Funding Process lead by Orange County – amount is approximate and varies year-to-year, based on federal budget)</i>	\$375,000
TOTAL	\$1,695,000

*The next round of Bond funding is anticipated to be in FY2022

**CDBG and HOME use a separate funding application. See below for additional information.

AFFORDABLE HOUSING BOND:

On November 6, 2018, voters approved the Affordable Housing Bond Referendum. Voter approval of the Bond gives the Town Council authority to issue up to \$10 Million in bonds to support affordable housing projects in the community.

Eligible Uses:

1. Land Acquisition
2. Home Repairs and Comprehensive Rehabilitation
3. Construction of New Affordable Housing Units

Threshold requirements:

1. The applicant can demonstrate site control (if applicable).
2. The project is located within the Town of Chapel Hill city limits or ETJ.
3. The project falls within one of the eligible uses for Bond funding approved by the Town.
4. The application is complete and submitted by the established deadlines.

5. The proposed project includes at least 10 homes/units.
6. The proposed project must draw funding awarded within three years of the approval of funding award by the Town.

Application Process: The Town will periodically announce a request for proposals for Bond funds via the Town's website and other communications channels. Applications are reviewed and evaluated by the Housing Advisory Board (HAB) and then presented to the Town Council for final approval.

For more information on Affordable Housing Bond funds, visit the Town's [Affordable Housing Website](#).

AFFORDABLE HOUSING FUND (AHF):

In 2002, the Town Council established the AHF to preserve owner-occupied housing in Chapel Hill for affordable housing purposes.

Application Process: Funds are available through the AHF on a rolling basis, with applications being accepted at any time. Applicants are evaluated by the Town Manager, with Council approval required for requests for housing renovation or homeownership assistance above \$40,000.

Eligible Uses: The AHF has a variety of eligible uses, including:

1. Preservation of owner-occupied housing
2. Land acquisition
3. Renovation
4. Affordable housing construction
5. Rental and utility assistance

For more information on the Affordable Housing Fund, visit the [Town's website](#).

AFFORDABLE HOUSING DEVELOPMENT RESERVE (AHDR):

In fiscal year 2014-15, the Town Council allocated over \$688,000 for affordable housing and approved an allocation strategy for this funding, establishing an Affordable Housing Development Reserve (AHDR).

Eligible Uses: The AHDR is dedicated exclusively to the development and preservation of affordable housing. Priority project areas are:

1. Land bank and land acquisition
2. Rental subsidy and development
3. Homeownership development and assistance
4. Future development planning.

Threshold requirements:

1. The applicant can demonstrate site control (if applicable).
2. The project is located within the Town of Chapel Hill city limits or ETJ.
3. The project falls within one of the priority project areas identified by the Town.
4. The application is complete and submitted by the established deadlines.

Application Process: AHDR applications are accepted three times per year (~ every 4 months). Applications are reviewed and evaluated by the Housing Advisory Board (HAB) and then presented to the Town Council for final approval.

For more information on the Affordable Housing Development Reserve, visit the [Town's website](#).

Federal Funding Sources Not Covered By This Application

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG)

The CDBG Program was created by the U.S. Congress in 1974 and is administered by the Department of Housing and Urban Development (HUD). The primary objective of the program is to develop viable urban communities by providing decent housing and a suitable living environment and expanding economic opportunities for low- and moderate-income peoples.

Eligible Uses: [CDBG eligible activities](#) include, but are not limited to: Acquisition of Real Property, Relocation and Demolition, Rehabilitation, Public Facilities and Improvements, and Public Services. Ineligible activities include Political Activities, Certain Income Payments, Construction of New Housing, or buildings for the General Conduct of Government.

Application Process: Applications are accepted once a year and reviewed by an Application Review Committee, which makes a recommendation for funding to the Chapel Hill Town Council for final approval.

For more information about the CDBG program, visit the [Federal CDBG website](#) and the [Town website](#).

THE HOME INVESTMENT PARTNERSHIP PROGRAM (HOME)

In 1990, Congress enacted the HOME Investment Partnerships Act in an effort to provide a new approach to housing assistance at the federal level. This federal housing block grant affords state and local governments the flexibility to fund a wide range of housing activities.

Eligible Uses:

1. Projects that expand the supply of decent, safe, sanitary and affordable housing, with emphasis on rental housing, for very low- and low-income citizens
2. Projects that strengthen the abilities of state and local governments to design and implement strategies for achieving adequate supplies of decent affordable housing
3. Projects that encourage public, private and nonprofit partnerships in addressing housing needs.

Application Process: Applications are accepted once a year and reviewed by a committee coordinated by Orange County.

For more information about the HOME program, visit the [Federal HOME website](#) and the [Town website](#).

OVERVIEW OF ELIGIBLE USES BY FUNDING SOURCE

Uses	CDBG	HOME	AHF	AHDR	BOND
Acquisition	✓	✓	✓	✓	✓
New Construction		✓	✓	✓	✓
Demolition	✓			✓	✓
Future Development Planning				✓	
Homebuyer/Second Mortgage Assistance	✓	✓	✓	✓	
Land Banking				✓	
Redevelopment/ Reconstruction	✓	✓	✓	✓	✓
Rehabilitation/Renovation	✓	✓	✓	✓	✓
Housing Relocation	✓	✓		✓	
Rental Assistance	✓	✓	✓	✓	✓
Rental Subsidy			✓	✓	
Site Improvements	✓	✓	✓	✓	✓

2021 INCOME LIMITS

US Department of Housing and Urban Development (HUD)

Durham-Chapel Hill Metropolitan Statistical Area
(Durham, Orange, and Chatham Counties)

<i>Income Level</i>	1 person	2 people	3 people	4 people	5 people	6 people	7 people	8 people
30% area median income	\$18,150	\$20,750	\$23,350	\$25,900	\$28,000	\$30,050	\$32,150	\$34,200
50% area median income	\$30,250	\$34,600	\$38,900	\$43,200	\$46,700	\$50,150	\$53,600	\$57,050
80% area median income	\$48,400	\$55,300	\$62,200	\$69,100	\$74,650	\$80,200	\$85,700	\$91,250

Source: U.S. Department of Housing and Urban Development (HUD) 2021

Affordable Housing Common Funding Application



Affordable Housing Bond

Affordable Housing Development Reserve

Affordable Housing Fund



Town of Chapel Hill Office for Housing and Community

housingandcommunity@townofchapelhill.org

919-969-5079

www.townofchapelhill.org/town-hall/departments-services/housing-and-community/funding

GENERAL INFORMATION & APPLICATION INSTRUCTIONS

OVERVIEW

Thank you for your interest in the Town of Chapel Hill's Affordable Housing funding sources! This application is used for funding requests for all of the Town's local funding sources for affordable housing projects (Housing Bond, Affordable Housing Development Reserve, and Affordable Housing Fund). To learn more about each of these sources and eligible uses, see the Attachments Section.

INCOME ELIGIBILITY

In general, projects for the Town's affordable housing sources must serve households with income below 80% of the area median income as defined by the U.S. Department of Housing and Urban Development, adjusted for family size, though projects may be approved that serve households of higher incomes. Please see the Attachments for additional information about income limits.

PROJECT REPORTING AND MONITORING

Organizations must submit progress reports to the Town quarterly to monitor progress and performance, financial and administrative management, and compliance with the terms of the performance agreement. Please submit reports using the template linked on the Town website and in the Attachments section electronically to: housingandcommunity@townofchapelhill.org.

ORIENTATION MEETING

Applicants are invited to attend an optional orientation session prior to applying for funding, which will be held once per year and provide an overview of all of the Town's affordable housing sources.

Applicants are also invited to participate in a pre-application meeting, which is a one-on-one session during which applicants can discuss their funding proposal with Town staff. To schedule a pre-application meeting, contact Nate Broman-Fulks at 919-969-5077 or nbfulks@townofchapelhill.org.

SUBMISSION INSTRUCTIONS

Submit applications electronically in PDF form to: housingandcommunity@townofchapelhill.org. Note that the Project Financials attachment asks for an Excel document, or similar file format, rather than a PDF. If you have questions, please contact: Nate Broman-Fulks at 919-969-5077 or nbfulks@townofchapelhill.org

Applications may not be considered for the following reasons:

1. Projects are not located within the Town limits or the Town Extra-Territorial Jurisdiction
2. Projects do not have site control (if applicable)
3. Projects do not align with the eligibility criteria for the funding source
4. Incomplete or late applications

CHECKLIST OF REQUIRED DOCUMENTATION

Application:

<input checked="" type="checkbox"/>	Section 1:	Cover Page
<input checked="" type="checkbox"/>	Section 2:	Disclosure of Potential Conflicts of Interest
<input checked="" type="checkbox"/>	Section 3:	Organization Information
<input checked="" type="checkbox"/>	Section 4:	Project Information
<input checked="" type="checkbox"/>	Section 5:	Attachments

COVER PAGE

Organization Contact InformationLegal Name: Community Home Trust

Tax ID Number: 56-214119

Physical Address: 105 Conner Drive, Ste 1000, Chapel Hill, NC 27514Mailing Address: PO Box 2315, Chapel Hill, NC 27515Organization's Website: www.communtiyhometruster.orgDate of Incorporation: 05/11/1999Executive Director Name: Kimberly SanchezTelephone Number: 919-967-1545E-Mail: ksanchez@communityhometruster.org**Funding Request**Project Name: 223 N. Graham St., Chapel HillTotal Number of Units Included in Funding Request: 1Total Project Cost: \$269,000Total Amount of Funds Requested: \$60,000Please specify the **type** and **amount** of funding requested:☐ Affordable Housing Bond: \$_____☐ Grant☐ Loan☐ Affordable Housing Fund: \$_____☐ Grant☐ Loan☒ Affordable Housing Development Reserve: \$60,000☒ Grant☐ Loan

****New this year.** If you're not requesting a loan, describe reasoning (the Town will analyze project financials, including debt coverage ratio, to explore the project's ability to support a loan): CHT uses the grant funds to reduce the cost of the home to the buyer by providing a no-interest, no-payment 2nd mortgage. By the funds being a grant to CHT, this allows us to roll over this subsidy from buyer to buyer, keeping it affordable for multiple generations.

Loan Terms Requested, if applicable, (provide a concise description, including interest rate, term length, amortization schedule): _____

Proposed Use of Funds Requested (*provide a concise description, not to exceed 100 words*): The funds will be used to purchase a renovated home from Self-Help as part of the Northside Neighborhood Initiative. We will then sell the home to an eligible buyer earning under 80% AMI at an affordable price (costs not to exceed 30% of their gross monthly income). The project budget is attached, but renovations include replacement of current deck, structural repairs to the subfloor, bathroom remodel, new roof, new flooring in part of the house, interior paint, exterior paint, and new light fixtures throughout, and misc. repairs.

1. Type of Activity. Please check the category under which your project falls.

- ☒ Acquisition
☐ Predevelopment activities
☐ Infrastructure/site improvements
☐ New construction for homeownership
☐ New construction for rental housing
☐ New construction of emergency shelter

- ☐ New construction of transitional/supportive housing
☐ Rental housing subsidy
☐ Homeownership assistance
☐ Owner-occupied rehabilitation
☐ Rental rehabilitation
☐ Other (*specify*): _____

To the best of my knowledge and belief all information and data in this application is true and current. The document has been duly authorized by the governing board of the applicant.

Signature:  9/29/2021
DocuSigned by:
1BE8346B29ED45C...
 Executive Director Date

DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST AND NON DISCRIMINATION CLAUSE

Are any of the Board Members or employees of the organization which will be carrying out this project, or members of their immediate families, or their business associates:

YES NO

- ☐ ☒ a) Employees of or closely related to employees of the Town of Chapel Hill?

☒ ☐ b) Members of or closely related to members of the governing bodies of the Town of Chapel Hill?

☐ ☒ c) Current beneficiaries of the program for which funds are being requested?

☐ ☒ d) Paid providers of goods or services to the program or having other financial interest in the program?

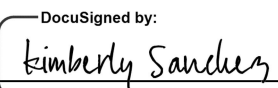
If you have answered YES to any question, **please provide a full explanation below.**

Per our bylaws, each local government appoints a member to sit on our Board of Directors. The Town of Chapel Hill Appointee is currently Amy Ryan.

NON-DISCRIMINATION

Provider agrees as part of consideration of the granting of funds by funding agencies to the parties hereto for themselves, their agents, officials, employees and servants agree not to discriminate in any manner of these basis of race, color, gender, national origin, age, handicap, religion, sexual orientation, gender identity/expression, familial status or veterans status with reference to any activities carried out by the grantee, no matter how remote.

To the best of my knowledge and belief all of the above information is true and current. I acknowledge and understand that the existence of a potential conflict of interest does not necessarily make the program ineligible for funding, but the existence of an undisclosed conflict may result in the termination of any grant awarded.

Signature:  9/29/2021
DocuSigned by:
1BE8346B29ED45C...
 Executive Director Date

ORGANIZATION INFORMATION

1. **Organization Mission** (*no more than a few sentences*): To strengthen our community with permanently affordable housing opportunities.
2. **Organization Staff:** Please provide names of staff, contractors, and/or volunteers that will be involved with the project. Describe their responsibilities with the project and track record in successful completion of similar projects in the past.

Kimberly Sanchez, Executive Director; oversees the organization

Lori Woolworth, Director of Operations and Finance; acts as liaison between Self Help and CHT, oversees the Sales and Property Management functions

Calvin Burton, Development and Communications Manager

Yandry Mastromihalis, Program Coordinator; provides financial and homebuyer education to potential buyers to prepare them for homeownership

Amy Slaughter, Sales Specialist; works with buyers after they go under contract to help through the home buying process, including working with lenders and attorneys

Ian Morse, Property Manager; works with buyers to perform walkthroughs of the property and makes sure all repairs have been completed

of FTE – Full-Time Paid Positions: 9

of FTE Part-Time (less than 40 hours/wk) Paid Positions: 0

3. **Agency Track Record:** Briefly describe three relevant and substantially similar affordable housing development or preservation projects completed by the organization in the last 10 years (preferably 5 years). The project description should include: (SEE EXHIBIT A)
 - a. Location
 - b. Scope and scale of project
 - c. Total development budget and financing sources
 - d. Indication of whether the projects were completed on budget and on time. If not completed on budget and on time, please describe why.
 - e. Photos/illustrations of completed project

For all projects for which you have received Town funding within the last 5 years, please provide the information below.

Project Name	Project Type	Amount of Funding Approved	Is the Project Completed? (Yes/No)
Everam Court (2 units)	Property Acquisition	\$20,000	Yes
201 N Graham St	Property Acquisition	\$50,000	Yes
306 Brooks	Property Acquisition	\$55,000	Yes
230 N Graham St	Property Acquisition	\$60,000	Yes
Greenway Landing (2 units)	Property Acquisition	\$100,000	Yes
1000 Shagbark	Property Acquisition	\$20,000	Yes
Chandler Woods (5 units)	Property Acquisition	\$120,000	Yes
310 Lindsay*	Property Acquisition	\$20,000	Yes
Resale Subsidy	Homebuyer Assistance	\$30,000	No (\$15,000 remaining)
*\$10,000 of leftover subsidy from Chandler Woods project used for Lindsay with Town approval			

***Add rows as needed to reflect additional projects that have received Town funding within the last 5 years.**

PROJECT INFORMATION

- 4. Project Description:** Please provide a general overview of your project, including what you are planning to produce and how you are planning to carry out the project. *(in 100 words or less)*. CHT will purchase the home from Self-Help after it is renovated. We will market the home and sell it to a buyer earning less than 80% AMI. We will sell the home using a 99-year ground lease, which keeps the home permanently affordable.



- 5. Affordability Term.** Is the proposed project permanently affordable (*99 year affordability term*)?

☒ Yes

☐ No

If no, what is the affordability term of the proposed project?

Briefly describe any methods to ensure long-term affordability of housing units, including subsidy recapture, equity sharing, and deed restrictions. **We use a 99-year ground lease to limit appreciation and require the home be the buyer's primary residence.**

- 6. Leverage:** How much funding is committed at the time of submission of this application? \$30,000
What percentage of funding for the proposed project would be leveraged from sources other than the Town? **78%** *(Please provide documentation of how you calculated leverage as well as funding commitment letters if applicable).*

7. Project Profile*Insert project information below*

Location <i>(insert address if available)</i>	<u>223 N Graham Street, Chapel Hill</u>				
Size <i>(insert acreage of development site)</i>					
Total Number of Units	<u>1</u>				
	# of Total Housing Units	# of Bathrooms	Square Footage	Proposed Rent or Sale Price Per Unit	Projected Cost Per Unit Including Utilities
Studios					
One-bedroom					
Two-bedroom					
Three-bedroom	<u>1</u>	<u>1</u>	<u>898</u>	<u>\$148,000</u>	
Four-bedroom					
Area Median Income Served <i>(insert # of units by AMI)</i>					
<30%					
31-60%					
61-80%	<u>1</u>				
81-100%					
>100%					
Target Population <i>(check all that apply)</i>					
Families	<input checked="" type="checkbox"/>				
Older Adults (Age 55+)	<input checked="" type="checkbox"/>				
Disabled	<input checked="" type="checkbox"/>				
Homeless	<input type="checkbox"/>				
Veterans	<input type="checkbox"/>				
Other <i>(specify)</i>	<input type="checkbox"/>				
ADA Accessibility <i>(insert # of total units)</i>					
Total Development Cost Per Unit	\$269,000				
Per Unit Subsidy	\$ 60,000/ unit				
Town Planning Approvals Received <i>(as of the date of application)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA				

- 8. Energy Efficiency:** Will the proposed project meet the standards and requirements of Energy Star 3.0 or standards outlined in the latest NCHFA QAP as verified by an independent, third party expert?

☐ Yes

☒ No

If not, please briefly describe the energy efficiency features included in the proposed project:
 The renovation project will include replacement of one door that will allow for increase weatherization.

- 9. Universal Design:** Please briefly describe the universal design features included in the proposed project: None.

10. Social Equity

- a. Please describe how you have involved the intended beneficiaries of the proposed project in the planning and design process (*in 100 words or less*). Due to the timing of this project, a buyer will not be identified until the acquisition and rehab have been completed.
- b. How has your organization incorporated racial equity goals into your organizational goals?

Our organizational values are:

Dedication to our mission: We care about our homeowners, tenants, and the community we share. We seek out new and innovative opportunities and solutions to partner and serve.

Focus on inclusion: We want our organization to reflect our community, and we hold ourselves accountable to building a diverse and inclusive organization. We promise to act on that commitment and respect each other in the process.

Commitment to positive culture: We are committed to excellence in our work, and we invest in each other and our team. Our community and our workplace are safe, encouraging, equitable spaces, and we always support each other. We are open to criticism if it makes us better.

We are also in the process of writing a new strategic plan. In that plan, one approved goal is: Increase clients eligible for housing and reducing barriers, with an emphasis on reaching minorities through education and outreach.

- c. Please fill in the below questions and provide any additional context on the racial composition of the organization and board leadership:

- i. % of staff that are people of color: 44%
- ii. % of board that are people of color: 38%
- iii. % of staff that have attended racial equity training: 100%

- d. Please describe any additional activities your organization is doing to address racial equity.

CHT will concentrate on eliminating the disparities that people of color experience, especially in those areas related to CHT policies, programs and services. People of color share similar barriers with other historically marginalized groups such as people with low income, people with disabilities, LGBTQ communities, women, older adults and young people. But people of color tend to experience those barriers more deeply due to the pervasive and systemic nature of racism. By addressing the barriers experienced by people of color, we will effectively also identify solutions and remove barriers for other disadvantaged groups. CHT also hired a consultant from Build from the Heart to work with staff over a period of 3 months to engage in group discussion and reflection regarding racial equity issues. We also participated in a moderated book discussion on White Fragility.

ATTACHMENTS**Description of Required Attachments****1. Financial Audit**

- a. Please include your organization's most recent financial audit. For organizations with prior year revenues totaling \$500,000 or more a financial audit, prepared by a certified public accountant is required. Agencies with prior year revenues of less than \$500,000 may submit a completed Schedule of Receipts and Expenditures form (see application materials), in lieu of an audit/report. Agencies with a certified audit/report do not need to complete the form.

2. Organization Budget

- a. Please submit an organizational budget. Among other relevant revenue and expenditure information, please include line items on any government grants or loans by jurisdiction. If your organization has run a deficit, please include that information here.

3. Project Financials

- a. Please submit the following information about the project in a Microsoft Excel document or similar format, as relevant:
 - Project Budget/Development Costs
 - Sources and Uses
 - Operating pro forma (rental projects):
 - must show 20+ year cash flow projections that includes documentation of key operating assumptions, estimated rental income, operating expenses, net operating income, and any anticipated debt service, including a separate line item for any debt service (principal and/or interest) associated with Town loans requested as part of this application. Pro forma should project expenses far enough out to show when debt service ends (i.e., more than 20 years if necessary). Applicants may use the attached template or a similar version of their own.
 - Rental Income Breakdown: must show rent and utilities by bedroom size and AMI level, using the attached template or something similar.
 - Housing Affordability and Sale Proceeds (homeownership projects): must show sales price by bedroom size and AMI level, using the attached template or something similar.

4. Articles of Incorporation**5. List of Board of Directors**

- a. Provide the following information about each board of director's member: name, occupation or affiliation of each member, officer positions, race/ethnicity.

6. Project Information

- a. For all projects, please submit a detailed timeline showing when each work task will be completed over the duration of the project.
- b. For development and renovation projects, please submit the following:
 - Site map showing lot boundaries, locations of structure(s), and other site features
 - General location map (at least ½ mile radius)
 - Floor plan(s)

- Elevation(s)
- Property Appraisal
- Evidence of zoning compliance
- Map showing proximity to bus stops, grocery store, schools and other amenities (including distance in miles from project site and amenities)

Non-Profit Corporations:

1. IRS Federal Form 990

A copy of the organization's most recent Form 990 is required for nonprofit applicants. The specific form depends upon the organization's financial activity. Review the IRS' table guide, for more details. For Form 990-N (e-postcard) filers, include a copy of the postcard, with the organization's application materials.

2. NC Solicitation License

A copy of the organization's current solicitation license is required. Organizations that solicit contributions in North Carolina, directly or through a third party, must renew their licenses annually. For more details, refer to the NC Secretary of State's licensing website and its Frequently Asked Questions Guide (PDF), about exemptions. If exempt per N.C.G.S. § 131F-3, include a copy of the exemption letter with the organization's application materials.

3. IRS Federal Tax-Exemption Letter

A copy of the organization's current IRS tax-exempt letter that confirms its nonprofit status is required. An organization can request a copy of its letter from the IRS' Customer Account Services.

For-Profit Corporations:

1. Tax Returns

- a. Most recent two years of corporate tax returns.

2. YTD Profit and Loss Statement and Balance Sheet

3. Tax Returns

- a. Most recent two years personal tax returns and financial statements for all persons who have more than 19.9% ownership interest in the organization

4. References

- a. Two business references with name, address, and telephone number

5. Signed "Authorization to Release Information" for each person who has more than 19.9% ownership interest in the organization

6. Completed W-9 Form



OVERVIEW OF AFFORDABLE HOUSING FUNDING SOURCES

Purpose: This document is intended to provide a summary of the Town's affordable housing funding sources available to assist in creating a vibrant and inclusive community. The Overview includes a brief description of each funding source, as well as the eligible uses of each source.

TOWN FUNDING AVAILABLE FOR AFFORDABLE HOUSING PROJECTS FISCAL YEAR 2021-22:

SOURCE	AMOUNT
Affordable Housing Bond	\$5,000,000*
Affordable Housing Fund <i>(funding available varies based on receipt of payments in lieu from developers of affordable housing projects)</i>	\$450,000
Affordable Housing Development Reserve	\$688,395
Community Development Block Grant (CDBG)** <i>(Federal Funding - amount is approximate and varies year-to-year, based on Federal Budget)</i>	\$275,000
HOME** <i>(Federal Funding Process lead by Orange County – amount is approximate and varies year-to-year, based on federal budget)</i>	\$375,000
TOTAL	\$1,695,000

*The next round of Bond funding is anticipated to be in FY2022

**CDBG and HOME use a separate funding application. See below for additional information.

AFFORDABLE HOUSING BOND:

On November 6, 2018, voters approved the Affordable Housing Bond Referendum. Voter approval of the Bond gives the Town Council authority to issue up to \$10 Million in bonds to support affordable housing projects in the community.

Eligible Uses:

1. Land Acquisition
2. Home Repairs and Comprehensive Rehabilitation
3. Construction of New Affordable Housing Units

Threshold requirements:

1. The applicant can demonstrate site control (if applicable).
2. The project is located within the Town of Chapel Hill city limits or ETJ.
3. The project falls within one of the eligible uses for Bond funding approved by the Town.
4. The application is complete and submitted by the established deadlines.

5. The proposed project includes at least 10 homes/units.
6. The proposed project must draw funding awarded within three years of the approval of funding award by the Town.

Application Process: The Town will periodically announce a request for proposals for Bond funds via the Town's website and other communications channels. Applications are reviewed and evaluated by the Housing Advisory Board (HAB) and then presented to the Town Council for final approval.

For more information on Affordable Housing Bond funds, visit the Town's [Affordable Housing Website](#).

AFFORDABLE HOUSING FUND (AHF):

In 2002, the Town Council established the AHF to preserve owner-occupied housing in Chapel Hill for affordable housing purposes.

Application Process: Funds are available through the AHF on a rolling basis, with applications being accepted at any time. Applicants are evaluated by the Town Manager, with Council approval required for requests for housing renovation or homeownership assistance above \$40,000.

Eligible Uses: The AHF has a variety of eligible uses, including:

1. Preservation of owner-occupied housing
2. Land acquisition
3. Renovation
4. Affordable housing construction
5. Rental and utility assistance

For more information on the Affordable Housing Fund, visit the [Town's website](#).

AFFORDABLE HOUSING DEVELOPMENT RESERVE (AHDR):

In fiscal year 2014-15, the Town Council allocated over \$688,000 for affordable housing and approved an allocation strategy for this funding, establishing an Affordable Housing Development Reserve (AHDR).

Eligible Uses: The AHDR is dedicated exclusively to the development and preservation of affordable housing. Priority project areas are:

1. Land bank and land acquisition
2. Rental subsidy and development
3. Homeownership development and assistance
4. Future development planning.

Threshold requirements:

1. The applicant can demonstrate site control (if applicable).
2. The project is located within the Town of Chapel Hill city limits or ETJ.
3. The project falls within one of the priority project areas identified by the Town.
4. The application is complete and submitted by the established deadlines.

Application Process: AHDR applications are accepted three times per year (~ every 4 months). Applications are reviewed and evaluated by the Housing Advisory Board (HAB) and then presented to the Town Council for final approval.

For more information on the Affordable Housing Development Reserve, visit the [Town's website](#).

Federal Funding Sources Not Covered By This Application

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG)

The CDBG Program was created by the U.S. Congress in 1974 and is administered by the Department of Housing and Urban Development (HUD). The primary objective of the program is to develop viable urban communities by providing decent housing and a suitable living environment and expanding economic opportunities for low- and moderate-income peoples.

Eligible Uses: CDBG eligible activities include, but are not limited to: Acquisition of Real Property, Relocation and Demolition, Rehabilitation, Public Facilities and Improvements, and Public Services. Ineligible activities include Political Activities, Certain Income Payments, Construction of New Housing, or buildings for the General Conduct of Government.

Application Process: Applications are accepted once a year and reviewed by an Application Review Committee, which makes a recommendation for funding to the Chapel Hill Town Council for final approval.

For more information about the CDBG program, visit the [Federal CDBG website](#) and the [Town website](#).

THE HOME INVESTMENT PARTNERSHIP PROGRAM (HOME)

In 1990, Congress enacted the HOME Investment Partnerships Act in an effort to provide a new approach to housing assistance at the federal level. This federal housing block grant affords state and local governments the flexibility to fund a wide range of housing activities.

Eligible Uses:

1. Projects that expand the supply of decent, safe, sanitary and affordable housing, with emphasis on rental housing, for very low- and low-income citizens
2. Projects that strengthen the abilities of state and local governments to design and implement strategies for achieving adequate supplies of decent affordable housing
3. Projects that encourage public, private and nonprofit partnerships in addressing housing needs.

Application Process: Applications are accepted once a year and reviewed by a committee coordinated by Orange County.

For more information about the HOME program, visit the [Federal HOME website](#) and the [Town website](#).

OVERVIEW OF ELIGIBLE USES BY FUNDING SOURCE

Uses	CDBG	HOME	AHF	AHDR	BOND
Acquisition	✓	✓	✓	✓	✓
New Construction		✓	✓	✓	✓
Demolition	✓			✓	✓
Future Development Planning				✓	
Homebuyer/Second Mortgage Assistance	✓	✓	✓	✓	
Land Banking				✓	
Redevelopment/Reconstruction	✓	✓	✓	✓	✓
Rehabilitation/Renovation	✓	✓	✓	✓	✓
Housing Relocation	✓	✓		✓	
Rental Assistance	✓	✓	✓	✓	✓
Rental Subsidy			✓	✓	
Site Improvements	✓	✓	✓	✓	✓

2021 INCOME LIMITS

US Department of Housing and Urban Development (HUD)

Durham-Chapel Hill Metropolitan Statistical Area
(Durham, Orange, and Chatham Counties)

<i>Income Level</i>	1 person	2 people	3 people	4 people	5 people	6 people	7 people	8 people
30% area median income	\$18,150	\$20,750	\$23,350	\$25,900	\$28,000	\$30,050	\$32,150	\$34,200
50% area median income	\$30,250	\$34,600	\$38,900	\$43,200	\$46,700	\$50,150	\$53,600	\$57,050
80% area median income	\$48,400	\$55,300	\$62,200	\$69,100	\$74,650	\$80,200	\$85,700	\$91,250

Source: U.S. Department of Housing and Urban Development (HUD) 2021

Community Home Trust
AHDR Application, September 28, 2021
223 N. Graham St

EXHIBIT A

Project #1: 306 Brooks, Chapel Hill, NC 27516



TOCH Grant Award: \$75,000

Total Budget:

Acquisition Costs:	\$227,000
Rehab and Closing Costs:	\$58,000
Total Costs:	\$285,000

Sources:

Town of Chapel Hill (AHDR):	\$55,000
Town of Chapel Hill (CDBG):	\$20,000
Orange County:	\$50,000
CHT Contribution:	\$12,000
Buyer's 1 st Mortgage:	\$148,000
Total Funding Sources	\$285,000

Acquisition Date: 4/30/2018

Sale Date to Buyer : 11/15/2018

Scope: Purchased home from Self-Help. CHT managed the renovations. Once completed we sold the home to a buyer earning less than 80% AMI.

Project #2: 310 Lindsay, Chapel Hill, NC 27516



TOCH Grant Award: \$30,000

Total Budget:

Acquisition Costs:	\$170,000
Closing Costs:	\$5,000
Total Costs:	\$175,000

Sources:

Town of Chapel Hill (CDBG):	\$30,000
NCHFA CPLP Loan to Buyer:	\$18,000
Buyer's 1 st Mortgage:	\$127,000
Total Funding Sources	\$175,000

Acquisition Date: 3/4/2020

Sale Date to Buyer: 3/4/2020

Scope: Purchased fully-renovated home from Self-Help. CHT marketed and sold the home to a buyer earning less than 80% AMI.

Project #3: 230 N Graham, Chapel Hill, NC 27516



TOCH Grant Award: \$30,000

Total Budget:

Acquisition Costs:	\$257,000
Closing Costs:	\$3,000
Total Costs:	\$260,000

Sources:

Town of Chapel Hill (AHDR):	\$60,000
Buyer's 1 st Mortgage:	\$200,000
Total Funding Sources	\$260,000

Acquisition Date: 11/5/20

Sale Date to Buyer: 11/5/20

Scope: CHT purchased a full-renovated home from Self-Help. We marketed the home and sold it to a buyer earning less than 100% AMI. This project was significantly delayed due to a temporary rental needed by Self-Help to complete another project. There were also contractor issues which delayed the renovation. The delay meant the home was not available to CHT to sell, during the timeline expected.



Community Home Trust (Organization)

2021-22 Budget; Final

Created January 11, 2021; Updated June 4th, 2021

<i>In \$ 000's</i>	2021-22
Support and Revenue	Final Budget
Orange County Support	212
Town of Chapel Hill Support	358
Carrboro Support	71
Hillsborough Support	3
Fundraising	132
PPP Forgiveness	137
Fee Income (Home Sales)	75
Master Leasing	115
Other Income	109
TOTAL SUPPORT AND REVENUE	1,211
Operating Expenses	
Personnel	764
Operating Expenses	238
Master Leasing	115
Asset Management	45
TOTAL OPERATING EXPENSES	1,162
NET OPERATING INCOME/LOSS	49

Community Home Trust (Project)

223 N. Graham St

Purchase Price	191,000
Rehab Costs	74,000
Selling Costs	4,000
Total Costs	269,000

Funding Sources:

Oak Foundation	30,000
NCHFA CPLP Loan to Buyer	30,000
Buyers 1st Mortgage	149,000
TOCH AHDR Funds	60,000
Total Funding Sources	269,000



NORTH CAROLINA

Department of The Secretary of State

To all whom these presents shall come, Greetings:

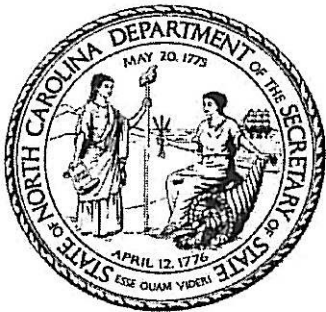
I, **ELAINE F. MARSHALL**, Secretary of State of the State of North Carolina, do hereby certify the following and hereto attached to be a true copy of

ARTICLES OF AMENDMENT

OF

ORANGE COMMUNITY HOUSING AND LAND TRUST WHICH CHANGED ITS NAME TO COMMUNITY HOME TRUST

the original of which was filed in this office on the 20th day of May, 2009.



IN WITNESS WHEREOF, I have hereunto
set my hand and affixed my official seal at the
City of Raleigh, this 20th day of May, 2009

Elaine F. Marshall
Secretary of State

State of North Carolina
Department of the Secretary of State

ARTICLES OF AMENDMENT
NONPROFIT CORPORATION

SOSID: 0494037

Date Filed: 5/20/2009 3:14:00 PM

Effective: 7/1/2009

Elaine F. Marshall

North Carolina Secretary of State

C200913200744

Pursuant to §55A-10-05 of the General Statutes of North Carolina, the undersigned corporation hereby submits the following Articles of Amendment for the purpose of amending its Articles of Incorporation.

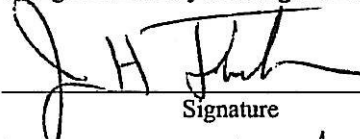
1. The name of the corporation is: Orange Community Housing and Land Trust
2. The text of each amendment adopted is as follows (*state below or attach*):

Article One is amended to read as follows: The name of the corporation is Community Home Trust

3. The date of adoption of each amendment was as follows: April 15, 2009
4. (*Check a, b, and/or c, as applicable*)
 - a. ☒ The amendment(s) was (were) approved by a sufficient vote of the board of directors or incorporators, and member approval was not required because (*set forth a brief explanation of why member approval was not required*) the corporation has no members entitled to vote on amendments to the Articles of Incorporation.
 - b. ☐ The amendment(s) was (were) approved by the members as required by Chapter 55A.
 - c. ☐ Approval of the amendment(s) by some person or persons other than the members, the board, or the incorporators was required pursuant to N.C.G.S. §55A-10-30, and such approval was obtained.
5. These articles will be effective upon filing, unless a date and/or time is specified: July 1, 2009

This the 24th day of April, 2009

Orange Community Housing and Land Trust


Signature

James H. Tucker, Board President
Type or Print Name and Title



July 9, 2001

**Board of
Directors**

Keith D. Cook
Chairman

Wayne Kuncel
Vice-Chairman

Josh Gurlitz
Secretary

*Robin Lackey
Jacobs*
Treasurer

Marion Brooks

Jim Earnhardt

Jim Gillan

*Wendy
Farrington*

Joe Herzenberg

*Rachael
Murphey*

Garry Sronce

John Tyrrell

Bob Ward

**Executive
Director**

Robert Dowling

Internal Revenue Service
TE/GE
PO Box 2508
Room # 4010
550 Main Street
Cincinnati, OH 45201

To Whom It May Concern:

Please find enclosed a copy of Articles of Merger for Orange Community Housing Corporation into Community Land Trust in Orange County. The resulting organization is officially named Orange Community Housing and Land Trust. As you can see, the North Carolina Secretary of State has approved this merger of these two, local non-profit organizations.

Please accept this letter as our formal notification of the merger, and to request your acceptance of the name change. The surviving entity, Orange Community Housing and Land Trust (OCHLT) will assume the tax ID number of the Community Land Trust in Orange County (56-2141179). Our address will remain the same.

The tax ID number for Orange Community Housing Corporation is 58-1921089. If you need additional information, please contact me at 919-967-1545. Thank you for your attention to this matter.

Sincerely,

Robert Dowling
Executive Director

379
Return to: Robert Dowling, OCHLT, PO Box 307 Carrboro
27510
BOOK 2416 PAGE 566



NORTH CAROLINA

Department of The Secretary of State

To all whom these presents shall come, Greetings:

I, ELAINE F. MARSHALL, Secretary of State of the State of North Carolina, do hereby certify the following and hereto attached to be a true copy of

ARTICLES OF MERGER

OF

ORANGE COMMUNITY HOUSING CORPORATION

INTO

COMMUNITY LAND TRUST IN ORANGE COUNTY
WHICH CHANGES ITS NAME TO:
ORANGE COMMUNITY HOUSING AND LAND TRUST

the original of which was filed in this office on the 29th day of June, 2001.



IN WITNESS WHEREOF, I have hereunto
set my hand and affixed my official seal at the
City of Raleigh, this 29th day of June, 2001

Elaine F. Marshall

Secretary of State

BOOK 2416 PAGE 567

SOSID: 0494037

Date Filed: 6/29/2001 3:06 PM

Effective: 7/1/2001

Elaine F. Marshall

North Carolina Secretary of State

21 170 5040

ARTICLES OF MERGER
OF
ORANGE COMMUNITY HOUSING CORPORATION
INTO

COMMUNITY LAND TRUST IN ORANGE COUNTY

Pursuant to § 55A-11-01 and 55A-11-04 of the General Statutes of North Carolina, the undersigned corporation, as the surviving corporation in a merger, hereby submits the following Articles of Merger:

1. The name of the surviving corporation is Community Land Trust in Orange County a corporation organized under the laws of North Carolina; the name of the merged corporation is Orange Community Housing Corporation, a corporation organized under the laws of North Carolina.
2. Attached is a copy of the Plan of Merger that was adopted in the manner prescribed by law for each of the corporations participating in the merger.
3. With respect to the surviving corporation, member approval was required for the merger, and the plan of merger was approved by the members as required by Chapter 55A of the North Carolina General Statutes.
4. With respect to the merged corporation, member approval was not required for the merger, and the plan of merger was approved by a sufficient vote of the board of directors.
5. These articles will be effective at 12:01 o'clock a.m. on July 1, 2001

COMMUNITY LAND TRUST IN ORANGE COUNTY _____^y

Signature

Name and Title

Alison Weiner
President

BOOK 2416 PAGE 568

Plan of Merger

- (a) *Constituent Corporations.* Orange Community Housing Corporation ("Merging Corporation") will merge into Community Land Trust in Orange County which will be the surviving corporation ("Surviving Corporation")
- (b) *Name of Surviving Corporation.* After merger, the Surviving Corporation will have the name "Orange Community Housing and Land Trust."
- (c) *Terms and Conditions of Merger.* The merged corporation will merge into the surviving corporation. When the merger becomes effective, the corporate existence of the merged corporation will cease, and the corporate existence of the surviving corporation will continue.
- (d) *Members.* The surviving corporation will have members.
- (e) *Amendments to Articles of Incorporation.* The articles of incorporation of the surviving corporation are hereby amended as follows:

1. Article One is amended to read as follows:

ARTICLE ONE

The name of the corporation is Orange Community Housing and Land Trust.

2. Article Nine, Sections 3 through 6 and Articles Ten through Twelve are deleted.
3. New Articles Ten and Eleven are inserted to read as follows:

ARTICLE TEN

To the fullest extent permitted by the North Carolina Non-Profit Corporation Act as it exists or may hereafter be amended, no person who is serving or who has served as a director of the corporation shall be personally liable for monetary damages for breach of any duty as a director. No amendment or repeal of this article nor the adoption of any other amendment to these articles of incorporation inconsistent with this article, shall eliminate or reduce the

protection granted herein with respect to any matter that occurred prior to such amendment, repeal or adoption.

ARTICLE ELEVEN

These Articles will be effective at 12:01 o'clock a.m. on July 1, 2001.

FILED

09 NOV 2001, at 11:40:37am
Book 2416, Page 566 - 569
Joyce H. Pearson
Register of Deeds,
Orange County, N. C.



NORTH CAROLINA

Department of the Secretary of State

CERTIFICATE OF EXISTENCE

I, Elaine F. Marshall, Secretary of State of the State of North Carolina, do hereby certify that

COMMUNITY HOME TRUST

is a corporation duly incorporated under the laws of the State of North Carolina, having been incorporated on the 11th day of May, 1999, with its period of duration being Perpetual.

I FURTHER certify that the said corporation's articles of incorporation are not suspended for failure to comply with the Revenue Act of the State of North Carolina; that the said corporation is not administratively dissolved for failure to comply with the provisions of the North Carolina Nonprofit Corporation Act; and that the said corporation has not filed articles of dissolution as of the date of this certificate.



Scan to verify online.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at the City of Raleigh, this 12th day of August, 2014.

Elaine F. Marshall

Secretary of State

DocuSign Envelope ID: 41895C11-D12D-4865-989B-CC77E6E046F0

Community Home Trust Board of Directors

November 2021

updated 8/20/21

<u>Title</u>	<u>First</u>	<u>Last</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>	<u>Phone</u>	<u>E-mail</u>	<u>Term Ends</u>	<u>Affiliation</u>	<u>Term</u>
President	Kelley	Gregory	204 Lexes Trail	Chapel Hill	NC	27516	(919) 929-2089	kgbutterflykg@gmail.com	Oct. 2021	Homeowner Board member	second
Vice President	Ava	Miles	140-206 W Barbee Chapel Rd	Chapel Hill	NC	27517	(919) 518-5851	a4hollywood@hotmail.com	Oct. 2023	Homeowner board member	second
Treasurer	Bruce	Warrington	103 Little Branch Trail	Chapel Hill	NC	27517	(919) 843-5252	bruce.warrington@unc.edu	Oct. 2022	UNC appointee	first
Secretary	George	Barrett	223 N. Roberson St.	Chapel Hill	NC	27516	(704) 891-6520	george@jacksoncenter.info	Oct. 2022	Community member	second
Board Member	Barbara	Foushee	100 Williams Street	Carrboro	NC	27510	(919)270-4087	bmfoushee@townofcarrboro.org	Dec. 2022	Appointed by Town of Carrboro	first
Board Member	Mark	Bell	168 West King Street	Hillsborough	NC	27278	(919) 883-5187	mark.bell@hillsboroughnc.gov	Dec. 2022	Appointed by Town of Hillsborough	first
Board Member	Amy	Ryan	209 Adams Way	Chapel Hill	NC	27516	(919) 590-5772	aryan@townofchapelhill.org	Dec. 2022	Appointed by Town of Chapel Hill	first
Board Member	Earl	McKee		Chapel Hill	NC	27517		emckee@orangecountync.gov	Dec. 2023	Appointed by Orange County	first
Board Member											
Board Member	Brian	Reid	140-315 W Franklin St	Chapel Hill	NC	27517	(336) 684-3082	brian.a.reid@hotmail.com	Oct. 2023	Homeowner board member	first
Board Member	Sergio	Escobar	104 Bella Drive	Chapel Hill	NC	27517	(919) 260-3546	seresfer@hotmail.com	Oct. 2021	Homeowner board member	first
Board Member	Jennifer	De La Rosa	139 Viburnum Way	Carrboro	NC	27510	(919) 951-5158	jennracquel@gmail.com	Oct. 2023	Homeowner board member	first
Board Member	Ken	Reiter	303 Rock Garden Road	Chapel Hill	NC	27516	(919) 259-2088	kreiter@belmontsayre.com	Oct. 2021	Community member	second
Board member	Brika	Eklund		Hillsborough	NC		(919) 956-4632	brika eklund@self-help.org	Oct. 2023	Community member	first
Board member	VACANT										
Board member	Cindy	Covington		Hillsborough	NC		(252) 813 4903	cindyharco@aol.com	Oct. 2023	Community member	first



September 28, 2021

Lori Woolworth
Director of Operations & Finance
Community Home Trust
105 Conner Drive, Suite 1000
Chapel Hill, NC 27514

Dear Ms. Woolworth:

On behalf of the Center for Community Self-Help (and/or its affiliates, "Self-Help"), it is my pleasure to inform you that Community Home Trust is a Qualified Developer for the purpose of participating in the Northside Neighborhood Initiative, subject to the conditions described in this letter. As a result of your participation as a Qualified Developer, you are eligible to purchase one or more properties from Self-Help's Northside Land Bank. Furthermore, Self-Help has reviewed and approved your request for financial support in the form of a write-down of the sales price, which is made possible by the generous support of the Oak Foundation through a grant to Self-Help.

The specifics of this offer include:

"Property" means the following one or more properties located in Chapel Hill, NC:	223 N Graham Street
Estimated Sales Price Before Write-Down(s):	\$262,275
Write-Down(s) Committed:	\$30,000
Date Purchase(s) Must Occur By:	October 1, 2022

This offer is conditioned upon:

- (1) the execution of a Purchase Agreement upon terms and conditions acceptable to Self-Help and Qualified Developer, with any conditions not specifically referenced in this letter to be mutually agreed upon by the parties;
- (2) the receipt by Qualified Developer of additional funding from the Town of Chapel Hill in an amount providing at least a 1:1 match to the Write-Down(s) above; and
- (3) the attachment of deed restrictions ensuring that the Property will be owner-occupied by persons with incomes at or below 115% of the Area Median Income for the area including Chapel Hill, North Carolina, for a period of at least 20 years.

By acknowledging receipt of this letter, you agree to develop the Property in accordance with the Program guidelines and in furtherance of charitable purposes. Please do not hesitate to contact me with any questions you may have. My direct line is (919) 956-4614. To accept this offer, please sign one copy of this letter and send it back to me via email at graham.smokoski@self-help.org by October 1, 2021.

We look forward to seeing the work you do with the Property.

Sincerely,



Graham Smokoski
Project Manager

Accepted and Agreed by:

Name: _____

Title: _____

Date: _____



PRELIMINARY BUDGET

OWNER

SELF HELP CREDIT
UNION
301 W. MAIN ST.
DURHAM, NC

PROJECT

223 N Graham St.
CHAPEL HILL NC

DATE 9/8/21

CATEGORY	DESCRIPTION - includes general notes	ESTIMATE	CATEGORY SUBTOTAL
GENERAL REQUIREMENTS			\$ 7,050.00
Plans and Permits			
Survey			
Architect/Engineer Fee			
Temporary Utilities	Portable toilets	750	
Final Clean		600	
Demolition - Interior	includes demo bathroom, flooring, misc. wall removal	2500	
Demolition - Site	demo exterior ramp; deck	1700	
Dumpster & Removal	Dumpster and Hauling Fees	1500	
Asbestos Abatement	none included unless requested		
Lead Remediation	none included unless requested		
ON-SITE WATER/SEWER			\$ -
UTILITIES			\$ -
SITE WORK			\$ 1,500.00
Fencing			
Grading			
Landscaping			
Hardscapes			
Retaining Walls			
Trenching			
Other	install #57 stone on driveway	\$ 1,500.00	
FOUNDATION			\$ -
Crawl space			
Footings - Continuous & Piers			
Foundation Walls			
Slabs - reinforced			
Other			
ROUGH CARPENTRY			\$ 8,000.00
Decks, Railings, Stairs	Frame new 12x12 deck at rear	\$ 5,500.00	

Framing, Sheathing, Tyvek		
Porches		
Stairs - interior		
Structural Members	Structural repairs to bathroom floor	\$ 2,500.00
FINISH CARPENTRY		\$ 750.00
Custom Work		
Trim - interior	new trim in bathroom (base, shoe moulding)	\$ 750.00
Trim - exterior		
Stock trim		
Other		
ROOFING		\$ 6,500.00
Shingles	replace roof with new laminate shingles	\$ 6,500.00
Flashing		
Gutters & Downspouts		
Single Membrane Roof		
Other		
WINDOWS/DOORS		\$ 3,250.00
Doors - Interior		
Doors - Interior Hardware	Replace existing door hardware with conversion kit	\$ 950.00
Doors - Exterior	Replace exterior doors hardware kit	\$ 800.00
Doors - Exterior Hardware	Replace 5' slider in rear of house - change direction	\$ 1,500.00
Misc. Doors		
Windows		
Skylights		
THERMAL & MOISTURE		\$ -
Air Barrier		
Insulation - Floor		
Insulation - Walls		
Insulation - Ceiling		
Vents - soffit/gable		
Other		
FINISHES		\$ 22,900.00
Drywall	Patch all drywall in house, repair around tub in bathroom	\$ 1,600.00
Flooring - Carpet		
Flooring - Ceramic w/ cement underlayment		
Flooring - Laminate	Install new LVP in back bedroom and hall	\$ 3,000.00
Flooring - Sheet Vinyl w/ underlayment	Install new sheet vinyl in bathroom	\$ 900.00
Flooring - Wood		
Painting - interior	Paint all walls, ceilings, trim, doors, Patch interior doors	\$ 8,000.00
Painting - exterior	Paint all siding, trim, soffit, fascia, etc.	\$ 6,000.00
Siding	Remove AC units, frame and install sheathing and siding	\$ 1,600.00
Walls - ceramic tile w/ cement underlayment	Install new ceramic tile around tub	\$ 1,800.00

Other			
BATH		\$	1,400.00
Accessories	Provide and install bath accessories: mirror, tp holder, rod	\$	600.00
Cabinets/Counters	Provide and install vanity with countertop	\$	800.00
Other			
KITCHEN		\$	-
Accessories			
Appliances			
Cabinets/Counters			
Other			
PLUMBING		\$	6,000.00
Subcontractor	Relocate washer connections; tub, toilet and vanity	\$	4,500.00
Fixture Allowance	Tub, toilet, tub faucet, vanity faucet	\$	1,500.00
ELECTRICAL		\$	3,700.00
Subcontractor	Replace all fixtures in house	\$	2,300.00
Fixture Allowance	New fixtures throughout rooms	\$	1,400.00
HVAC		\$	-
Subcontractor			
OTHER		\$	-
Other			

TOTALS		\$	61,050.00
Contingency	20%	\$	12,210.00
Total Final Budget		\$	73,260.00

State of North Carolina

DEPARTMENT OF THE SECRETARY OF STATE

Charitable Solicitation License

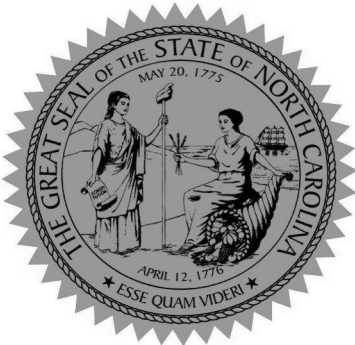
This document certifies that, in accordance with the provisions of Chapter 131F of the General Statutes of North Carolina,

Community Home Trust

North Carolina Solicitation License Number: SL003262

Federal Tax Exempt Status: 501(c)(3) Charitable Organization

with headquarters in Chapel Hill, NC is hereby duly licensed by the Department of the Secretary of State to solicit charitable contributions in North Carolina for the purposes set forth in the application for license approved by and filed with the Department of the Secretary of State. This license is not transferable and shall continue in full force and effect from the 30th day of December, 2020 to the 15th day of November, 2021, unless revoked for cause.



IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at the City of Raleigh, this the 27th day of January, 2021.

Elaine F. Marshall

ELAINE F. MARSHALL
SECRETARY OF STATE

Document Id: L202036500047



Department of the Treasury
Internal Revenue Service

P.O. Box 2508, Room 4010
Cincinnati OH 45201

In reply refer to: 4077550279
July 06, 2009 LTR 4168C 0
56-2141179 000000 00 000
00030040
BODC: TE

COMMUNITY HOME TRUST
104 JONES FERRY RD STE C
CARRBORO NC 27510-2036



027531

Employer Identification Number: 56-2141179
Person to Contact: Sophia Brown
Toll Free Telephone Number: 1-877-829-5500

Dear Taxpayer:

This is in response to your request of June 12, 2009, regarding your tax-exempt status.

Our records indicate that a determination letter was issued in January 2000, that recognized you as exempt from Federal income tax, and discloses that you are currently exempt under section 501(c)(3) of the Internal Revenue Code.

Our records also indicate you are not a private foundation within the meaning of section 509(a) of the Code because you are described in section(s) 509(a)(1) and 170(b)(1)(A)(vi).

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

If you have any questions, please call us at the telephone number shown in the heading of this letter.

Sincerely yours,

Cindy Westcott
Manager, EO Determinations

COVER PAGE

Organization Contact InformationLegal Name: EMPOWERment, INCTax ID Number: 56-1965772Physical Address: 109 N. Graham Street, Chapel Hill, NC 27516Mailing Address: SameOrganization's Website: empowermentinc.orgDate of Incorporation: 1996Executive Director Name: Delores BaileyTelephone Number: 919-967-8779E-Mail: empowermentincnc@gmail.com**Funding Request**Project Name: 320 Lindsay Street, Carrboro, NC 27510

Total Number of Units Included in

Funding Request: 2Total Project Cost: \$247,000.00Total Amount of Funds Requested: \$187,000.00Please specify the **type** and **amount** of funding requested:☐ Affordable Housing Bond: \$_____☐ Grant☐ Loan☐ Affordable Housing Fund: \$_____☐ Grant☐ Loan☒ Affordable Housing Development Reserve: \$187,000.00☒ Grant☐ Loan

****New this year.** If you're not requesting a loan, describe reasoning (the Town will analyze project financials, including debt coverage ratio, to explore the project's ability to support a loan): _____

EMPOWERment is requesting a grant for this project rather than a loan. Grants allow EI to keep the units affordable for those families earning 60% AMI and below. Grant funding is passed on directly to the tenants which allows EI to serve the most vulnerable populations including housing choice vouchers, disabled, veterans, and the homeless.

Loan Terms Requested, if applicable, (provide a concise description, including interest rate, term length, amortization schedule): N/A

Proposed Use of Funds Requested (provide a concise description, not to exceed 100 words): **The proposed use of the AHDR funds requested will be used to purchase a duplex unit held by the Land Bank. This duplex will provide housing for those below 30% and 60% AMI, housing choice voucher holders, disabled, veterans, and homeless and increase the affordable rental inventory. One of the units will be designated**

permanently to serve the 30% below the AMI. These units were donated by John Grisham Properties to the Land Bank. The Land Bank relocated and renovated these properties.

1. **Type of Activity.** Please check the category under which your project falls.

☒ **Acquisition**

- ☐ Predevelopment activities
☐ Infrastructure/site improvements
☐ New construction for homeownership
☐ New construction for rental housing
☐ New construction of emergency shelter
☐ New construction of transitional/supportive housing
☐ Rental housing subsidy
☐ Homeownership assistance
☐ Owner-occupied rehabilitation
☐ Rental rehabilitation remove x
☐ Other (specify): _____

To the best of my knowledge and belief all information and data in this application is true and current. The document has been duly authorized by the governing board of the applicant.

Signature: _____

Executive Director

Date

DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST AND NON DISCRIMINATION CLAUSE

Are any of the Board Members or employees of the organization which will be carrying out this project, or members of their immediate families, or their business associates:

YES NO

- ☒ ☐ a) Employees of or closely related to employees of the Town of Chapel Hill?
- X ☐ b) Members of or closely related to members of the governing bodies of the Town of Chapel Hill?
- ☐ ☒ c) Current beneficiaries of the program for which funds are being requested?
- ☐ ☒ d) Paid providers of goods or services to the program or having other financial interest in the program?

If you have answered YES to any question, please provide a full explanation below.

Assistant Chief Jabe Hunter is a member of the EMPOWERment, Inc. Board of Directors. He is employed by the Town of Chapel Hill as an Assistant Chief of Police. Council member Tai Huynh is an Ex-Officio member of the EI board.

NON-DISCRIMINATION

NON-DISCRIMINATION

Provider agrees as part of consideration of the granting of funds by funding agencies to the parties hereto for themselves, their agents, officials, employees and servants agree not to discriminate in any manner of these basis of race, color, gender, national origin, age, handicap, religion, sexual orientation, gender identity/expression, familial status or veterans status with reference to any activities carried out by the grantee, no matter how remote.

To the best of my knowledge and belief all of the above information is true and current. I acknowledge and understand that the existence of a potential conflict of interest does not necessarily make the program ineligible for funding, but the existence of an undisclosed conflict may result in the termination of any grant awarded.

Signature: _____

Executive Director

Date

10-1-21

ORGANIZATION INFORMATION

1. Organization Mission (*no more than a few sentences*):

EMPOWERment, Inc.'s (EI) mission is to empower individuals and communities to achieve their destiny through community organizing, affordable housing, and grassroots economic development. EMPOWERment's affordable housing mission is to reduce or remove housing barriers for the most vulnerable populations in Chapel Hill and give them priority in receiving aid.

2. Organization Staff: Please provide names of staff, contractors, and/or volunteers that will be involved with the project. Describe their responsibilities with the project and track record in successful completion of similar projects in the past.

Delores Bailey (EmPOWERment Executive Director)

- Ms. Bailey will provide oversight to the project.
- Ms. Bailey has experience managing construction of six new homes and twenty major rehab projects throughout Orange County during her tenure with EmPOWERment.
- Ms. Bailey has increased rental inventory from 12 to 58 units, including two manufactured homes.
- Ms. Bailey's latest rehab project was in Hillsborough, NC. Orange County donated an older home to EmPOWERment for renovation.
- This renovation required relocating the house, several stages of rebuilding from a foundation to the roof, replacing flooring, walls and everything in between.
- Ms. Bailey negotiated and coordinated several layers of financing to create the budget for this project.
- Upon completion, the house became an affordable rental home for a veteran and his family.
- Ms. Bailey has a long history of working closely with town and county government departments and staff.

La Tanya Davis (EmPOWERment Operations Manager)

- Ms. Davis has been part of the EmPOWERment staff for 13 years.
- Ms. Davis will manage timelines and budgets.
- Ms. Davis will be responsible for management of administrative duties pertaining to the project, i.e. timetables, project costs and financial duties.
- Ms. Davis has previously served as EmPOWERment's finance manager and as rental property manager.
- Ms. Davis, as rental property manager and operations manager, has extensive experience developing budgets and overseeing the day-to-day work of rehabilitation and acquisition projects.
- Ms. Davis brings extensive knowledge of EmPOWERment's tenant base to the project.

of FTE – Full-Time Paid Positions: 4


of FTE Part-Time (less than 40 hours/wk) Paid Positions: 3

- 3. Agency Track Record:** Briefly describe three relevant and substantially similar affordable housing development or preservation projects completed by the organization in the last 10 years (preferably 5 years). The project description should include:
- a. Location
 - b. Scope and scale of project
 - c. Total development budget and financing sources
 - d. Indication of whether the projects were completed on budget and on time. If not completed on budget and on time, please describe why.


e. Photos/illustrations of completed project

EMPOWERment has a long history of renovation projects throughout Orange County. The units displayed below are some of our most recent renovation projects, including our most recent acquisition and totally upgrade, ADA compliant renovation: 338 McMasters.


1. 338 McMasters Street

Property		
Location	338 McMaster Street, Chapel Hill	
Scope/Scale of Project	Total renovation of single-family homes. The renovation consisted of a new roof, total demolition of interior, ADA compliant and handicap accessible.	
Budget/Sources	Budget: \$140,00 - \$104,869 (HOME); \$35,131(EmPOWERment)	
Project completed on budget	Yes	
Project completed on time	Yes	
Completion Year	2017	

2. 121 Cole Street


Property	
Location	121 Cole Street, Chapel Hill
Scope/Scale of Project	Acquisition of property held by the Northside Neighborhood Initiative's land bank
Budget/Sources	Budget: \$150,000 - \$145,000 (HOME); \$5,000 (EmPOWERment)
Project completed on budget	Yes
Project completed on time	No. Closing of project was delayed due to Environmental Review.
Completion Year	2020

3. 507 Terrell Road


Property	
Location	507 Terrell Road, Hillsborough
Scope/Scale of project	Relocating house in partnership with Orange County and total renovation of single family. The renovations consisted of a new foundation, new roof, and total demolition of the interior.
Budget/Sources	The home was donated by Orange County. Budget: \$110,000 - \$60,000 HOME; County Funds; \$25,000; EmPOWERment Inc; \$25,000
Project completed on budget	No

Project completed on time	No. The process of relocating the home took more time than projected.
Completion Year	2018

4. 124 Fidelity Street Units 24 & 45 Carrboro

Property	
Location	124 Fidelity Street Units 24 & 45 Carrboro
Scope/Scale of Project	Acquisition of 2 condo units in Carrboro Hillmont community
Budget/Sources	Budget: \$150,000 - \$145,000(HOME); \$5,000 (EmPOWERment)
Project completed on budget	Yes
Project completed on time	Yes
Completion Year	2020

5. 606/608 Bynum Street, Chapel Hill

Property	
Location	606/608 Bynum Street, Chapel Hill

Scope/Scale of Project	Acquisition of two single family homes for affordable rental
Budget/Sources	Budget- \$264,400 - Orange County Funding
Project completed on budget	Yes
Project completed on time	Yes
Completion Year	2018

For all projects for which you have received Town funding within the last 5 years, please provide the information below.

Project Name	Project Type	Amount of Funding Approved	Is the Project Completed? (Yes/No)
320 McMasters Street	Single family	\$54,128	Yes
338 McMasters Street	Single Family	\$27,000	Yes
PEACH Apartments	Multi Family	\$301,000	No
<i>*Add rows as needed to reflect additional projects that have received Town funding within the last 5 years.</i>			

PROJECT INFORMATION

6. **Project Description:** Please provide a general overview of your project, including what you are planning to produce and how you are planning to carry out the project. *(in 100 words or less).*

This project will consist of acquiring a newly renovated two bedroom duplex in the Northside community from the Land Bank. This acquisition will add to EMPOWERment's affordable rental stock and will provide housing opportunities to the most vulnerable populations such as Housing Choice Voucher holders, homeless, seniors, adults with disabilities, and veterans. One of the duplexes will be designated to serve the population below 30% AMI and the other unit will serve the 60% and below the AMI. \$60,000 has already been secured from the Oak Foundation to support this acquisition.

7. **Affordability Term.** Is the proposed project permanently affordable (99 year affordability term)?

☒ Yes

☐ No

If no, what is the affordability term of the proposed project?

Briefly describe any methods to ensure long-term affordability of housing units, including subsidy recapture, equity sharing, and deed restrictions.

This property is designated to remain affordable permanently for 99 years. We will be ensuring housing affordability by capturing the cash flow from the project and subsidizing units further so that we can serve low income families. Orange County and Town of Chapel Hill funds will be fully leveraged to help EMPOWERment recapture subsidies and maintain long-term affordability. The following documents will ensure long-term affordability of these rental housing units:

- Deed Restrictions
- Performance Agreements
- Development Agreement

8. Leverage: How much funding is committed at the time of submission of this application? **\$70,000**

What percentage of funding for the proposed project would be leveraged from sources other than the Town? **29%** (Please provide documentation of how you calculated leverage as well as funding commitment letters if applicable).

This calculation was done by using the Oak & EI subsidy divided by the total project cost. $70,000/247,000=29\%$. See attached letter for funding subsidy commitments and worksheet calculation.

9. Project Profile *Insert project information below*

Location (insert address if available)	<u>320 Lindsay Street Unit 1 and 2</u>				
Size (insert acreage of development site)	<u>.27</u>				
Total Number of Units					
	# of Total Housing Units	# of Bathrooms	Square Footage	Proposed Rent or Sale Price Per Unit	Projected Cost Per Unit Including Utilities
Studios					
One-bedroom					
Two-bedroom	<u>1</u>	<u>1</u>	<u>832</u>	<u>500-600</u>	<u>500+200=800</u>
Two-bedroom	<u>1</u>	<u>1</u>	<u>832</u>	<u>800-900</u>	<u>900+200=1100</u>
Four-bedroom					
Area Median Income Served (insert # of units by AMI)					
<30%	<u>1</u>				
31-60%	<u>1</u>				
61-80%					
81-100%					
>100%					
Target Population (check all that apply)					
Families	<u>x</u>				

Older Adults (Age 55+)	x
Disabled	x
Homeless	x
Veterans	x
Other (specify)	<input type="checkbox"/>
ADA Accessibility (insert # of total units)	0
Total Development Cost Per Unit	\$123,500/unit
Per Unit Subsidy	\$93,500 / unit
Town Planning Approvals Received (as of the date of application)	<input type="checkbox"/> Yes No x <input type="checkbox"/> NA

10. Energy Efficiency: Will the proposed project meet the standards and requirements of [Energy Star 3.0](#) or standards outlined in the latest [NCHFA QAP](#) as verified by an independent, third party expert?

☐ Yes

☒ No

If not, please briefly describe the energy efficiency features included in the proposed project:

These units were renovated by Self-Help. Energy efficient appliances were installed in both units.

11. Universal Design: Please briefly describe the universal design features included in the proposed project. These units are older. Self Help did not include Universal Design features. EI will add grab bars in the showers.

12. Social Equity

- a. Please describe how you have involved the intended beneficiaries of the proposed project in the planning and design process (in 100 words or less).

Our intended beneficiaries include prospective tenants on our waitlist. EI has collaborated with the Jackson Center, Interfaith Council, and CEF center to aid a prospective tenant interested in this property. EI has been attentive to their need for affordable housing. Prospective tenants and the broader community have remained updated on the status of this property through social media. EI also partnered with The Jackson Center Compass Group in acquiring this property.

- b. How has your organization incorporated racial equity goals into your organizational goals?
As an affordable housing non-profit, EI understands that the wealth and income status of individuals can be directly traced to racial discrimination and bias. As a result, the populations we serve are primarily minorities. EI has created an infrastructure to achieve racial equity goals for renters by supplying housing counseling, financial literacy, and strategic partnerships that help people of color thrive, thus reducing racial disparities between this population and the more privileged. EI prioritizes the most underserved populations such as applicants that are homeless, disabled or veterans and housing choice voucher holders.

- c. Please fill in the below questions and provide any additional context on the racial composition of the organization and board leadership:

- i. % of staff that are people of color: 100%
- ii. % of board that are people of color: 75%
- iii. % of staff that have attended racial equity training: 95%

d. Please describe any additional activities your organization is doing to address racial equity.

The chief barrier to success in the Black community is the lack of access to financial counseling and education. The first way EMPOWERment has addressed this issue is through providing housing counseling to those struggling financially, and successfully keeping tenants from being evicted and facing foreclosure as a result of the economic downturn from the COVID-19 virus. In April 2020, EMPOWERment, Inc also realized that local business owners needed help to research and apply for funding because of COVID19. Funding sources are often structured to not promote racial equity. Weekly ZOOM conferences have directly led to businesses being awarded grants from the SBA. EMPOWERment, Inc has provided minority-owned businesses a way to participate in programs that have demonstrated bias against them. We have also helped to bring about racial equity for minority small business owners in our surrounding communities and through the Midway Business Center: a small business incubator owned by EMPOWERment to provide affordable business spaces for minority business owners.

COVER PAGE

Organization Contact InformationLegal Name: EMPOWERment, INCTax ID Number: 56-1965772Physical Address: 109 N. Graham Street, Chapel Hill, NC 27516Mailing Address: SameOrganization's Website: empowermentinc.orgDate of Incorporation: 1996Executive Director Name: Delores BaileyTelephone Number: 919-967-8779E-Mail: empowermentincnc@gmail.com**Funding Request**Project Name: 707 Gomains/ North Street

Total Number of Units Included in

Funding Request: 1Total Project Cost: \$ 215,529.00Total Amount of Funds Requested: \$61,111.00Please specify the **type** and **amount** of funding requested:☐ Affordable Housing Bond: \$_____☐ Grant ☐ Loan☐ Affordable Housing Fund: \$_____☐ Grant ☐ Loan☒ Affordable Housing Development Reserve: \$61,111.00☒ Grant ☐ Loan

****New this year.** If you're not requesting a loan, describe reasoning (the Town will analyze project financials, including debt coverage ratio, to explore the project's ability to support a loan): _____

EMPOWERment (EI) is requesting a grant for this project rather than a loan. Grants allow EI to keep the units affordable for those families earning 60% AMI and below. Grant funding is passed on directly to the tenants which allows EI to serve the most vulnerable populations including housing choice vouchers, disabled, veterans, and the homeless.

Loan Terms Requested, if applicable, (provide a concise description, including interest rate, term length, amortization schedule): N/A

Proposed Use of Funds Requested (provide a concise description, not to exceed 100 words): **The proposed use of the AHDR funds is to relocate a house donated by the Town to EMPOWERment to a vacant lot owned by EMPOWERment in the Northside Community. This property will be totally renovated (new foundation, new roof, new efficiency windows, grab bars, and Energy Star appliances). EI has prepared the lot by demolishing the former home and grading the lot in anticipation for the new home.**

1. **Type of Activity.** Please check the category under which your project falls.

☐ Acquisition☐ Predevelopment activities☒ **Infrastructure/site improvements**☐ New construction for homeownership☐ New construction for rental housing☐ New construction of emergency shelter

- ☐ New construction of transitional/supportive housing
☐ Rental housing subsidy
☐ Homeownership assistance
☐ Owner-occupied rehabilitation
☒ **Rental rehabilitation**
☐ Other (specify): _____

To the best of my knowledge and belief all information and data in this application is true and current. The document has been duly authorized by the governing board of the applicant.

Signature: _____

Executive Director

Date

10-1-21

DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST AND NON DISCRIMINATION CLAUSE

Are any of the Board Members or employees of the organization which will be carrying out this project, or members of their immediate families, or their business associates:

YES NO

- ☒ ☐ a) Employees of or closely related to employees of the Town of Chapel Hill?
☒ ☐ b) Members of or closely related to members of the governing bodies of the Town of Chapel Hill?
☐ ☒ c) Current beneficiaries of the program for which funds are being requested?
☐ ☒ d) Paid providers of goods or services to the program or having other financial interest in the program?

If you have answered YES to any question, please provide a full explanation below.

Mr. Jabe Hunter is a member of the EMPOWERment, Inc. Board of Directors. He is employed by the Town of Chapel Hill as an Assistant Chief of Police. Council member Tai Huynh is an Ex-Officio member of the EI board.

NON-DISCRIMINATION

Provider agrees as part of consideration of the granting of funds by funding agencies to the parties hereto for themselves, their agents, officials, employees and servants agree not to discriminate in any manner of these basis of race, color, gender, national origin, age, handicap, religion, sexual orientation, gender identity/expression, familial status or veterans status with reference to any activities carried out by the grantee, no matter how remote.

To the best of my knowledge and belief all of the above information is true and current. I acknowledge and understand that the existence of a potential conflict of interest does not necessarily make the program ineligible for funding, but the existence of an undisclosed conflict may result in the termination of any grant awarded.

Signature: Valerie B. King
Executive Director

10-1-21
Date

ORGANIZATION INFORMATION

1. Organization Mission *(no more than a few sentences):*

EMPOWERment, Inc. 's (EI) mission is to empower individuals and communities to achieve their destiny through community organizing, affordable housing, and grassroots economic development. EMPOWERment's affordable housing mission is to reduce or remove housing barriers for the most vulnerable populations in Chapel Hill and give them priority in receiving aid.

2. Organization Staff: Please provide names of staff, contractors, and/or volunteers that will be involved with the project. Describe their responsibilities with the project and track record in successful completion of similar projects in the past.

3.

Delores Bailey (EMPOWERment Executive Director)

- Ms. Bailey will provide oversight to the project.
- Ms. Bailey has experience managing new construction of six homes and twenty major rehab projects throughout Orange County during her tenure with EMPOWERment.
- Under her leadership, EMPOWERment has increased rental inventory from 12 to 58 units, including two manufactured homes.
- Her latest rehab project was in Hillsborough, NC. Orange County donated an older home to EMPOWERment for renovation.
- This renovation required relocating the house, several stages of rebuilding from a foundation to the roof, replacing flooring, walls and everything in between.
- Ms. Bailey negotiated and coordinated several layers of financing to create the budget for this project.
- Upon completion, the house became an affordable rental home for a veteran and his family.
- Ms. Bailey has a long history of working closely with town and county government departments and staff.

La Tanya Davis (EMPOWERment Operations Manager)

- Ms. Davis has been part of the EMPOWERment staff for 13 years.
- For the 320 Lindsey project, Ms. Davis will manage timelines and budgets.
- Ms. Davis will be responsible for management of administrative duties pertaining to the project, i.e. timetables, project costs and financial duties.
- Ms. Davis has previously served as EMPOWERment's finance manager and as rental property manager.
- In her roles as rental property manager and operations manager, Ms. Davis has extensive experience developing budgets and overseeing the day-to-day work of rehabilitation and acquisition projects.
- In addition to her experience and training, Ms. Davis brings extensive knowledge of EMPOWERment's tenant base to the project.

Greg Mann (Contractor)

- Mr. Mann is a licensed North Carolina general contractor and NC state certified appraiser
- Mr. Mann has over 20 years of comprehensive construction management experience including commercial, custom residential, design build projects, renovations and multi-use structures.
- Mr. Mann is accountable for all operations of the project from surveying, site preparation, handling invoice approvals and acceptance and responsibility of work performed

- Mr. Mann is responsible for design and structural changes, working with clients on their design needs and negotiating costs
- Mr. Mann makes estimates on the value of the property and preparing detailed reports that include legal and physical description of the property, photographs, plans, and an explanation of the estimates

Philip Post (Owner of Philip Post Engineering)

- Mr. Post has been the Civil Engineering for several projects in Chapel Hill. He is the Civil Engineer for 707 Gomains. He will provide oversight of the surveying team -Billings Land Surveying
- Mr. Post did the survey on the Trilogy Apartments, Fordham Blvd., Chapel Hill
- Mr. Post was the surveyor on plans for Amity Station Project, Rosemary Street, Chapel Hill (Still in Development)
- Mr. Post is the surveyor of record for The Barn of Chapel Hill at Wild Flora Farm
- Mr. Post is also the civil engineer for El's P.E.A.C.H project.

of FTE – Full-Time Paid Positions: 4

of FTE Part-Time (less than 40 hours/wk) Paid Positions: 3

4. **Agency Track Record:** Briefly describe three relevant and substantially similar affordable housing development or preservation projects completed by the organization in the last 10 years (preferably 5 years). The project description should include:
- a. Location
 - b. Scope and scale of project
 - c. Total development budget and financing sources
 - d. Indication of whether the projects were completed on budget and on time. If not completed on budget and on time, please describe why.
 - e. Photos/illustrations of completed project


EMPOWERment has a long history of renovation projects throughout Orange County. El partnered with Orange County on a very similar project to what we are trying to achieve through this grant. The units displayed below are some of our most recent renovation projects.

1. 507 Terrell Road


Property	
Location	507 Terrell Road, Hillsborough
Scope/Scale of project	Relocating house in partnership with Orange County and total renovation of single family. The renovations consisted

	of a new foundation, new roof, and total demolition of the interior.
Budget/Sources	The home was donated by Orange County. Budget: \$110,000 - \$60,000 HOME; County Funds; \$25,000; EmPOWERment Inc; \$25,000
Project completed on budget	No
Project completed on time	No. The process of relocating the home took more time than projected and cost exceeded projections.
Completion Year	2018


2. 338 McMasters Street

Property	
Location	338 McMaster Street, Chapel Hill
Scope/Scale of Project	Total renovation of single-family home. The renovation consisted of a new roof, total demolition of interior, ADA compliant and handicap accessible.
Budget/Sources	Budget: \$140,00 - \$104,869 (HOME); \$35,131(EmPOWERment)
Project completed on budget	Yes
Project completed on time	Yes
Completion Year	2017


3. 121 Cole Street

Property	
Location	121 Cole Street, Chapel Hill
Scope/Scale of Project	Acquisition of property held by the Northside Neighborhood Initiative's land bank
Budget/Sources	Budget: \$150,000 - \$145,000 (HOME); \$5,000 (EmPOWERment)
Project completed on budget	Yes
Project completed on time	No. Closing of project was delayed due to Environmental Review.
Completion Year	2020

4. 124 Fidelity Street Units 24 & 45 Carrboro

Property	
Location	124 Fidelity Street Units 24 & 45 Carrboro
Scope/Scale of Project	Acquisition of 2 condo units in Carrboro Hillmont community
Budget/Sources	Budget: \$150,000 - \$145,000(HOME); \$5,000 (EMPOWERment)
Project completed on budget	Yes
Project completed on time	Yes
Completion Year	2020

5. 606/608 Bynum Street, Chapel Hill

Property	
Location	606/608 Bynum Street, Chapel Hill
Scope/Scale of Project	Acquisition of two single family homes for affordable rental
Budget/Sources	Budget- \$264,400 - Orange County Funding
Project completed on budget	Yes
Project completed on time	Yes
Completion Year	2018

For all projects for which you have received Town funding within the last 5 years, please provide the information below.

Project Name	Project Type	Amount of Funding Approved	Is the Project Completed? (Yes/No)
320 McMasters Street	Single family	\$54,128	Yes
338 McMasters Street	Single Family	\$27,000	Yes
PEACH Apartments	Multi Family	\$301,000	No

***Add rows as needed to reflect additional projects that have received Town funding within the last 5 years.**

PROJECT INFORMATION

5. Project Description: Please provide a general overview of your project, including what you are planning to produce and how you are planning to carry out the project. *(in 100 words or less).*

This project is a unique partnership with the TOCH and EI. The Town is donating a 2 bedroom house to EI which will increase the affordable rental inventory and directly support the Town's affordable housing goals. EI will relocate this home to 707 Gomains, a lot purchased with HOME funds, demolished and prepared by EI for a new home in the Northside Conservation District. This home will be completely renovated for a family earning 60% or below the AMI. EI has contracted with New Start Development and engineer Phil Post to ensure seamless completion of this project.

6. Affordability Term. Is the proposed project permanently affordable *(99 year affordability term)*?

☒ Yes

☐ No

If no, what is the affordability term of the proposed project?

Briefly describe any methods to ensure long-term affordability of housing units, including subsidy recapture, equity sharing, and deed restrictions.

This property is designated to remain affordable permanently for 99 years. We will be ensuring housing affordability and ensure long-term affordability with deed restrictions, performance agreements, and development agreements. Orange County, Town of Chapel Hill and EMPOWERment funds used to create this project will serve to deepen the subsidy for the rental home.

7. Leverage: How much funding is committed at the time of submission of this application? **\$154,418.00**
What percentage of funding for the proposed project would be leveraged from sources other than the Town? **72%** *(Please provide documentation of how you calculated leverage as well as funding commitment letters if applicable).*

See attached leveraging spreadsheet and funding sources commitment letter

8. Project Profile

Insert project information below

Location <i>(insert address if available)</i>	707 Gomains Avenue, Chapel Hill, NC				
Size <i>(insert acreage of development site)</i>	.13				
Total Number of Units					
	# of Total Housing Units	# of Bathrooms	Square Footage	Proposed Rent or Sale Price Per Unit	Projected Cost Per Unit Including Utilities
Studios					
One-bedroom					
Two-bedroom	1	1	832	900	900+200=1100
Three-bedroom					
Four-bedroom					

Area Median Income Served (insert # of units by AMI)					
<30%					
31-60%	1				
61-80%					
81-100%					
>100%					
Target Population (check all that apply)					
Families	x				
Older Adults (Age 55+)	x				
Disabled	x				
Homeless	x				
Veterans	x				
Other (specify)	<input type="checkbox"/>				
ADA Accessibility (insert # of total units)	N/A				
Total Development Cost Per Unit	\$215,529				
Per Unit Subsidy	\$61,111				
Town Planning Approvals Received (as of the date of application)	x yes <input type="checkbox"/> NA				

9. **Energy Efficiency:** Will the proposed project meet the standards and requirements of [Energy Star 3.0](#) or standards outlined in the latest [NCHFA QAP](#) as verified by an independent, third party expert?

☐ Yes

☒ No

If not, please briefly describe the energy efficiency features included in the proposed project:

EI will include Energy Star 3.0 appliances, Energy efficient windows, crawl space insulation and new roof with insulation.

10. **Universal Design:** Please briefly describe the universal design features included in the proposed project: **Per recommendation of architect, the age of the house prohibits additional Universal Design. The new renovation will include grab bars and ADA compliant toilets.**

11. Social Equity

- Please describe how you have involved the intended beneficiaries of the proposed project in the planning and design process (in 100 words or less).
The intended beneficiaries include prospective tenants on EI's waitlist. EI has been attentive to their need for affordable housing and informed them that 707 Gomains will be available after the relocation/renovations. EI has remained in touch with these tenants and the broader community on this project through social media to ensure community members remain updated on the status of the property.
- How has your organization incorporated racial equity goals into your organizational goals?
As an affordable housing non-profit, EI understands that the wealth and income status of individuals can be directly traced to racial discrimination and bias. As a result, the populations served are primarily minorities. We have created an infrastructure to achieve

racial equity goals for renters by supplying housing counseling, financial literacy and strategic partnerships that help people of color thrive, thus reducing racial disparities between this population and the more privileged. EI prioritizes the most underserved populations such as applicants that are homeless, disabled, veterans and housing choice voucher holders.

c. Please fill in the below questions and provide any additional context on the racial composition of the organization and board leadership:

- i. % of staff that are people of color: 100%
- ii. % of board that are people of color: 75%
- iii. % of staff that have attended racial equity training: 95%

d. Please describe any additional activities your organization is doing to address racial equity.

The chief barrier to success in the Black community is the lack of access to financial counseling and education. The first way EMPOWERment has addressed this issue is through providing housing counseling to those struggling financially, and successfully keeping tenants from being evicted and facing foreclosure as a result of the economic downturn from the COVID-19 virus. In April 2020, EMPOWERment, Inc also realized that local business owners needed help to research and apply for funding because of COVID19. Funding sources are often structured against racial equity. Weekly ZOOM conferences have directly led to businesses being awarded grants from the SBA. EMPOWERment, Inc has provided minority-owned businesses a way to participate in programs that have demonstrated bias against them. EI has also helped to bring about racial equity for minority small business owners in our surrounding communities and through the Midway Business Center: a small business incubator owned by EMPOWERment to provide affordable business spaces for minority business owners.

Affordable Housing Common Funding Application



Affordable Housing Bond

Affordable Housing Development Reserve

Affordable Housing Fund



Town of Chapel Hill Office for Housing and Community

housingandcommunity@townofchapelhill.org

919-969-5079

www.townofchapelhill.org/town-hall/departments-services/housing-and-community/funding

GENERAL INFORMATION & APPLICATION INSTRUCTIONS

OVERVIEW

Thank you for your interest in the Town of Chapel Hill's Affordable Housing funding sources! This application is used for funding requests for all of the Town's local funding sources for affordable housing projects (Housing Bond, Affordable Housing Development Reserve, and Affordable Housing Fund). To learn more about each of these sources and eligible uses, see the Attachments Section.

INCOME ELIGIBILITY

In general, projects for the Town's affordable housing sources must serve households with income below 80% of the area median income as defined by the U.S. Department of Housing and Urban Development, adjusted for family size, though projects may be approved that serve households of higher incomes. Please see the Attachments for additional information about income limits.

PROJECT REPORTING AND MONITORING

Organizations must submit progress reports to the Town quarterly to monitor progress and performance, financial and administrative management, and compliance with the terms of the performance agreement. Please submit reports using the template linked on the Town website and in the Attachments section electronically to: housingandcommunity@townofchapelhill.org.

ORIENTATION MEETING

Applicants are invited to attend an optional orientation session prior to applying for funding, which will be held once per year and provide an overview of all of the Town's affordable housing sources.

Applicants are also invited to participate in a pre-application meeting, which is a one-on-one session during which applicants can discuss their funding proposal with Town staff. To schedule a pre-application meeting, contact Nate Broman-Fulks at 919-969-5077 or nbfulks@townofchapelhill.org.

SUBMISSION INSTRUCTIONS

Submit applications electronically in PDF form to: housingandcommunity@townofchapelhill.org. Note that the Project Financials attachment asks for an Excel document, or similar file format, rather than a PDF. If you have questions, please contact: Nate Broman-Fulks at 919-969-5077 or nbfulks@townofchapelhill.org

Applications may not be considered for the following reasons:

1. Projects are not located within the Town limits or the Town Extra-Territorial Jurisdiction
2. Projects do not have site control (if applicable)
3. Projects do not align with the eligibility criteria for the funding source
4. Incomplete or late applications

CHECKLIST OF REQUIRED DOCUMENTATION

Application:

- | | | |
|--------------------------|-------------------|--|
| <input type="checkbox"/> | Section 1: | Cover Page |
| <input type="checkbox"/> | Section 2: | Disclosure of Potential Conflicts of Interest |
| <input type="checkbox"/> | Section 3: | Organization Information |
| <input type="checkbox"/> | Section 4: | Project Information |
| <input type="checkbox"/> | Section 5: | Attachments |

COVER PAGE

Organization Contact Information

Legal Name: Habitat for Humanity, Orange County, N.C., Inc. Tax ID Number: 58-1603427

Physical Address: 88 Vilcom Center Drive #L110, Chapel Hill, NC, 27514

Mailing Address: Same as above.

Organization's Website: www.orangehabitat.org

Date of Incorporation: April 13, 1984

Executive Director Name: Jennifer Player

Telephone Number: (919) 339-9444

E-Mail: jplayer@orangehabitat.org

Funding Request

Project Name: Weiner Street: Securing Future Affordability in Chapel Hill

Total Number of Units Included in Funding Request: 8

Total Project Cost: \$1,369,420

Total Amount of Funds Requested: \$150,000

Please specify the **type** and **amount** of funding requested:

☐ Affordable Housing Bond: \$_____

☐ Grant

☐ Loan

☐ Affordable Housing Fund: \$_____

☐ Grant

☐ Loan

☒ Affordable Housing Development Reserve: \$150,000

☒ Grant

☐ Loan

****New this year.** If you're not requesting a loan, describe reasoning (the Town will analyze project financials, including debt coverage ratio, to explore the project's ability to support a loan):

A grant is most appropriate for this land banking request due to the long-term nature of the timeframe and financial variables.

Loan Terms Requested, if applicable, (provide a concise description, including interest rate, term length, amortization schedule): N/A

Proposed Use of Funds Requested *(provide a concise description, not to exceed 100 words):*

Orange Habitat proposes to apply \$150,000 in AHDR funds toward the purchase of a 2.6 acre lot on Weiner Street in the Elkins Hills area of Chapel Hill to landbank for future development. Habitat will build, at minimum, eight high-quality, affordable homes to be sold to members of the Orange County community earning between 30-80% AMI. Scarcity of land is a significant and growing barrier to an affordable Chapel Hill community. Strategic land banking to secure currently available land for future development is a critical strategy to meet the Town's long-term goals of affordability and sustainable growth.

1. Type of Activity. Please check the category under which your project falls.

☒ Acquisition

☐ Predevelopment activities

☐ Infrastructure/site improvements

☐ New construction for homeownership

- ☐ New construction for rental housing
☐ New construction of emergency shelter
☐ New construction of transitional/supportive housing
☐ Rental housing subsidy
☐ Homeownership assistance
☐ Owner-occupied rehabilitation
☐ Rental rehabilitation
☒ Other (specify): Land Banking

To the best of my knowledge and belief all information and data in this application is true and current. The document has been duly authorized by the governing board of the applicant.

Signature:

Jennifer Player

Executive Director

10/1/21

Date

DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST AND NON DISCRIMINATION CLAUSE

Are any of the Board Members or employees of the organization which will be carrying out this project, or members of their immediate families, or their business associates:

YES NO

- ☐ ☒ a) Employees of or closely related to employees of the Town of Chapel Hill?
☐ ☒ b) Members of or closely related to members of the governing bodies of the Town of Chapel Hill?
☐ ☒ c) Current beneficiaries of the program for which funds are being requested?
☐ ☒ d) Paid providers of goods or services to the program or having other financial interest in the program?

If you have answered YES to any question, **please provide a full explanation below.**

NON-DISCRIMINATION

Provider agrees as part of consideration of the granting of funds by funding agencies to the parties hereto for themselves, their agents, officials, employees and servants agree not to discriminate in any manner of these basis of race, color, gender, national origin, age, handicap, religion, sexual orientation, gender identity/expression, familial status or veterans status with reference to any activities carried out by the grantee, no matter how remote.

To the best of my knowledge and belief all of the above information is true and current. I acknowledge and understand that the existence of a potential conflict of interest does not necessarily make the program ineligible for funding, but the existence of an undisclosed conflict may result in the termination of any grant awarded.

Signature:

Jennifer Player

Executive Director

10/1/21

Date

ORGANIZATION INFORMATION

1. Organization Mission *(no more than a few sentences):*

Seeking to put God's love into action, Habitat for Humanity of Orange County brings people together to build homes, communities, and hope. Our vision is an Orange County where everyone has a decent place to live.

2. Organization Staff: Please provide names of staff, contractors, and/or volunteers that will be involved with the project. Describe their responsibilities with the project and track record in successful completion of similar projects in the past.

Richard Turlington, VP of Construction, holds oversight responsibility for the land purchase, project design, infrastructure, preparation of the site and construction of the homes. Turlington has acted in the VP capacity for three years and has eleven years of Habitat experience, with eighteen years in the construction industry. Other members of organizational leadership will assume critical roles as site development approaches. Jennifer Player, President & CEO, holds chief oversight responsibilities for all Habitat developments. Player joined Habitat in 2014, began serving as Associate Executive Director in early 2017, and assumed leadership of the organization at the beginning of 2019. Laine Staton, VP of Homeowner Services, brings more than four years of experience with Habitat in Durham and Orange County. Staton is responsible for recruitment and screening of potential homebuyers, as well as providing homebuyer education to the approved applicants. Habitat's VP of Finance, Grace Johnston, brings more than a decade of experience with Orange Habitat's Development and Finance operations and will lead long-term monitoring and reporting requirements. Alice Jacoby, VP of Policy and Advocacy, leads government relations and brings almost 10 years of experience with Habitat. Jacoby will act as liason with Town staff. Dianne Pledger, VP of Development, will have overall responsibility for securing annual funding from individual donors, organizations, corporations, churches, and foundations to cover the cost of vertical construction.

The above reflects Habitat's current leadership team and demonstrates the distribution of responsibilities that has allowed Habitat to successfully complete dozens of projects in Orange County using HOME, CDBG, Orange County Affordable Housing Bond, and other government funding sources. While the timeline is premature to confirm specific contractors for this project, Orange Habitat has a successful history of working with well-respected local contractors, architects, and engineers including Ballentine and Associates, Civil Consultants, Cline Design Architects, Scott Murray Land Planning, Soil and Environmental Consultants, and TerraQuest.

of FTE – Full-Time Paid Positions: 22

of FTE Part-Time (less than 40 hours/wk) Paid Positions: 1

- 3. Agency Track Record:** Briefly describe three relevant and substantially similar affordable housing development or preservation projects completed by the organization in the last 10 years (preferably 5 years). The project description should include:
- a. Location
 - b. Scope and scale of project
 - c. Total development budget and financing sources

- d. Indication of whether the projects were completed on budget and on time. If not completed on budget and on time, please describe why.
- e. Photos/illustrations of completed project

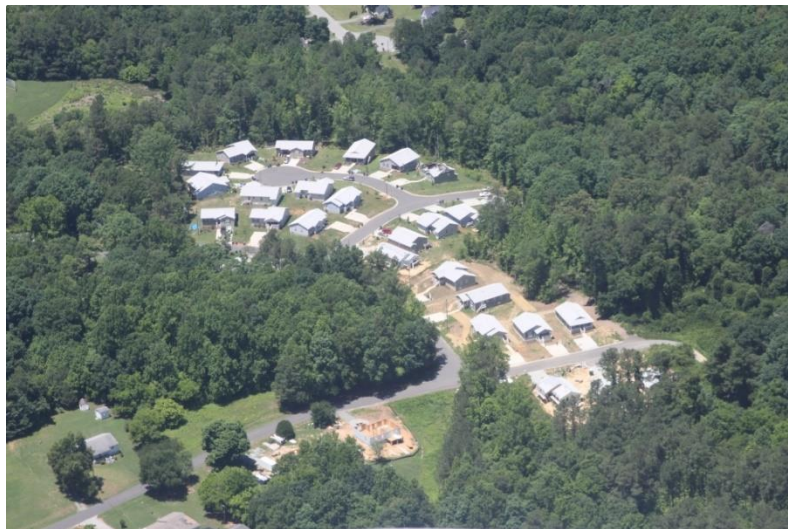
Crescent Magnolia (completed in 2020)

- 24-unit new construction townhome development located in Hillsborough, NC.
- All 24 units are one-bedroom homes targeted at seniors ages 55+ and designed specifically to help seniors age in place and make efficient use of space.
- Community amenities include shared green space.
- Total cost approximately \$2.5 million.
- Funding sources include Orange County, The Town of Hillsborough, NCHFA, and Orange Habitat.
- Project was completed on budget and on time.
- Received the 2020 NCHFA North Carolina Housing Award for Best Homeownership Development.



Tinnin Woods (completed in 2019)

- A neighborhood of 30 single family homes located in Efland, NC.
- Community is adjacent to the local elementary school and community center.
- Total cost \$3.765 million.
- Funding sources include Orange County, HOME funds, NCHFA, and Orange Habitat.
- Project was completed on budget and on time.





Phoenix Place (completed in 2011)

- A neighborhood of 50 single family homes located in the Rogers Road community in Chapel Hill, NC.
- Neighborhood includes a playground and a local community center.
- Total cost \$7.250 million
- Funding sources include Orange County, The Town of Chapel Hill, NCHFA, Federal Home Loan Banks, Harrington Banks, RBC Bank, HOME funds, and Orange Habitat.
- Project was completed on budget and on time.



For all projects for which you have received Town funding within the last 5 years, please provide the information below.

Project Name	Project Type	Amount of Funding Approved	Is the Project Completed? (Yes/No)
Sykes Street	New Construction	\$55,000	Yes
McMasters Street	New Construction	\$25,000	Yes
FY17 Home Preservation	Repairs	\$50,000	Yes
FY18 Home Preservation	Repairs	\$50,000	Yes
FY19 Home Preservation	Repairs	\$53,000	Yes

Weavers Grove Property Purchase	Land Acquisition	\$375,000	Yes
Sunset Drive	New Construction	\$20,000	Yes
FY20 Home Preservation	Repairs	\$36,000	Yes
Chamber Safe Commerce	Equipment Purchase	\$1,250	Yes
Weavers Grove	Infrastructure	\$1,255,692	No

***Add rows as needed to reflect additional projects that have received Town funding within the last 5 years.**

PROJECT INFORMATION

- 4. Project Description:** Please provide a general overview of your project, including what you are planning to produce and how you are planning to carry out the project. *(in 100 words or less).*

Habitat will purchase land in a desirable Chapel Hill neighborhood for a future development. Habitat will build at least eight homes on the property to sell to qualified first time buyers. The Habitat model of homeownership has proven successful and highly impactful at the individual and community level. The opportunity to pay an affordable monthly mortgage and to build equity means that families can save money for emergencies or pay for their kids to go to college. An economically diverse community benefits everyone and we must plan ahead to ensure this goal is not impeded by future land scarcity.

Affordability Term. Is the proposed project permanently affordable (99 year affordability term)?

☒ Yes
☐ No

If no, what is the affordability term of the proposed project?

Briefly describe any methods to ensure long-term affordability of housing units, including subsidy recapture, equity sharing, and deed restrictions.

The homes will be sold using deeds of restrictive covenant requiring 99-year affordability to buyers who earn 80% or less of the AMI. In addition, Habitat has a right of first refusal on all of its homes, and a shared appreciation agreement with all buyers that allows buyers to share a percentage of the appreciation of their property. The appreciation is based on the ratio of the buyer's first mortgage, which is provided by Habitat, and the original sales price of the home, which is determined by a market appraisal at the time of sale.

- 5. Leverage:** How much funding is committed at the time of submission of this application? \$100,000

What percentage of funding for the proposed project would be leveraged from sources other than the Town? 89% *(Please provide documentation of how you calculated leverage as well as funding commitment letters if applicable).*

Habitat will leverage \$100,000 in committed funds for purchase of the property. A grant of \$150,000 from the Town of Chapel Hill will allow Habitat to secure this valuable site for future development at a total cost of \$250,000. Vertical construction costs will be funded through Habitat's annual operating budget at the time of construction. Please see budget attachment for additional details on total project expense and leverage calculations.

6. Project Profile*Insert project information below*

Location <i>(insert address if available)</i>	601 Weiner Street, Chapel Hill, NC				
Size <i>(insert acreage of development site)</i>	2.6 Acres				
Total Number of Units	8				
	# of Total Housing Units	# of Bathrooms	Square Footage	Proposed Rent or Sale Price Per Unit	Projected Cost Per Unit Including Utilities
Studios					
One-bedroom					
Two-bedroom					
Three-bedroom	5	2	1200-1300	\$250,000	\$780+
Four-bedroom	3	2	1400-1500	\$260,000	\$780+
Area Median Income Served <i>(insert # of units by AMI)</i>					
<30%					
31-60%	6				
61-80%	2				
81-100%					
>100%					
Target Population <i>(check all that apply)</i>					
Families	<input checked="" type="checkbox"/>				
Older Adults (Age 55+)	<input checked="" type="checkbox"/>				
Disabled	<input checked="" type="checkbox"/>				
Homeless	<input type="checkbox"/>				
Veterans	<input checked="" type="checkbox"/>				
Other <i>(specify)</i>	In addition to families, Habitat frequently builds homes for older adults, persons with disabilities, and veterans. We maintain strong relationships with the Department on Aging and with local veterans' groups. We will advertise our homes to these groups and others.				
ADA Accessibility <i>(insert # of total units)</i>	All units will have universal design features. Units with full ADA accessibility will be built if identified as a need of the buyer.				
Total Development Cost Per Unit	\$171,177				
Per Unit Subsidy	\$ 18,750 / unit				
Town Planning Approvals Received <i>(as of the date of application)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA. No approvals have been made or requested at this point in the timeline.				

Please note that the information in the above section is an estimate based on best current knowledge. It is critical that Habitat secure land when the opportunity arise in order to fight for the future affordability of Chapel Hill, yet flexibility of scope and vision is necessary when discussing a project that may not be

developed for 8-10 years. Habitat typically builds three- and four-bedroom units; the exact distribution of units will be determined as we approve applicants and prepare to begin vertical construction.

In the future, Habitat may choose to pursue a higher density project subject to regulatory and financial conditions if we determine, with the appropriate input, that this will best serve the community. We estimate the homes will appraise for around \$250,000 based on current market conditions, also subject to change. Mortgage payments are dependent on household income. The AMI breakdown is also an estimate. We serve households earning between 30% and 80% of AMI. Over the last few years the average household served has had an income of 45% AMI, so we estimate that majority of the homebuyers will be under 60% AMI.

- 7. Energy Efficiency:** Will the proposed project meet the standards and requirements of [Energy Star 3.0](#) or standards outlined in the latest [NCHFA QAP](#) as verified by an independent, third party expert?

☒ Yes

☐ No

If not, please briefly describe the energy efficiency features included in the proposed project:

- 8. Universal Design:** Please briefly describe the universal design features included in the proposed project:

The Habitat homes built on the Weiner Street property will feature extensive standard and customizable universal design features, including: 3-foot door or 5-foot pair at laundry room access; bathroom design that allows for 5-foot turning radius; loop-handle drawer pulls; lever-handle door knobs; offset tub/shower controls to allow easier reach from outside the tub; 3-foot-4-inch-wide hallways, frame-to-frame; all interior doors 3-feet wide minimum, including closets where possible; height adjustable access to breaker panel and whole house water shut off; HOA maintained exterior to avoid need for ladders; ground-floor master bedroom option. Optional features tailored to individual homeowners may include: roll-in low-threshold shower, grab bars in shower and toilet area, oversize tub and more. Habitat's award-winning Crescent Magnolia community in Hillsborough features 24 ADA-compliant units, demonstrating our commitment and expertise in integrating these design features.

9. Social Equity

- a. Please describe how you have involved the intended beneficiaries of the proposed project in the planning and design process (*in 100 words or less*).

While homebuyers for this property have not yet been identified, local residents and community leaders who have purchased Habitat homes provide valuable insight to guide our organization's work. Prior to vertical construction, Habitat will engage our typical process of actively seeking input and feedback from the surrounding community about project design and desired amenities for the proposed development. Habitat homebuyers and community members also serve on various Habitat committees and the Board of Directors, providing input and guiding organizational decisions. Habitat is pleased to offer many customizable finish options for the individual homes in order to accommodate the buyer's preferences.

- b. How has your organization incorporated racial equity goals into your organizational goals?

As a housing non-profit working within the systemically racist framework of American housing policy and in service to disinvested communities, we recognize the need to do more to actively center racial equity in our work. As a starting point, Habitat has prioritized providing funding and paid time off for staff to participate in racial equity training through the Racial Equity Institute (REI). In 2021, Habitat implemented a policy that requires racial equity training for all new staff as a component of onboarding, with the goal of 100% staff

participation. We have also hired a racial equity consultant through BIWA | Emergent Equity that is working with a group of staff and board members in order to assess organizational culture and to identify underlying characteristics of white supremacy that must be addressed for Habitat to serve our community in a way that ensures we do not perpetuate harm.

In 2021, Habitat amended our policy to better serve the Latinx population by expanding our definition of qualifying households to include those with TPS or DACA status, in addition to U.S. citizens and legal permanent residents. In our most recent application period, Habitat intentionally focused outreach efforts on the LatinX community and families at risk of displacement from local manufactured home parks in addition to partnering with African American churches and the NAACP branches both in Chapel Hill/Carrboro and Northern Orange County. Orange Habitat is committed to serving people of color in our community through our repair and homeownership programs, and commit to working to identify and address barriers to homeownership.

- c. Please fill in the below questions and provide any additional context on the racial composition of the organization and board leadership:
 - i. % of staff that are people of color: 36%
 - ii. % of board that are people of color: 23%
 - iii. % of staff that have attended racial equity training: 40%
- d. Please describe any additional activities your organization is doing to address racial equity.

Habitat recently produced a report about Habitat's role in addressing the racial wealth gap through homeownership in Orange County. We are planning a public launch event for 2022 to discuss the results, with the goal of starting a community conversation about the connections between homeownership, wealth inequality, and racial equity. Staff members are also participating in a working group convened by Habitat for Humanity International that is focused on increasing Black homeownership rates both locally and nationally.

ATTACHMENTS

Description of Required Attachments

1. Financial Audit

- a. Please include your organization's most recent financial audit. For organizations with prior year revenues totaling \$500,000 or more a financial audit, prepared by a certified public accountant is required. Agencies with prior year revenues of less than \$500,000 may submit a completed [Schedule of Receipts and Expenditures](#) form (see application materials), in lieu of an audit/report. Agencies with a certified audit/report do not need to complete the form.

2. Organization Budget

- a. Please submit an organizational budget. Among other relevant revenue and expenditure information, please include line items on any government grants or loans by jurisdiction. If your organization has run a deficit, please include that information here.

3. Project Financials

- a. Please submit the following information about the project in a Microsoft Excel document or similar format, as relevant:
 - Project Budget/Development Costs
 - Sources and Uses
 - Operating pro forma (rental projects):
 - must show 20+ year cash flow projections that includes documentation of key operating assumptions, estimated rental income, operating expenses, net operating income, and any anticipated debt service, including a separate line item for any debt service (principal and/or interest) associated with Town loans requested as part of this application. Pro forma should project expenses far enough out to show when debt service ends (i.e., more than 20 years if necessary). Applicants may use the attached template or a similar version of their own.
 - Rental Income Breakdown: must show rent and utilities by bedroom size and AMI level, using the attached template or something similar.
 - Housing Affordability and Sale Proceeds (homeownership projects): must show sales price by bedroom size and AMI level, using the attached template or something similar.

4. Articles of Incorporation

5. List of Board of Directors

- a. Provide the following information about each board of director's member: name, occupation or affiliation of each member, officer positions, race/ethnicity.

6. Project Information

- a. For all projects, please submit a detailed timeline showing when each work task will be completed over the duration of the project.
- b. For development and renovation projects, please submit the following:
 - Site map showing lot boundaries, locations of structure(s), and other site features
 - General location map (at least ½ mile radius)
 - Floor plan(s)

- Elevation(s)
- Property Appraisal
- Evidence of zoning compliance (show that project fits in current zoning)
- Map showing proximity to bus stops, grocery store, schools and other amenities (including distance in miles from project site and amenities)

Non-Profit Corporations:

1. IRS Federal Form 990

A copy of the organization's most recent Form 990 is required for nonprofit applicants. The specific form depends upon the organization's financial activity. Review the IRS' table guide, for more details. For Form 990-N (e-postcard) filers, include a copy of the postcard, with the organization's application materials.

2. NC Solicitation License

A copy of the organization's current solicitation license is required. Organizations that solicit contributions in North Carolina, directly or through a third party, must renew their licenses annually. For more details, refer to the NC Secretary of State's licensing website and its Frequently Asked Questions Guide (PDF), about exemptions. If exempt per N.C.G.S. § 131F-3, include a copy of the exemption letter with the organization's application materials.

3. IRS Federal Tax-Exemption Letter

A copy of the organization's current IRS tax-exempt letter that confirms its nonprofit status is required. An organization can request a copy of its letter from the [IRS' Customer Account Services](#).

For-Profit Corporations:

1. Tax Returns

- a. Most recent two years of corporate tax returns.

2. YTD Profit and Loss Statement and Balance Sheet

3. Tax Returns

- a. Most recent two years personal tax returns and financial statements for all persons who have more than 19.9% ownership interest in the organization

4. References

- a. Two business references with name, address, and telephone number

5. Signed "Authorization to Release Information" for each person who has more than 19.9% ownership interest in the organization

6. Completed W-9 Form



OVERVIEW OF AFFORDABLE HOUSING FUNDING SOURCES

Purpose: This document is intended to provide a summary of the Town's affordable housing funding sources available to assist in creating a vibrant and inclusive community. The Overview includes a brief description of each funding source, as well as the eligible uses of each source.

TOWN FUNDING AVAILABLE FOR AFFORDABLE HOUSING PROJECTS FISCAL YEAR 2021-22:

SOURCE	AMOUNT
Affordable Housing Bond	\$5,000,000*
Affordable Housing Fund <i>(funding available varies based on receipt of payments in lieu from developers of affordable housing projects)</i>	\$450,000
Affordable Housing Development Reserve	\$688,395
Community Development Block Grant (CDBG)** <i>(Federal Funding - amount is approximate and varies year-to-year, based on Federal Budget)</i>	\$275,000
HOME** <i>(Federal Funding Process lead by Orange County – amount is approximate and varies year-to-year, based on federal budget)</i>	\$375,000
TOTAL	\$1,695,000

*The next round of Bond funding is anticipated to be in FY2022

**CDBG and HOME use a separate funding application. See below for additional information.

AFFORDABLE HOUSING BOND:

On November 6, 2018, voters approved the Affordable Housing Bond Referendum. Voter approval of the Bond gives the Town Council authority to issue up to \$10 Million in bonds to support affordable housing projects in the community.

Eligible Uses:

1. Land Acquisition
2. Home Repairs and Comprehensive Rehabilitation
3. Construction of New Affordable Housing Units

Threshold requirements:

1. The applicant can demonstrate site control (if applicable).
2. The project is located within the Town of Chapel Hill city limits or ETJ.
3. The project falls within one of the eligible uses for Bond funding approved by the Town.
4. The application is complete and submitted by the established deadlines.

5. The proposed project includes at least 10 homes/units.
6. The proposed project must draw funding awarded within three years of the approval of funding award by the Town.

Application Process: The Town will periodically announce a request for proposals for Bond funds via the Town's website and other communications channels. Applications are reviewed and evaluated by the Housing Advisory Board (HAB) and then presented to the Town Council for final approval.

For more information on Affordable Housing Bond funds, visit the Town's [Affordable Housing Website](#).

AFFORDABLE HOUSING FUND (AHF):

In 2002, the Town Council established the AHF to preserve owner-occupied housing in Chapel Hill for affordable housing purposes.

Application Process: Funds are available through the AHF on a rolling basis, with applications being accepted at any time. Applicants are evaluated by the Town Manager, with Council approval required for requests for housing renovation or homeownership assistance above \$40,000.

Eligible Uses: The AHF has a variety of eligible uses, including:

1. Preservation of owner-occupied housing
2. Land acquisition
3. Renovation
4. Affordable housing construction
5. Rental and utility assistance

For more information on the Affordable Housing Fund, visit the [Town's website](#).

AFFORDABLE HOUSING DEVELOPMENT RESERVE (AHDR):

In fiscal year 2014-15, the Town Council allocated over \$688,000 for affordable housing and approved an allocation strategy for this funding, establishing an Affordable Housing Development Reserve (AHDR).

Eligible Uses: The AHDR is dedicated exclusively to the development and preservation of affordable housing. Priority project areas are:

1. Land bank and land acquisition
2. Rental subsidy and development
3. Homeownership development and assistance
4. Future development planning.

Threshold requirements:

1. The applicant can demonstrate site control (if applicable).
2. The project is located within the Town of Chapel Hill city limits or ETJ.
3. The project falls within one of the priority project areas identified by the Town.
4. The application is complete and submitted by the established deadlines.

Application Process: AHDR applications are accepted three times per year (~ every 4 months). Applications are reviewed and evaluated by the Housing Advisory Board (HAB) and then presented to the Town Council for final approval.

For more information on the Affordable Housing Development Reserve, visit the [Town's website](#).

Federal Funding Sources Not Covered By This Application

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG)

The CDBG Program was created by the U.S. Congress in 1974 and is administered by the Department of Housing and Urban Development (HUD). The primary objective of the program is to develop viable urban communities by providing decent housing and a suitable living environment and expanding economic opportunities for low- and moderate-income peoples.

Eligible Uses: [CDBG eligible activities](#) include, but are not limited to: Acquisition of Real Property, Relocation and Demolition, Rehabilitation, Public Facilities and Improvements, and Public Services. Ineligible activities include Political Activities, Certain Income Payments, Construction of New Housing, or buildings for the General Conduct of Government.

Application Process: Applications are accepted once a year and reviewed by an Application Review Committee, which makes a recommendation for funding to the Chapel Hill Town Council for final approval.

For more information about the CDBG program, visit the [Federal CDBG website](#) and the [Town website](#).

THE HOME INVESTMENT PARTNERSHIP PROGRAM (HOME)

In 1990, Congress enacted the HOME Investment Partnerships Act in an effort to provide a new approach to housing assistance at the federal level. This federal housing block grant affords state and local governments the flexibility to fund a wide range of housing activities.

Eligible Uses:

1. Projects that expand the supply of decent, safe, sanitary and affordable housing, with emphasis on rental housing, for very low- and low-income citizens
2. Projects that strengthen the abilities of state and local governments to design and implement strategies for achieving adequate supplies of decent affordable housing
3. Projects that encourage public, private and nonprofit partnerships in addressing housing needs.

Application Process: Applications are accepted once a year and reviewed by a committee coordinated by Orange County.

For more information about the HOME program, visit the [Federal HOME website](#) and the [Town website](#).

OVERVIEW OF ELIGIBLE USES BY FUNDING SOURCE

Uses	CDBG	HOME	AHF	AHDR	BOND
Acquisition	✓	✓	✓	✓	✓
New Construction		✓	✓	✓	✓
Demolition	✓			✓	✓
Future Development Planning				✓	
Homebuyer/Second Mortgage Assistance	✓	✓	✓	✓	
Land Banking				✓	
Redevelopment/ Reconstruction	✓	✓	✓	✓	✓
Rehabilitation/Renovation	✓	✓	✓	✓	✓
Housing Relocation	✓	✓		✓	
Rental Assistance	✓	✓	✓	✓	✓
Rental Subsidy			✓	✓	
Site Improvements	✓	✓	✓	✓	✓

2021 INCOME LIMITS

US Department of Housing and Urban Development (HUD)

Durham-Chapel Hill Metropolitan Statistical Area
(Durham, Orange, and Chatham Counties)

<i>Income Level</i>	1 person	2 people	3 people	4 people	5 people	6 people	7 people	8 people
30% area median income	\$18,150	\$20,750	\$23,350	\$25,900	\$28,000	\$30,050	\$32,150	\$34,200
50% area median income	\$30,250	\$34,600	\$38,900	\$43,200	\$46,700	\$50,150	\$53,600	\$57,050
80% area median income	\$48,400	\$55,300	\$62,200	\$69,100	\$74,650	\$80,200	\$85,700	\$91,250

Source: U.S. Department of Housing and Urban Development (HUD) 2021



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 18., File #: [21-0828], Version: 1

Meeting Date: 10/27/2021

Review Results and Consider Recommendations for the Employee Housing Program.

Staff:

Sarah Osmer Viñas, Interim Director
Nate Broman-Fulks, Affordable Housing Manager
Megan Culp, Community Development Program Manager

Department:

Housing and Community

Overview: In November 2018, Council approved an Employee Housing Incentive Pilot Program to support Town employees who want to live in Chapel Hill with rental and homeownership assistance. Staff rolled out the program to employees in the Spring of 2019. During the two-year pilot, 7 employees received rental assistance. Staff conducted a program evaluation to assess opportunities for program changes to increase participation. This item provides an update on the Employee Housing Program, summarizes the results of our evaluation of the pilot program, and identifies recommendations for strengthening the program going forward.



Recommendation(s):

That the Council approve updates to the Employee Housing Program, as outlined in the attached Staff Memorandum.

Project Background

In the spring of 2017, the Council asked the Town Manager to explore options for providing assistance to Town employees who want to live in Chapel Hill. Based on Council's direction:

- **Spring 2017-January 2018:** Staff conducted a multi-part research process using the human-centered design approach that included employee engagement and national review of best practices research.
- February 2018 <<https://chapelhill.legistar.com/MeetingDetail.aspx?ID=582675&GUID=31B81E2E-BF9A-4CB7-B4CE-DB859F0BFF18&Options=info|&Search=>>>: Staff presented the initial findings to the Town Council and the Council asked staff to develop a pilot program.
- November 2018 <<https://chapelhill.legistar.com/MeetingDetail.aspx?ID=621432&GUID=2F402DBA-01E2-4E57-AB2B-2C1559443350&Options=info|&Search=>>>: Town Council approved the Employee Housing Incentive Pilot Program
- **Spring 2019:** Staff launched the program and received its first applications from employees.
- **Spring 2021:** Staff began conducting a program evaluation to assess opportunities for program improvements.

See the Staff Memorandum attached for additional details on the pilot evaluation and recommendations for the Employee Housing Program.

Program Evaluation Key Takeaways

1. The Pilot Program was successful in assisting employees with rental housing opportunities in Chapel Hill.
 - a. 24 Town employees applied for homeownership and rental assistance. A total of seven

employees received rental housing assistance, and no employees received homeownership assistance. Of the remaining 17 employees who applied to the program, seven are still eligible for homeownership assistance if they find a qualified home to purchase, three purchased properties outside of Chapel Hill, and seven are not qualified.

2. There is still widespread interest from employees for the Town to provide incentives for both homeownership and rental opportunities close to work.
3. The greatest barriers to using the program have been the high cost and limited availability of housing stock in Chapel Hill Town limits.
4. COVID-19 impacts, including the economic slow-down and decreased housing inventory, may have impacted the results of the pilot program.

Staff Recommendation

Staff recommend the following changes to the Program for Council consideration:

- a. Expand the eligibility criteria for both homeownership and rental to within 5 miles of Chapel Hill Town Limits
- b. Increase the incentive amounts and broaden the eligible uses.
- c. Enhance the outreach and support for employees seeking housing opportunities.

Fiscal Impact/Resources: The budget for the pilot program was \$50,000 for implementation. After assisting seven employees through the pilot program, approximately \$43,000 remains. If Council approves the recommendations for program changes, staff anticipate the current funding will be used at a faster rate than experienced to date. Staff is not requesting additional funding at this time but will monitor utilization and make a funding request when appropriate.



Attachments:

- Resolution
- Draft Staff Presentation
- Staff Report - October 2021
- Current Rental Pilot Program Overview
- Current Homebuyer Pilot Program Overview

A RESOLUTION APPROVING UPDATES TO THE EMPLOYEE HOUSING PROGRAM (2021-10-27/R-16)

WHEREAS, in 2017 the Town Council asked the Town Manager to explore options for providing assistance to Town employees who would like to live in Chapel Hill; and

WHEREAS, the Town has an established commitment to supporting employees and providing benefits that serve as effective recruitment and retention tools; and

WHEREAS, the Town is committed to supporting innovative solutions that advance the Council's affordable housing goals and making Chapel Hill a Place for Everyone; and

WHEREAS, the Town Council approved a pilot program for Employee Housing Incentives in November 2018; and

WHEREAS, the Town evaluated results of the program and made recommendations for program improvement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the program guidelines be updated to expand the eligibility criteria and allowable uses of the homeownership and rental incentives.

BE IT FURTHER RESOLVED by the Council of the Town of Chapel Hill that the Town Manager is authorized to make future updates to the Employee Housing Program, as needed based on changing conditions and employee preferences to improve program results.

BE IT FURTHER RESOLVED that the Council shall receive an annual report on the Employee Housing Program results.

This the 27th day of October, 2021.

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

PRESENTER: Sarah Osmer Viñas, Interim Director
Nate Broman-Fulks, Affordable Housing Manager
Megan Culp, Community Development Programs Manager

RECOMMENDATION: That the Council approve updates to the Employee Housing Program.

Employee Housing Incentive Pilot Program

Evaluation and Recommendations

THE TOWN OF CHAPEL HILL
HOUSING & COMMUNITY



Draft



Agenda

- Background & Pilot Program Results
- Evaluation
- Findings
- Recommendations



Timeline

- **Spring 2017** - Council asked staff to explore options for employee housing incentives
- **November 2018** – Council approves the Pilot Program
- **Spring 2019** – Program rolled out to employees
- **March 2021** – Evaluation of two-year pilot program began



Pilot Program Overview

■ Homeownership

- One-time down payment or closing cost assistance up to \$7,500
- For home within Chapel Hill Town limits
- Pilot Outcomes: 11 employees applied, 0 received

■ Rental

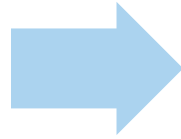
- One-time payment for security deposits, utility connections, and fees
- Assistance range: \$1,480 - \$2,050 based on unit bedroom size
- Pilot Outcomes: 13 employees applied, 7 received

draft

Evaluating the Pilot Program

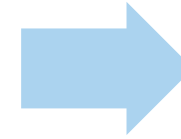
1. Employee Survey

- Understand employee program awareness, incentive preferences, and barriers to utilizing the program



2. Stakeholder Interviews

- Gain feedback on effectiveness of the incentives
- Gather program design/administration recommendations



3. Real Estate Market Data Analysis

- Data from home sales in Chapel Hill and Orange County 2019 to present
- Used to understand availability of housing at affordable price points over time

Key Findings

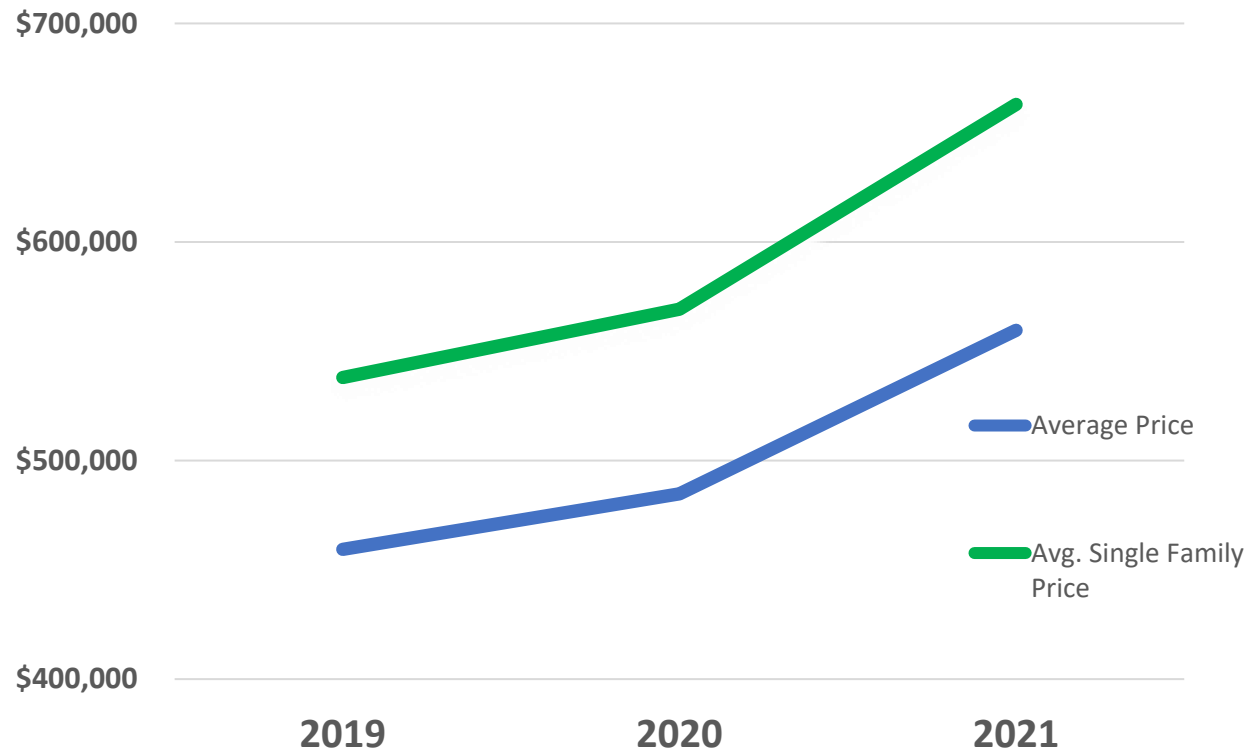


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- durham** (large green)
- retention** (large red)
- levels** (large green)
- money** (large blue)
- helpful** (large red)

2. Affordability remains the greatest barrier to Town employees living in Chapel Hill

Sales Price of Homes Sold in Chapel Hill
2019-2021

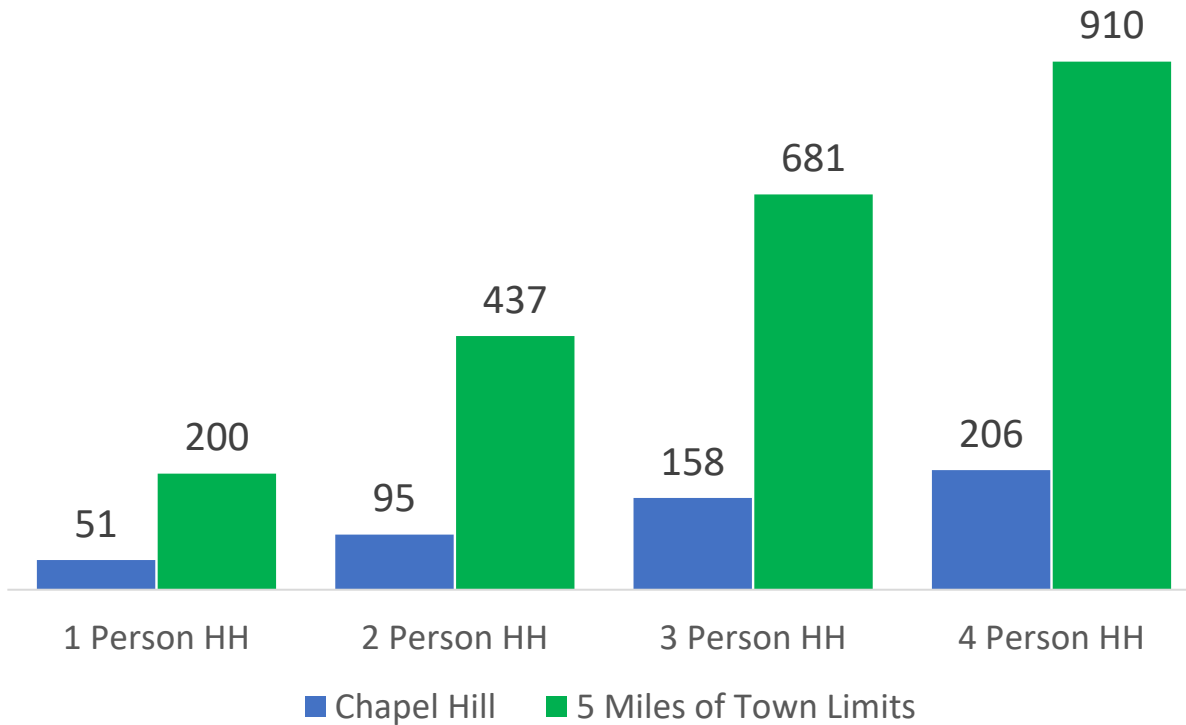


“Housing in Chapel Hill is extremely expensive and there is always a low supply.”
Town Employee

“Cost of living [is a barrier] compared with areas further away from town.”
Town Employee

3. There is limited availability of affordable options in Chapel Hill Town limits that fits employee needs.

Single Family Homes Sold in 2020 Affordable at 115%
AMI



“The only properties I could afford were student rental-type places that were in horrible shape or tiny.”
Town Employee

“Desire to live in a home with a yard, not an apartment.”
Town Employee

Recommendations



Recommendation 1: Expand Program Eligibility

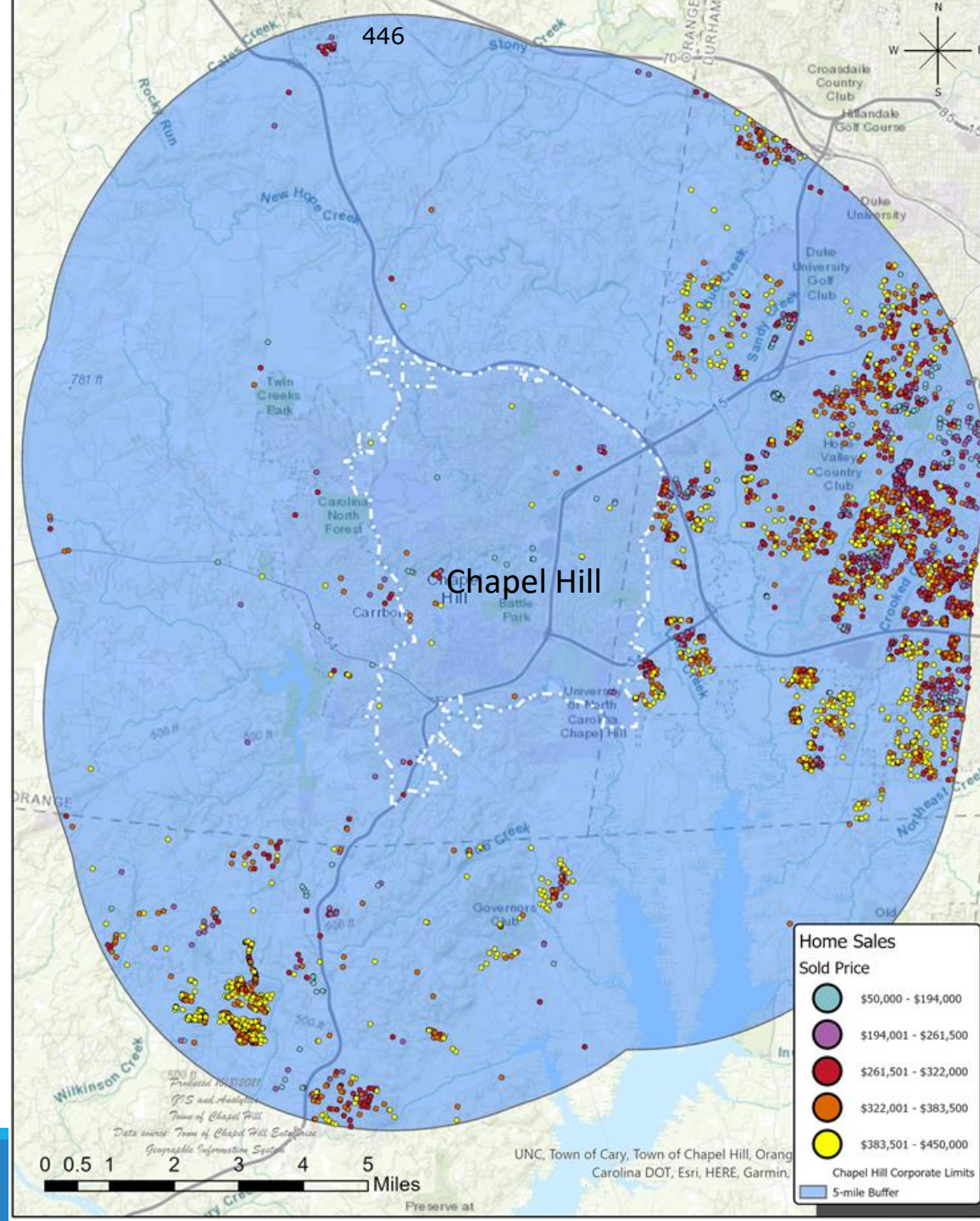
Expand geographic area to all properties within 5 miles of Chapel Hill Town Limits

- Increase the amount of naturally occurring affordable rentals available to employees
- Increase the inventory available to employees interested in purchasing homes

Additional option to consider: Increase the income limit

- More employees would be eligible
- Doesn't address housing barriers for lower income employees

**2019-21 Home
Sales of
< \$450,000**
Within 5 Miles of
Chapel Hill
Town Limits



Draft

Recommendation 2: Increase the incentive amounts and broaden eligible uses

Rental

- **Add future rent payments** as an eligible expense.
- Increase incentive to **2.5x Fair Market Rent**, adjusted annually

Homeownership

- **\$12,500** available to employees purchasing a home in Chapel Hill
- **\$7,500** for the purchase of a home elsewhere in Orange County

Recommendation 3: Enhance employee outreach and engagement

- Provide employee trainings
- Share information with employees via Town channels
- Hold workshops and lunch and learns
- Include program information in recruitment, orientation, and onboarding

Draft

Funding

- Originally budgeted \$50,000 for pilot program
- \$43,000 remains
 - Staff anticipates that could serve:
 - 2 employees with homeownership
 - 5-7 with rental assistance before new funding would need to identified

Draft

Proposed Next Steps

October 27th

Council consideration of
program updates

Nov - Dec

Update materials and
processes

Winter 2022

Roll out updated
program

draft

Staff Recommendation

- Approve Resolution 2021-10-27/R-?? Approving Updates to the Employee Housing Program



Questions?

Draft



Employee Housing Incentive Program Pilot Program Evaluation Results and Recommendations October 2021



Overview: In November 2018, Council approved an Employee Housing Incentive Pilot Program to provide assistance to Town employees who would like to live in Chapel Hill. The program was rolled out to employees in the Spring of 2019. During the two-year pilot, 7 employees received rental assistance. Staff conducted a program evaluation to assess opportunities for program changes to increase participation. This report provides an update on the Employee Housing Incentive Pilot Program, summarizes the results of our evaluation of the pilot program, and identifies recommendations for strengthening the program going forward.

Key Takeaways:

1. The Pilot Program was successful in assisting employees with rental housing opportunities in Chapel Hill.
2. There is still widespread interest from employees for the Town to provide incentives for both homeownership and rental opportunities close to work.
3. The greatest barriers to using the program have been the high cost and limited availability of housing stock in Chapel Hill Town limits.
4. COVID-19 impacts, including the economic slow-down and decreased housing inventory, may be factors in the results of the pilot program.
5. Staff recommend the following changes to the Program for Manager and Council consideration:
 - a. Expand the eligibility criteria for both homeownership and rental to within 5 miles of Chapel Hill Town Limits.
 - b. Increase the incentive amounts and broaden the eligible uses.
 - c. Enhance the outreach and support for employees seeking housing opportunities.

Background and Pilot Program Results:

At the direction of Council, staff designed the Employee Housing Incentive Pilot Program with input from Town employees and local housing providers. Staff also based the program on best practices from around the country. Supporting employees who want to live where they work has benefits for employees, the Town as an employer, and the community as a whole. It improves employee recruitment and retention, increases employee morale with reduced commutes and greater financial security, and encourages greater community connections.

During the two-year pilot program, 24 Town employees applied for assistance. A total of seven employees received assistance for rental housing only, as detailed below.

1. **Homebuyer Assistance:** designed to help Town employees purchase homes in Chapel Hill through down payment and/or closing cost assistance. An employee can apply for up to \$7,500 of assistance to purchase a home in Chapel Hill town limits.
 - **11** employees applied for Homebuyer Assistance, **0** received assistance, **7** are currently eligible for assistance if they find a home to purchase, 3 purchased homes outside of Chapel Hill and 1 is no longer eligible for assistance.

2. **Rental Assistance:** designed to help employees secure rental housing in Chapel Hill. Employees can apply for a one-time payment for assistance with security deposits, utility connection and other applicable fees. Assistance level ranges from \$1,480 - \$2,050 based on unit bedroom size.
 - **13** employees applied for Rental Assistance with **7** of those employees receiving assistance. The remaining 6 employees are ineligible.

Evaluation Process:

Staff conducted a multi-layered evaluation process of the program that included:

- **Employee Survey:** to understand employee program awareness, incentive preferences, and barriers to utilizing the program.
- **Stakeholder Interviews:** to gain feedback on effectiveness of the incentives and gather program design/administration recommendations.
- **Real Estate Market Data Analysis:** reviewed data from home sales in Chapel Hill and Orange County from January 2019 to July 2021 to understand availability of housing at different price points over time, including before and after the pandemic.

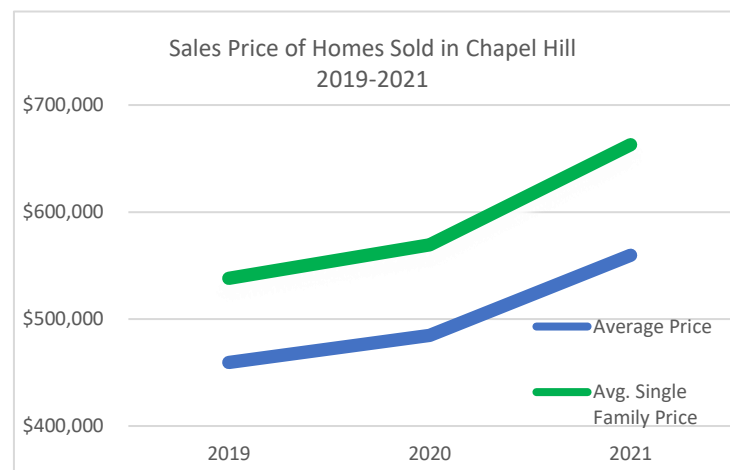
Key Findings:

1. Town employees continue to have significant interest in living closer to work.

- 70% of employees who responded to the survey said they were interested in the Employee Housing Incentive Program because they would like to live closer to work.ⁱ

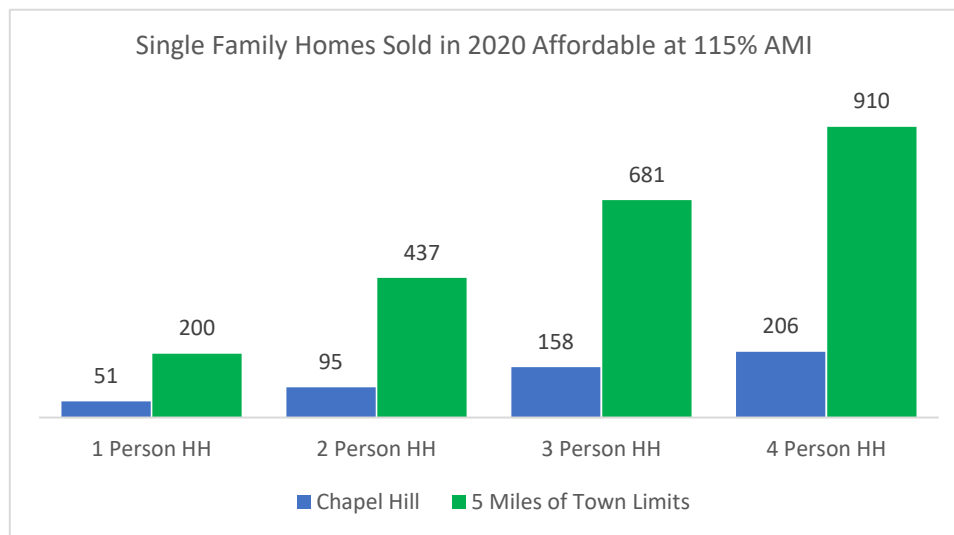
2. Affordability remains the greatest barrier to Town employees living in Chapel Hill.

- 96% of employees reported some variation of affordability as the biggest barrier to finding housing in Chapel Hill.ⁱⁱ
- A common suggestion was to increase incentive amounts or provide a monthly stipend to make monthly payments more affordable long-term.ⁱⁱⁱ
- When asked about barriers to finding housing in Chapel Hill on the survey, employees said:
 - “Housing in Chapel Hill is extremely expensive and there is always a low supply.”



3. There is limited availability of affordable options in Chapel Hill Town limits that fits the needs of employees and their households.

- 39% of respondents reported the housing stock in Chapel Hill as a barrier to moving in Town.^{iv}
 - “Desire to live in a home with a yard, not an apartment.”
 - “Cost of living [is a barrier] compared to areas further away from town.”
 - “The only properties I could afford were student rental-type places that were in horrible shape or tiny.”^v



Recommendations:

Based on what we learned through the Pilot Program and the results of the evaluation, staff propose the following changes to the program for Council consideration:

- **Expand the eligibility criteria**

- Expand the eligible area for both homeownership and rental to within 5 miles of Town Limits.
 - Anticipated Impact: Increase the amount of naturally occurring affordable housing available to employees.
- Additional option to consider: Expand the eligible income ranges
 - Anticipated Impact: Increase the number of employees eligible for the program.

- **Increase the incentive amounts and broaden eligible uses.**

- Rental:

- Employees would be eligible to receive a rental incentive equal to **2.5 times the Fair Market Rent based on number of bedrooms**, updated annually. For FY2022, incentive amounts would be:

Efficiency	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
\$2,430	\$2,435	\$2,835	\$3,733	\$4,288

- Eligible expenses would be broadened to allow future rent payments, in addition to security deposits and utility connection fees.

- Homeownership:

- Employees purchasing a home in Chapel Hill would be eligible for \$12,500 down payment and closing cost assistance.
 - This amount is roughly equal to a 3% down payment for a home purchased affordably to a family of four at 115% AMI, and a 5% down payment for an 80% AMI family. A 3% down payment is a typical minimum requirement for a Federal Housing Administration (FHA) loan.
- Employees purchasing a home outside of Chapel Hill but within 5 miles of Town Limits would be eligible for \$7,500, providing a greater incentive to purchasing a home in town.

- **Enhance outreach and engagement to employees about the Program.** To increase employee awareness and use of the program going forward, staff propose:

- Engaging local partner organizations to provide employees regular updates and trainings on available housing products and application processes.

- Creating an employee email listserv for those who wish to receive information about available/upcoming housing opportunities, such as properties coming onto the market offered through the Northside Neighborhood Initiative.
- Offering quarterly Lunch and Learns on financial literacy and housing topics such as credit, budgeting, and shopping for a mortgage loan.
- Working with our Human Resources Development staff to better highlight the program in recruitment and retention efforts.

Summary of Recommendations:

Incentive		Pilot Program	Recommendation
Rental	Amount	2019 Fair Market Rent	2.5 x Fair Market Rent
	Eligible Use	Security deposits Utility connection fees	Rent payments Security deposits Utility connections fees
Home Ownership	Amount	Chapel Hill \$7,500	Chapel Hill - \$12,500 5-Mile Radius - \$7,500
	Eligible Use	Down payment and closing costs	Down payment and closing costs

Fiscal Impact

The budget for the pilot program was \$50,000. After assisting seven employees, approximately \$43,000 remains in funding. If Council approves the recommendations for program changes, staff anticipate the current funding will be used at a faster rate than experienced to date, with a goal of serving 2 employees through homeownership and 5 with rental assistance per year. Staff is not requesting additional funding at this time but will monitor the impacts of the proposed changes and make a funding request if/when additional funds are needed.

ⁱ “Town of Chapel Hill: Employee Housing Program Survey,” (March 2021)

ⁱⁱ Ibid.

ⁱⁱⁱ Ibid.

^{iv} “Town of Chapel Hill: Employee Housing Program Survey,” (March 2021)

^v Ibid.



Town of Chapel Hill Employee Housing Incentive

Rental Assistance Program Overview

Who does the program serve?

The Rental Assistance program serves households that meet the following criteria:

- Permanent employees with a household income at 80% of the Area Median Income (AMI) and below
- Seek housing in the Town of Chapel Hill Corporate Limits
- Need assistance with security deposits, utility connection fees, and other applicable fees
- Have a lease term of at least 12 months
- Have attended an approved homebuyer and/or budget counseling program
- Provide the required documentation when they apply for assistance

What assistance is provided through the program?

Employees can apply to the Town for a one-time payment from the Town of Chapel Hill:

- Two-bedroom home or less maximum assistance: \$1,480
- Three-bedroom home maximum assistance: \$1,860
- Four or more bedrooms home maximum assistance: \$2,050

Example of eligible rental and utility connection fees include:

- Security deposits for the lease agreement
- Electric, gas, internet, or water service connection fees

What documentation is required to receive assistance?

Households that seek assistance are required to provide the following information:

- Official documentation showing the amount of the security deposit, utility connection fees, and/or other applicable fees
- Official documentation verifying household income
- A copy of the signed lease agreement
- Once official documentation is provided, the Town will make a check payable to the landlord, utility company, or service provider

Conditions for Repayment

- If the employee receiving assistance leaves employment with the Town or moves outside of Town limits within 1 year of the time assistance is received, the total assistance provided shall be repaid.

How do I apply for assistance?

To complete an online application visit <https://communityhometruster.org/online-application/>. Please ensure you answer 'Yes' to the following question on the first page: "Is either applicant an employee of the Town of Chapel Hill?".

To learn more about the program, visit <https://www.chapelhillaffordablehousing.org/employee-housing/>, or contact Nate Broman-Fulks at nbfulks@townofchapelhill.org or 919-969-5077.

Does your household meet the income qualifications of 80% of the Area Median Income (AMI) or below?

Income Level	Household Size				
	<u>1 person</u>	<u>2 people</u>	<u>3 people</u>	<u>4 people</u>	<u>5 people</u>
80%	\$ 48,400	\$ 55,300	\$ 62,200	\$ 69,100	\$ 74,650

Town of Chapel Hill

Prepared by Housing and Community Staff



Town of Chapel Hill Employee Housing Incentive

Homebuyer Assistance Program Overview

Who does the program serve?

The Homebuyer Assistance program serves households that meet the following criteria:

- Permanent employees with a household income at 115% of the Area Median Income* and below
- Seek housing in the Town of Chapel Hill Corporate Limits
- Need assistance with down payment or closing costs towards the purchase of a home
- Provide the required documentation when they apply for assistance
- Have attended an approved homebuyer and/or budget counseling program
- Home must be primary residence

What assistance is provided through the program?

Employees can apply to the Town for a one-time down payment from the Town of Chapel Hill:

- Maximum assistance of \$7,500

What documentation is required to receive assistance?

Households that seek assistance are required to provide the following information in order to receive assistance:

- Closing Disclosure document, to be provided by closing attorney
- Official documentation verifying total household income
- Once official documentation is provided and approved, the Town will make a check payable to the closing attorney
- Annual monitoring will be conducted and official documentation will be requested to ensure the home is the employee's primary residence

Conditions for Repayment

- If the employee receiving assistance leaves employment with the Town within 5 years, they will repay the down payment or closing cost assistance at a rate of 20% for each year under 5 years they work. For example, if an employee moves after 4 years of employment they would be obligated to pay back 20% of the total of their grant.

How do I apply for assistance?

To complete an online application visit <https://communityhometruster.org/online-application/>. Please ensure you answer 'Yes' to the following question on the first page: "Is either applicant an employee of the Town of Chapel Hill?".

To learn more about the program, visit <https://www.chapelhillaaffordablehousing.org/employee-housing/>, or contact Megan Culp at mculp@townofchapelhill.org or 919-968-2877.

Does your household meet the income qualifications of 115% of the Area Median Income (AMI) or below?

	Household Size				
Income Level	<u>1 person</u>	<u>2 people</u>	<u>3 people</u>	<u>4 people</u>	<u>5 people</u>
115% AMI	\$ 69,575	\$ 79,523	\$ 89,413	\$ 99,360	\$ 107,353



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 19., **File #:** [21-0829], **Version:** 1

Meeting Date: 10/27/2021

Concept Plan Review: 710 North Estes Drive.

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: Judy Johnson, Assistant Planning Director

- 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.

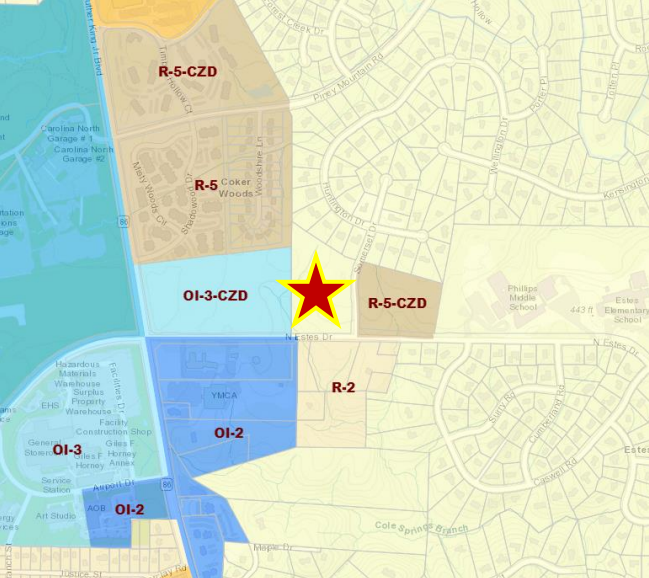
CONCEPT PLAN REPORT



CONCEPT PLAN REVIEW: 710 NORTH ESTES DRIVE (PROJECT #21-062)

SUMMARY REPORT

TOWN OF CHAPEL HILL PLANNING DEPARTMENT
Colleen Willger, Director
Judy Johnson, Assistant Director

PROPERTY ADDRESS 710 North Estes Drive	MEETING DATE October 27, 2021	APPLICANT McAdams Co, on behalf of Lock7 Development
STAFF RECOMMENDATION That the Council adopt the resolution transmitting comments to the applicant regarding the proposed development.		
PROCESS <ul style="list-style-type: none"> The Council will hear the applicant's presentation, receive comments from the Community Design Commission, Housing Advisory Board, and Stormwater Management Utility Advisory Board, hear public comments, and offer suggestions to the applicant. Because this review is a Concept Plan submittal, statements by individual Council members this evening do not represent an official position or commitment on the part of a Council member with respect to the position he or she may take when and if the Council considers a formal application. The Community Design Commission reviewed a concept plan for this site on October 26, 2021. The Housing Advisory Board reviewed a concept plan for this site on October 14, 2021. The Stormwater Management Utility Advisory Board reviewed a concept plan for this site on October 26, 2021. 	DECISION POINTS <ul style="list-style-type: none"> The site is in the South MLK Boulevard Area of the Future Land Use Map (FLUM) within Sub-Area B. The FLUM identifies multifamily residential as one of the primary land uses. The site is also located within the Central West Small Area Plan. 	
PROJECT OVERVIEW This approximately 7.3-acre site is located on the northwest corner of the Estes Drive and Somerset Drive intersection and is zoned Residential-2 (R-2). The property is vacant and wooded. The applicant proposes to construct approximately 78 townhomes within 12 buildings. The applicant is proposing to rezone the property to Residential-5 (R-5). Each three- or four-bedroom townhome will have a two-car garage. The parcel has utility easements along the western and northern property lines as well as portion of Resource Conservation District in the southwest corner. The proposal does not include encroachment into the stream buffer. The applicant will be sharing options for Council's consideration regarding Inclusionary Zoning Ordinance requirements.	PROJECT LOCATION 	
ATTACHMENTS	<ol style="list-style-type: none"> 1. Concept Plan Report 2. Draft Staff Presentation 3. Resolution A, transmitting comments to the applicant 4. Town's Urban Designer's comments 5. Advisory Board recommendations (<i>to be distributed</i>) 6. Applicant Materials 	



LONG-RANGE PLANS EVALUATION

710 North Estes Drive

The following report provides an evaluation by Planning Staff of the Concept Plan site, based on long-range planning considerations.

PROPERTY ADDRESS 710 North Estes Drive	APPLICANT McAdams Co on behalf of Lock7 Development	CURRENT ZONING DISTRICT Residential-2 (R-2)
--	---	---

EXISTING LAND USE Vacant / Undeveloped	PROPOSED LAND USE Multifamily Residential
--	---

SURROUNDING PROPERTIES – EXISTING LAND USES


Vacant (but with Council entitlement) (West), Single-family residences (North and South), Multifamily (East)

FUTURE LAND USE MAP (FLUM) FOCUS AREA South MLK Boulevard	FLUM SUB-AREA B
---	---------------------------

OTHER APPLICABLE ADOPTED PLANS

- | | |
|--|---|
| <input checked="" type="checkbox"/> Mobility and Connectivity Plan | <input checked="" type="checkbox"/> Stormwater Management Master Plan |
| <input checked="" type="checkbox"/> Parks Comprehensive Plan | <input checked="" type="checkbox"/> Climate Action and Response Plan (NEW) |
| <input checked="" type="checkbox"/> Greenways Master Plan | <input type="checkbox"/> West Rosemary Street Development Guide |
| <input checked="" type="checkbox"/> Chapel Hill Bike Plan | <input checked="" type="checkbox"/> Central West Small Area Plan |
| <input checked="" type="checkbox"/> Cultural Arts Plan | |

SUMMARY OF PLAN CONSIDERATIONS AFFECTING SITE

Map excerpts on following pages demonstrate the Plan Considerations listed below. The location of 710 North Estes Drive is marked with the  symbol.

Future Land Use Map (FLUM)

- The project is in the South MLK Boulevard Sub-Area B.
- Multifamily Residential is identified as one of the appropriate Primary land uses.
- Typical Height in the Sub-Area is 4-6 stories.
- Transitional Area is on the north side of the site.

Mobility and Connectivity Plan

- The Estes Drive Pedestrian and Bicycle project is nearing start of construction along Estes Drive with pedestrian and bicycle facilities.

Parks Comprehensive Plan

- The site does falls within the Community Park or Neighborhood Park Service Area.
- No additional Neighborhood Parks or Community Parks are proposed in the vicinity of the site.

Greenways Master Plan

- The applicant should **coordinate with Chapel Hill Parks & Recreation** for the latest information.

Cultural Arts Plan

- No opportunities for integrating public art are identified at locations that impact the site.

Stormwater Management Master Plan

- The site is in the Middle Bolin Creek (BL4) Basin. The applicant should **coordinate with Chapel Hill's Stormwater Management Division** to understand relevant stormwater considerations.

Climate Action and Response Plan (NEW)

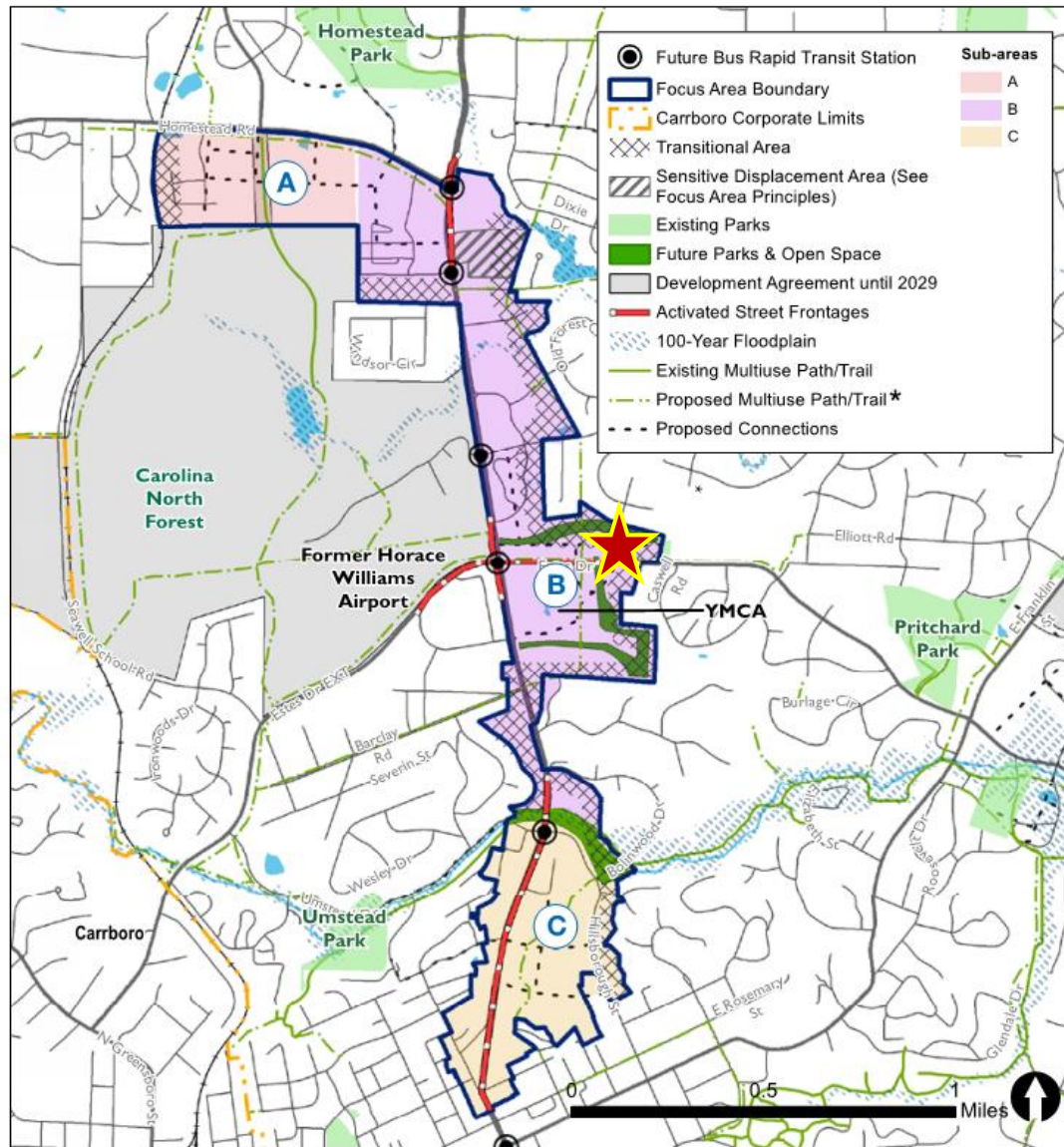
(Note: no map excerpt provided, as the Plan is generally text-based)

- Developing the site in accordance with the Future Land Use Map and Mobility Plan would contribute to the following Plan actions:
 - Create walkable, bikeable, transit-served neighborhoods
 - Increase bicycling, walking, and transit use
- Conditions for development could contribute to the other actions in the plan such as:
 - Net-zero emissions for new construction
 - Create a town-wide EV charging station network
 - Protect water quality, natural, and agricultural resources
 - Enhance green infrastructure

CONCEPT PLAN REPORT

710 North Estes Drive

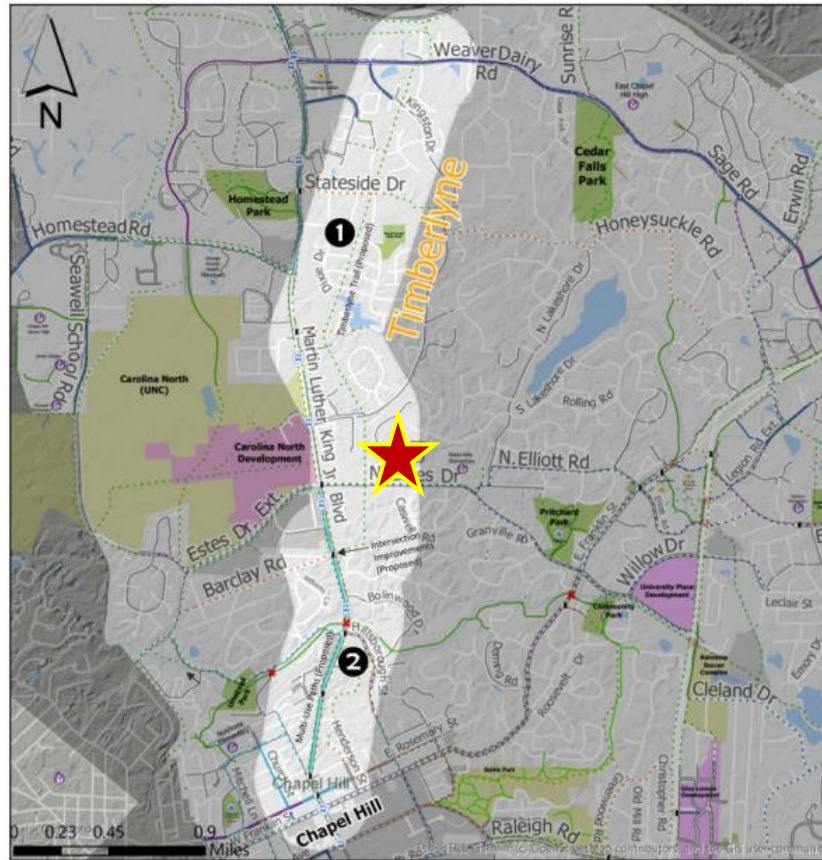
Future Land Use Map (Excerpt)



CONCEPT PLAN REPORT

710 North Estes Drive

Mobility and Connectivity Plan (Excerpt)



Legend	
	Town park
	UNC campus
	Major development
	Other park
	Future BRT
	Crosswalk improvement
	Existing underpass
	Proposed underpass/overpass
BICYCLE	
	EXISTING Bike Lane
	EXISTING Buffered/Protected Bike Lane
	EXISTING Sharrow
	EXISTING Signed Bike Route
	EXISTING On-Street Greenway Connector
	EXISTING Cycle Track
	EXISTING Bike Climbing Lane
	PROPOSED Bike Lane
	PROPOSED Buffered/Protected Bike Lane
	PROPOSED Sharrow
	PROPOSED Signed Bike Route
	PROPOSED On-Street Greenway Connector
	PROPOSED Cycle Track
	PROPOSED Bike Climbing Lane
MULTI-USE	
	EXISTING Multi-Use Path/Greenway
	EXISTING Unpaved Greenway
	EXISTING ADA Trail
	PROPOSED Multi-Use Path/Greenway
	PROPOSED Unpaved Greenway
	PROPOSED ADA Trail
PEDESTRIAN	
	EXISTING Sidewalk
	PROPOSED Sidewalk

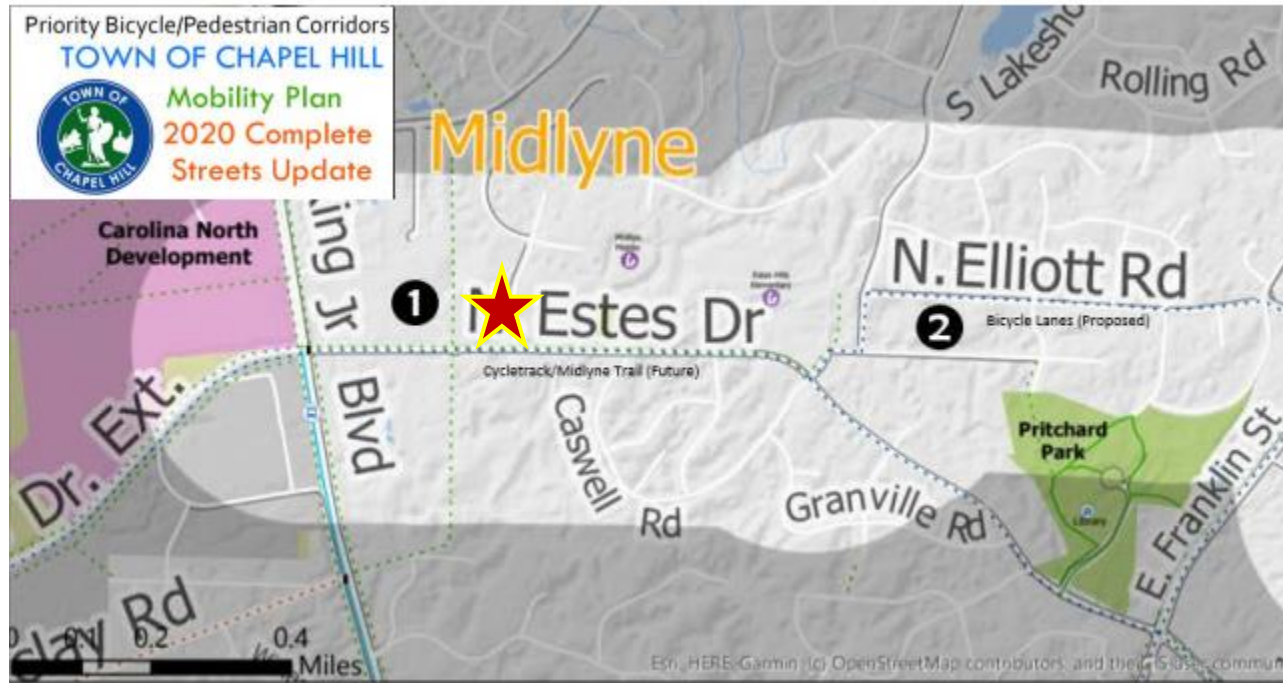
Priority Bicycle/Pedestrian Corridors



CONCEPT PLAN REPORT

710 North Estes Drive

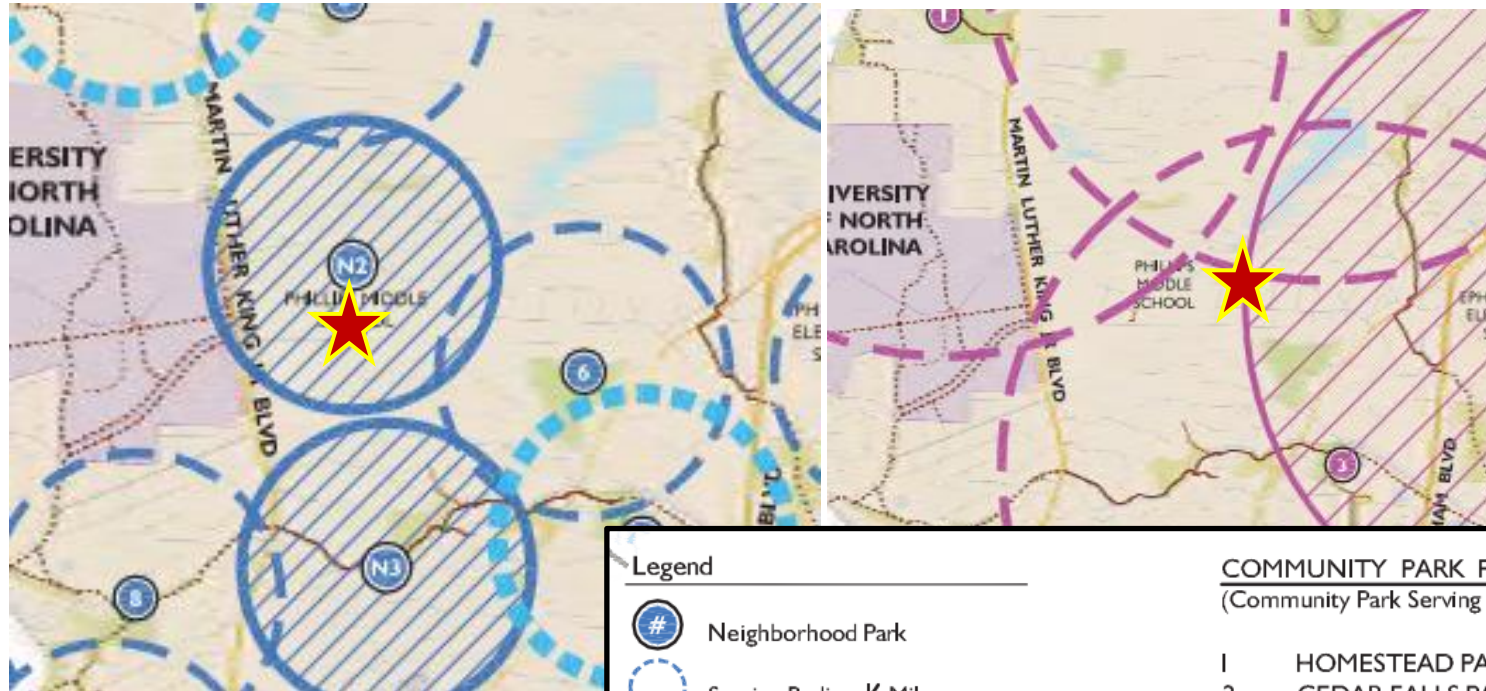
Mobility and Connectivity Plan (Excerpt)



CONCEPT PLAN REPORT

710 North Estes Drive

Parks Comprehensive Plan (Excerpt)



Legend

- Neighborhood Park
- Service Radius 1/2 Mile
- Community Park Serving as Neighborhood Park
- Proposed Neighborhood Park 1/2 Mile radius

- Community Park
- Service Radius 1.5 Mile
- Proposed Community Park 1.5 Mile radius
- Chapel Hill Town Limits

COMMUNITY PARK FACILITIES

(Community Park Serving as Neighborhood Park)

- 1 HOMESTEAD PARK
- 2 CEDAR FALLS PARK
- 3 COMMUNITY CENTER PARK
- 4 SOUTHERN COMMUNITY PARK

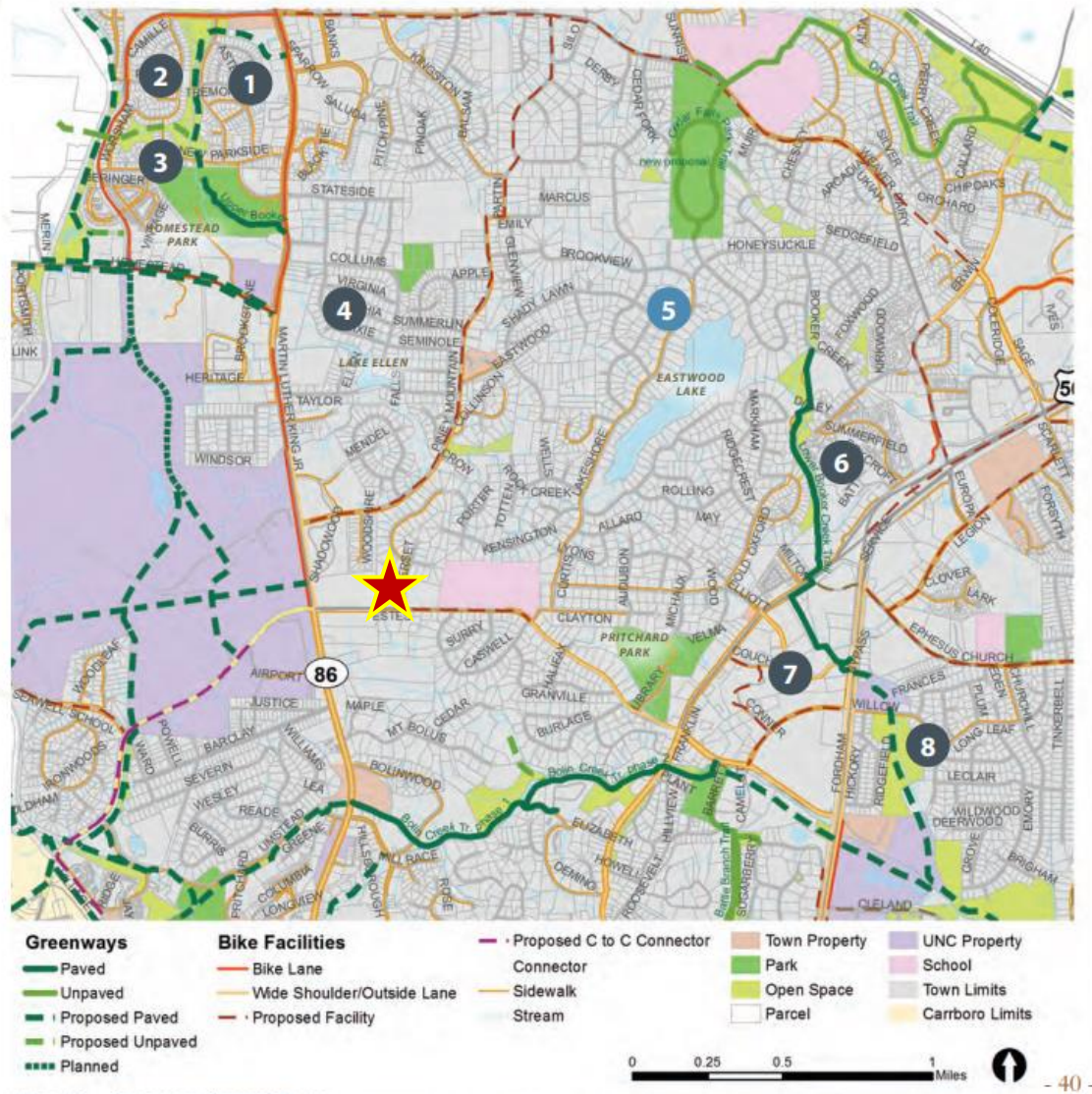
NEIGHBORHOOD PARK FACILITIES

- 5 NORTH FOREST HILLS PARK
- 6 PRITCHARD PARK
- 7 EPHESUS PARK
- 8 UMSTEAD PARK
- 9 HARGRAVES PARK
- 10 OAKWOOD PARK
- 11 MEADOWMONT PARK

CONCEPT PLAN REPORT

710 North Estes Drive

Greenways Master Plan (Excerpt)



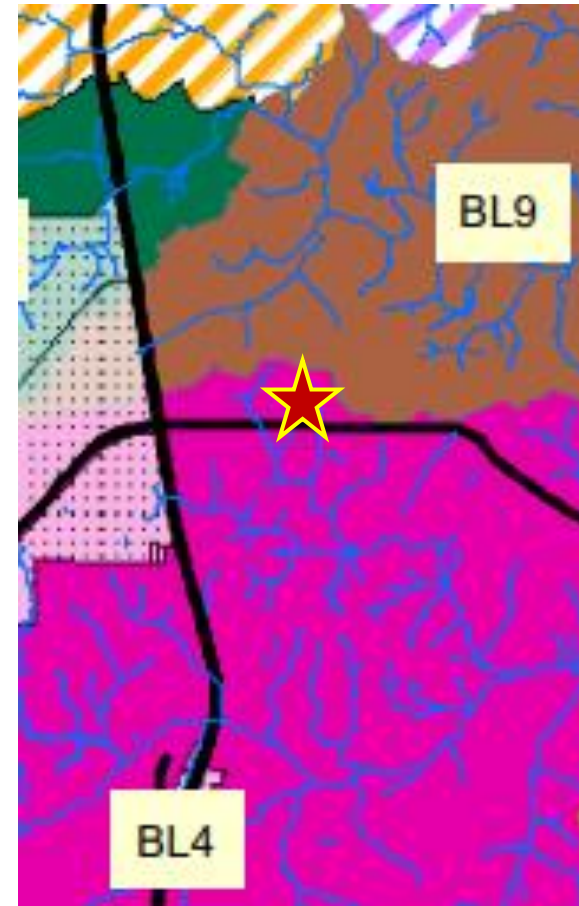
CONCEPT PLAN REPORT

710 North Estes Drive

Cultural Arts Plan (Excerpt)



Stormwater Management Master Plan (Excerpt)



ID	Basin Name
BL2	Upper Bolin Creek
BL3	Horace Williams
BL4	Middle Bolin Creek
BL5	Lower Bolin Creek
BL6	Booker Headwaters
BL7	Crow Branch
BL8	Cedar Fork
BL9	Eastwood Lake
BL10	Lower Booker Creek

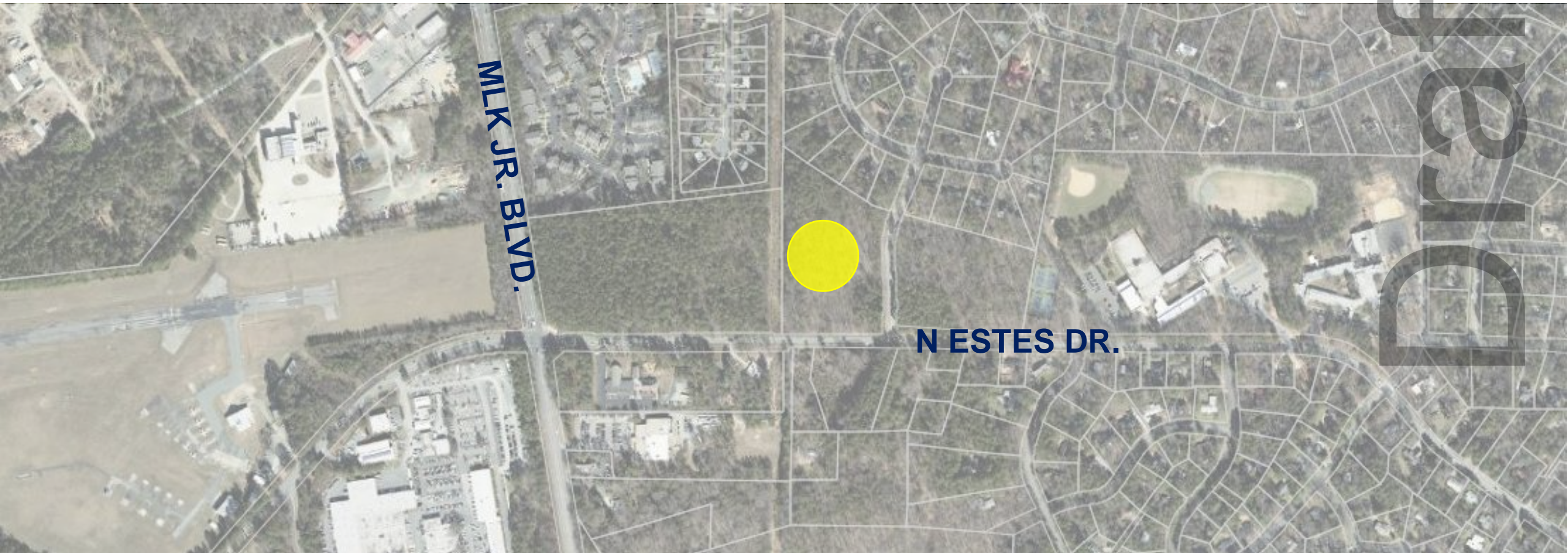


COUNCIL MEETING

CONCEPT PLAN

710 North Estes Drive

October 27, 2021





RECOMMENDATION

- ❑ Adopt a Resolution, transmitting comments to the Applicant regarding the proposed development (*R-#*)





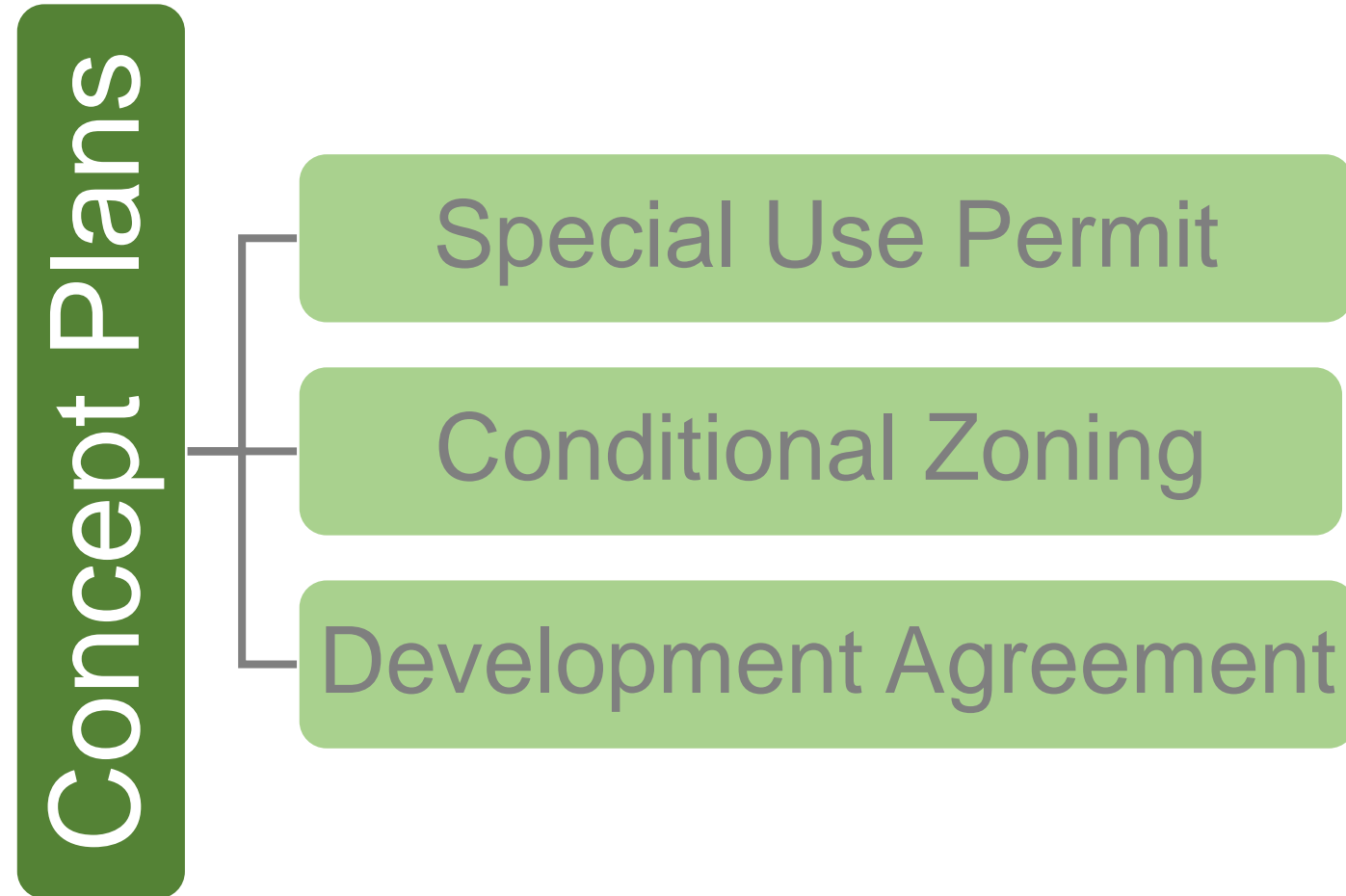
CONCEPT PLANS

- ☐ No Decision; Feedback Only
- ☐ Applicant provides a rough sketch
- ☐ Staff does not conduct a formal review
- ☐ Advisory Board preliminary feedback





PROCESS OVERVIEW



Draft



PROJECT SUMMARY

- ❑ Existing Zoning R-1
- ❑ Proposed Zoning R-5
- ❑ Townhomes (71)
- ❑ 7.3 acre-site





COMMENTS

- ☐ Community Design Commission
- ☐ Stormwater Management Utility Advisory Board

- ☐ Housing Advisory Board

- ☐ Variety of housing types and pricing
- ☐ Connectivity to surrounding development
- ☐ Rental units in addition to for-sale units
- ☐ Engage with Community Home Trust

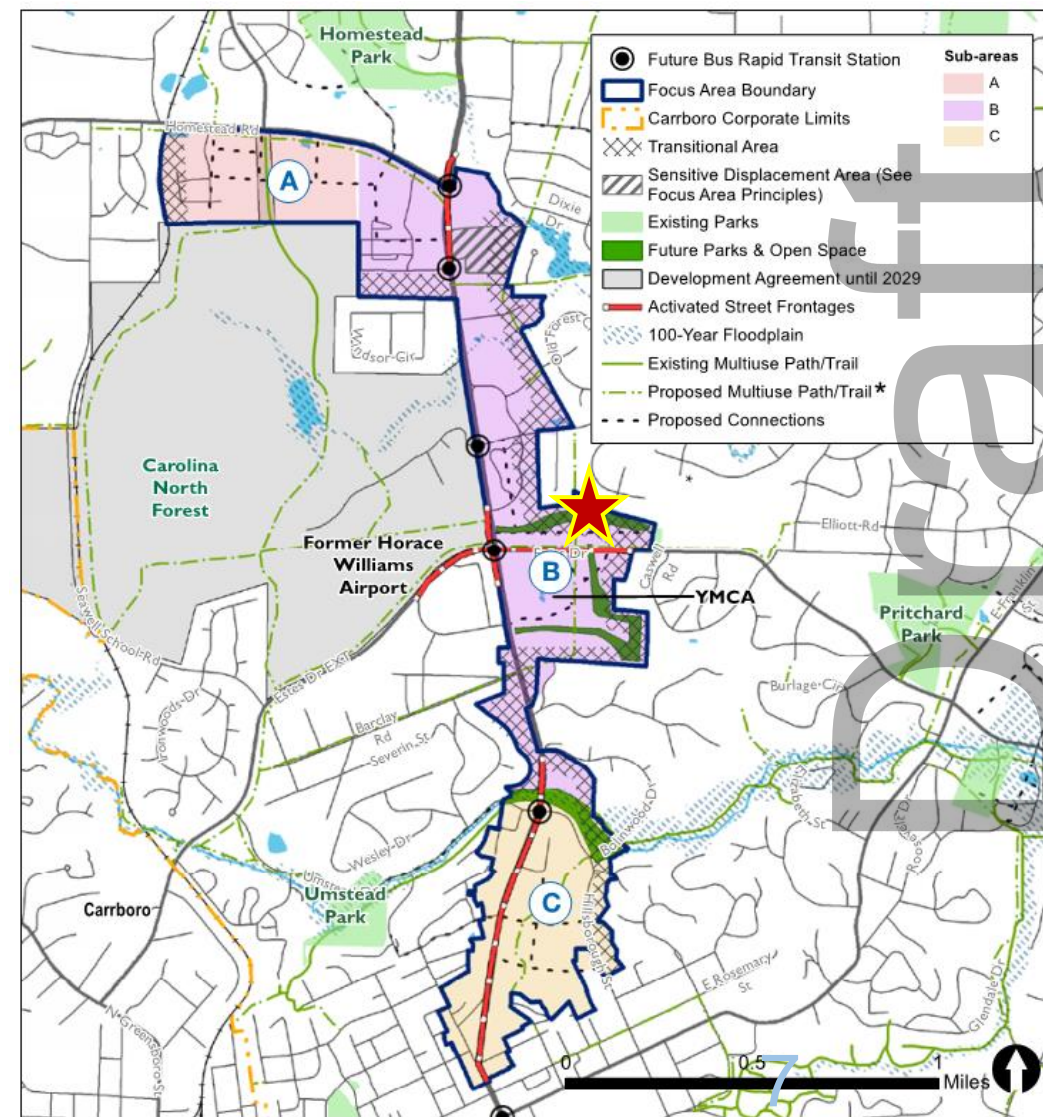
draft



LONG RANGE EVALUATION

□ South MLK Jr Blvd Focus Area

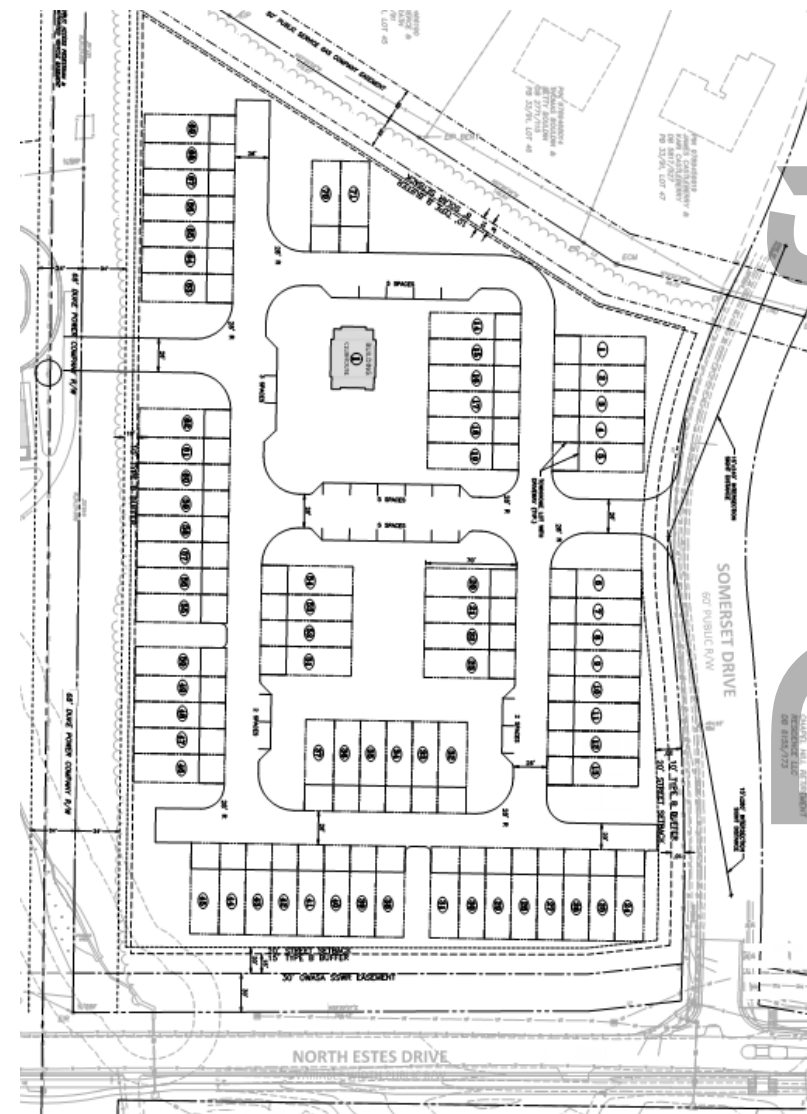
- *Sub Area B*
- *Multifamily is identified as a Primary land use*
- *Typical Height 4-6 stories*
- *Transition area on north side of site*





RECOMMENDATION

- ❑ Adopt a Resolution, transmitting comments to the Applicant regarding the proposed development (*R-#*)



**A RESOLUTION TRANSMITTING COUNCIL COMMENTS ON A CONCEPT PLAN FOR
710 NORTH ESTES DRIVE (PROJECT #21-062) (2021-10-27/R-17)**

WHEREAS, a Concept Plan has been submitted for review by the Council of the Town of Chapel Hill for 710 North Estes Drive, further identified by Orange County Parcel Identifier Number 9789-45-5646; and

WHEREAS, the Council has the opportunity tonight to hear this applicant's presentation, receive a set of comments from the Community Design Commission, the Stormwater Management Utility Advisory Board, and the Housing Advisory Board, hear public comments, and offer suggestions to the applicant; and

WHEREAS, the Council has heard presentations from the applicant and members of the public; and

WHEREAS, statements by individual Council members this evening are not an official position or commitment on the part of a Council member with respect to the position he or she may take when and if a formal application for development is subsequently submitted to the Council for formal consideration; and

WHEREAS, the Council has discussed the proposal, with Council members offering reactions and suggestions.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council transmits comments to the applicant regarding this proposal, as expressed by Council members during discussions on October 27, 2021 and reflected in minutes of that meeting.

This the 27th day of October, 2021.



N. Estes Towns-Comments

Prepared by: Brian Peterson, AIA, Urban Designer, TOCH
10-13-21



1. Consider rotating townhouses-provides "break" in grid, follows bend in road, transitions into neighborhood
2. Increase building setback to create wider green strip along road to help transition into neighborhood
3. Consider road end-allows for more green space on north portion of plan
4. Suggest rotating these two units to front on park space
5. Ensure side elevations are not "blank" and are treated as prominent facades, with window openings, side porches, corner treatments and other architectural details (typical on all sides fronting on main roadways)
6. Connect greenway sidewalk to Estes multiuse trail
7. Consider providing double row of shade trees flanking trail, similar to Aura

**HOUSING ADVISORY BOARD
SUMMARY OF A CONCEPT PLAN REVIEW:
710 N. ESTES DR. TOWNHOMES**

October 14, 2021

Key points made by members of the Housing Advisory Board during its review of the concept plan include:

- Asked whether the developer had considered including more variety of housing types in their plan to make the ideal location accessible to and inclusive for a wider variety of households – e.g., stacked condos, multifamily buildings.
- Suggested offering rental units in addition to for sale townhomes to diversify the housing mix and income levels served.
- Expressed support for the developer providing options to Council with varying price points and number of units.
- Suggested the developer talk to the Community Home Trust to get feedback about the local need.
- Emphasized the need to facilitate connectivity to surrounding developments.

One member of the public spoke on the concept plan. This person encouraged the applicant to create a community serving a wide range of incomes given the great need for affordable housing in Chapel Hill.

Submitted by: Sue Hunter, Chair

Drafted by: Emily Holt, Staff Liaison



TOWN OF CHAPEL HILL
 Planning Department
 405 Martin Luther King Jr. Blvd.
 Chapel Hill, NC 27514
www.townofchapelhill.org
 phone (919) 968-2728

Concept Plans are intended to be an opportunity for the Town Council and some Boards and Commissions, and the community to review and consider major development proposals and their potential benefits and impacts. Applicants propose a Concept Plan with the expectation of receiving feedback on their development idea.

The following are questions that the Council may ask of an applicant during the discussion of a Concept Plan. The attached application addresses the topics below. Please contact our staff if you have any questions or if we can provide additional information (planning@townofchapelhill.org)

1. Would this project demonstrate compliance with the Comprehensive Plan?
 - a. Compliance with:
 - Small Area Plan
 - Overlay Zone / NCD
 - Study Area:
 - Land Use Plan
2. Would the proposed project comply with the Land Use map?
3. Would the proposed project require a rezoning?
4. What is the proposed zoning district?
5. Would the proposed project require modifications to the existing regulations?
6. If there is a residential component to the project, does the applicant propose to address affordable housing?
 - Has the applicant presented its Concept Plan to the Housing Advisory Board (this is a voluntary step in the process)?
 - Has the applicant met with appropriate Town staff to discuss affordable housing policy, expectations and options?
 - Is the project for ownership or rental?
7. Are there existing conditions that impact the site design (i.e. environmental features such as RCD, slopes, erosion and sedimentation, retention of trees and tree stands, stormwater drainage patterns, significant views into and out of the site)
8. Has the applicant addressed traffic impacts? Traffic and circulation issues?
9. How is the application compatible with the surrounding neighborhood and/or district?
10. Has the applicant discussed the project with adjacent neighbors?



CONCEPT PLAN APPLICATION

Parcel Identifier Number (PIN): 9789455646

Date: 8/20/2021

Section A: Project Information

Project Name: 710 N Estes Townhomes

Property Address: N Estes Dr and Somerset Dr

Zip Code: 27514

Use Groups (A, B, and/or C): A

Existing Zoning District: R-1

Project Description:

Townhome development

Section B: Applicant, Owner and/or Contract Purchaser Information

Applicant Information (to whom correspondence will be mailed)

Name: McAdams

Address: 2905 Meridian Parkway

City: Durham

State: NC

Zip Code: 27713

Phone: 919-361-5000

Email: hardesty@mcadamsco.com

The undersigned applicant hereby certifies that, to the best of his knowledge and belief, all information supplied with this application is true and accurate.

Signature:

Jessie Hardesty

Date: 8/24/2021

Owner/Contract Purchaser Information:

☐ Owner

☐ Contract Purchaser

Name: Lock7 Development

Address: 1501 11th St NW #2

City: Washington

State: DC

Zip Code: 20001

Phone: (202) 670-1360

Email: david@lock7.com

The undersigned applicant hereby certifies that, to the best of his knowledge and belief, all information supplied with this application is true and accurate.

Signature:

David Gorman

Date: 8/24/21



Concept Plan Project Fact Sheet

Site Description	
Project Name	710 N Estes Townhomes
Address	N Estes Dr & Somerset Dr
Property Description	Vacant property situated between future Aura development and Azalea Estates Gracious Retirement Living
Existing Land Use	Vacant
Proposed Land Use	Residential / townhomes
Orange County Parcel Identifier Numbers	9789455646
Existing Zoning	R-1
Proposed Zoning	R-5-CZD
Application Process	CZP AND ZCP
Comprehensive Plan Elements	See Comp Plan Statements
Overlay Districts	None

Topic	Requirement	Proposal	Status
Use/Density (Sec. 3.7)	Max 15 du/ac	~10 du/ac	
Dimensional Standards (Sec. 3.8)	Street setbacks: 20' Interior lot setbacks: 6' Solar setback: 8'	Street setbacks: 20' Interior lot setbacks: 6' Solar setback: 8'	
Floor area (Sec. 3.8)	.303	+/- .500	
Modifications to Regulations (Sec. 4.5.6)		TBD	
Adequate Public Schools (Sec. 5.16)	LUMO	Comply with LUMO	
Inclusionary Zoning (Sec. 3.10)	15%	See Project Narrative	
Landscape			
Buffer – North (Sec. 5.6.2)	10' Type B	10' Type B	
Buffer – East (Sec. 5.6.2)	10' Type B	10' Type B	
Buffer – South (Sec. 5.6.2)	15' Type B	15' Type B	
Buffer – West (Sec. 5.6.2)	10' Type B	10' Type B	



Tree Canopy (Sec. 5.7)	30%	30%	
Landscape Standards (Sec. 5.9.6)	LUMO	Meet code requirements	
Environment			
Resource Conservation District (Sec. 3.6)	RCA located in southwest corner	RCA to be left undisturbed	
Erosion Control (Sec. 5.3.1)	LUMO	Meet code requirements	
Steep Slopes (Sec. 5.3.2)	LUMO	Avoiding steep slopes within stream buffer, some steep slopes will be graded near center of the site	
Stormwater Management (Sec. 5.4)	LUMO	Underground stormwater facility	
Land Disturbance	LUMO	~6.25 acres	
Impervious Surface (Sec. 3.8)	50%	46%	
Solid Waste & Recycling	solid waste management plan, including a recycling plan and a plan for managing and minimizing construction debris	plans provided at later date; meet code requirements	
Jordan Riparian Buffer (Sec. 5.18)	Outside of buffer	N/A	
Access and Circulation			
Road Improvements (Sec. 5.8)	TBD	TBD	
Vehicular Access (Sec. 5.8)	LUMO/Design Manual	Access from Somerset and future Aura project	
Bicycle Improvements (Sec. 5.8)	Multi-use path proposed on Estes on the Mobility & Connectivity Plan	Provide multi-use path on Estes	
Pedestrian Improvements (Sec. 5.8)	Multi-use path proposed on Estes on the Mobility & Connectivity Plan	Provide multi-use path on Estes	
Traffic Impact Analysis (Sec. 5.9)	Required by LUMO	To be conducted	
Vehicular Parking (Sec. 5.9)	LUMO	Meet code requirements (~1.5 spaces/unit)	
Transit (Sec. 5.8)	Transit route and existing bus stop adjacent to property on Estes	N/A	
Bicycle Parking (Sec. 5.9)	1 per 4 du	~20 spaces	
Parking Lot Standards (Sec. 5.9)	LUMO	Meet Code Requirements	
Technical			



		Met with Tommy Gregory to confirm fire was being properly addressed in concept layout	
Fire	LUMO/Design Manual		
Site Improvements		Multi-use path on Estes Dr, improvements to Somerset and/or Estes as determined by TIA	
Schools Adequate Public Facilities (Sec. 5.16)	LUMO	TBD	
Recreation Area (Sec. 5.5)	.050	.050	
Lighting Plan (Sec. 5.11)	LUMO	UNK	
Homeowners Association (Sec. 4.6)	LUMO	TBD	

Symbol	Meaning	Symbol	Meaning
	Meets Standard	M	Modification necessary
NA	Not Applicable	UNK	Not known at this time



Checklist

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 and Sustainability at (919)968-2728 or at planning@townofchapelhill.org.

<input checked="" type="checkbox"/>	Application fee (refer to fee schedule)	Amount Paid \$	<input type="text" value="380.00"/>
<input checked="" type="checkbox"/>	Pre-application meeting – with appropriate staff (with Fire Department)		
<input checked="" type="checkbox"/>	Digital Files - provide digital files of all plans and documents		
<input checked="" type="checkbox"/>	Concept Project Fact Sheet		
<input checked="" type="checkbox"/>	Statement of Compliance with Design Guidelines (1 copies)		
<input checked="" type="checkbox"/>	Statement of Compliance with Comprehensive Plan (1 copies)		
<input checked="" type="checkbox"/>	Affordable Housing Proposal, if applicable (Rezoning Policy or Inclusionary Ordinance)		
<input checked="" type="checkbox"/>	Mailing list of owners of property within 1,000 feet perimeter of subject property (see GIS notification tool)		
<input checked="" type="checkbox"/>	Mailing fee for above mailing list	Amount Paid \$	<input type="text" value="101.00"/>
<input checked="" type="checkbox"/>	Developer's Program – brief written statement explaining how the existing conditions impact the site design. Including but not limited to:		
	<ul style="list-style-type: none"> • Natural features of site • Access, circulation, and mitigation of traffic impacts • Arrangement and orientation of buildings • Natural vegetation and landscaping • Impact on neighboring properties • Erosion, sedimentation, and stormwater 		
<input checked="" type="checkbox"/>	Resource Conservation District, Floodplain, & Jordan Buffers Determination - necessary for all submittals		
<input type="text" value="n/a"/>	Reduced Site Plan Set (reduced to 8.5"x11")		

Plan Sets (1 copies to be submitted no larger than 24"x36")

Plans should be legible and clearly drawn. All plan sets sheets should include the following:

- Project Name
- Legend
- Labels
- North Arrow (North oriented toward top of page)
- Property Boundaries with bearing and distances
- Scale (Engineering), denoted graphically and numerically
- Setbacks and buffers
- Streams, RCD Boundary, Jordan Riparian Buffer Boundary, Floodplain, and Wetlands Boundary, where applicable



Area Map

- a) Project name, applicant, contact information, location, PIN, & legend
- b) Dedicated open space, parks, greenways
- c) Overlay Districts, if applicable
- d) Property lines, zoning district boundaries, land uses, project names of site and surrounding properties, significant buildings, corporate limit lines
- e) Existing roads (public & private), rights-of-way, sidewalks, driveways, vehicular parking areas, bicycle parking, handicapped parking, street names.
- f) 1,000' notification boundary

Existing Conditions Plan

- a) Slopes, soils, environmental constraints, existing vegetation, and any existing land features
- b) Location of all existing structures and uses
- c) Existing property line and right-of-way lines
- d) Existing utilities & easements including location & sizes of water, sewer, electrical, & drainage lines
- e) Nearest fire hydrants
- f) Nearest bus shelters and transit facilities
- g) Existing topography at minimum 2-foot intervals and finished grade
- h) Natural drainage features & water bodies, floodways, floodplain, RCD, Jordan Buffers & Watershed boundaries

Proposed Site Plan

- a) Existing building locations
- b) General location of proposed structures
- c) Parking areas
- d) Open spaces and landscaped areas
- e) Access points and circulation patterns for all modes of transportation
- f) Approximate locations of trails, pedestrian and bicycle connections, transit amenities, and parking areas
- g) Approximate location of major site elements including buildings, open areas, natural features including stream buffers, wetlands, tree stands, and steep slopes
- h) Proposed land uses and approximate location

710 N. Estes Drive in Chapel Hill, NC

Concept Plan

Project Narrative

Developer: Lock7 Development, LLC

Lock7 Development, LLC is a boutique real estate development firm with over fourteen years of development experience. We specialize in developing townhomes, multifamily buildings and mixed-use properties in North Carolina and Washington, DC. Our focus is walkable sites, targeting assets in robust, established communities. We create unique and exciting places to live and work with a strong emphasis on creative design and environmentally friendly building techniques.

Lock7 principals Patrick Conway and David Gorman met while renovating homes in Baltimore, MD and quickly established a shared vision for the future of their real estate endeavors. Their first project together in 2007 was a \$50,000 full gut renovation of an existing townhome. With gradual but steady growth, Lock7 has developed over \$400,000,000 in market valued projects and currently manages over \$90,000,000 in existing assets. Our reach continues to expand as our passion for building quality properties leads us into new markets.

Site Location and Conditions

The proposed development site is a vacant piece of land located at 710 N. Estes Drive or PIN #9789455646 in the records of Orange County, North Carolina. The property is 7.33 acres in size with approximately 450 feet of frontage along N. Estes Drive, west of Somerset Drive and east of Martin Luther King Jr. Boulevard. The site is within the Town of Chapel Hill and is currently zoned R-2 with surrounding uses including multifamily and mixed use, single family residential and senior living. The site to the west was recently rezoned to OI-3-CZD and is known as The Aura project, which will include apartments, townhomes and retail uses. The site to the East is the Azalea Estates Retirement Community and was rezoned to R-5-CZD. To the north is the Huntington-Somerset neighborhood and the southern border is Estes Dr.

The site slopes from 470' at the high point near the Northeastern side of the property and down a low point of about 400' at its South side along North Estes Drive. A stream determination has been completed for this property and determined that segments of a perennial or intermittent stream are piped in the area. These segments do not have an associated Jordan Watershed Riparian Buffer but do have an associated buffer if the RCD applies. Relevant PINs: 9789-35-9617 (site visit 11-19-2018)

Overview of Proposed Development

Lock7 Development is proposing the redevelopment of the subject site into a townhome community with +/- 78 units. There will be approximately 12 buildings with a variety of townhomes in each building, ranging from 4-8 units in each. Each townhome will have a garage with 2-car side by side parking and additional guest parking will be distributed throughout the site. There will be a mix of three-bedroom

and four-bedroom units, and the design will be aligned with a contemporary aesthetic incorporating brick and cementitious siding with a variety of rooflines. Building elevations are still being developed with a massing concept that would encourage a residential scale of architecture with each townhome having its own unique expression to the overall façade cluster.

The Future Land Use Map shows this property as multifamily residential, and the townhome concept would provide a natural transition from the high-density Aura Development site towards the lower density existing single family residential neighborhoods and schools on N. Estes Dr. The developer's vision is to supply the market with 'missing middle' housing while providing an opportunity for ownership as opposed to rental multifamily, the likes of which is being developed throughout the region.

Affordable Housing Considerations

Lock7 Development understands the Town of Chapel Hill's objective to provide affordable housing and will present options to the Council that fulfill the Inclusionary Zoning Ordinance requirements.

August 23, 2021

Judy Johnson
Town of Chapel Hill Planning Department
405 Martin Luther King Jr Boulevard
Chapel Hill, North Carolina 27514

RE: 710 N Estes Townhomes Statements of Compliance with the Comprehensive Plan and Design Guidelines

STATEMENT OF COMPLIANCE WITH COMPREHENSIVE PLAN

The Lock7 Townhome Development submittal is proposed in accordance with the CH2020 Comprehensive Plan and the Central West Small Area Plan. The proposed plan addresses the following themes with their corresponding goals: A Place for Everyone, Community Prosperity and Engagement, Getting Around, Good Places, New Spaces, Nurturing our Community, and Town and Gown Collaboration. Similarly, it addresses various principles of the Central West Plan tied to themes listed above.

THEME 1: A PLACE FOR EVERYONE

One of the goals of Theme 1 is to provide a range of housing options for current and future residents. The Central West Plan calls for multifamily development in this area (Northeast Quadrant) and approximately 150 residential units east of the future Aura development. Occupying roughly half of the Northeast Quadrant on the Central West Plan, this proposal calls for about 70 townhomes, meeting the density goals while providing an appropriate land use transition. The site is situated with single family to the north, Azalea Estates Gracious Retirement Living to the east, and future Aura mixed-use and multifamily development to the west. Townhomes will provide a middle housing option amongst single family homes and apartments and a transition in densities.

THEME 2: COMMUNITY PROSPERITY AND ENGAGEMENT

A goal of Theme 2 is to promote a safe, vibrant and connected community as well as foster success of local businesses. The proposed development contributes to the range of housing options in the Central West Plan as mentioned above and will be well connected to the Town by transit and trails to provide easy access to local businesses in the area. The project will provide a mixed-use trail along Estes Dr, which allows easy access to the future BRT station nearby on MLK Jr. Blvd, therefore easy access to local Chapel Hill businesses and services.

THEME 3: GETTING AROUND

As noted above, the proposed multi-use trail on Estes Dr will enhance the walking and biking experience as a means of getting around in Chapel Hill. As trails connect to one another and become more widespread, they will promote a sustainable transportation system that makes walking and biking safer and more accessible, also furthering goals of the Chapel Hill Climate Action Plan. A dense townhome development as this will also support use of transit and the future BRT along MLK Jr. Blvd. In order to minimize intersections and traffic impacts along Estes Dr, this site will be

accessed from Somerset Dr and a connection from Aura. A future TIA will inform the team of additional improvements needed to ensure a development design that minimizes traffic impacts and does not subtract from the quality of life of existing neighbors and future residents.

THEME 4: GOOD PLACES, NEW SPACES

The proposed development provides new housing options to the Central West area, while simultaneously allowing for transitions between existing and future residential and commercial uses. It will be consistent with the height recommendations in the Central West Plan to maintain the residential feel of neighboring communities. Additionally, vegetated buffers will be planted appropriately to separate existing neighborhoods from new development. Amenity area will be located central to the development, to offer a space for gathering and community development.

THEME 5: NURTURING OUR COMMUNITY

This project will protect and maintain environmentally sensitive areas on the southeastern property boundary; there will be no impact to RCD area. The proposal also supports the Chapel Hill Climate Action Plan with the buildout of a multiuse path on the Estes Dr frontage. Providing connectivity and access to trails will promote active transportation via walking and biking to reduce vehicle use and emissions, therefore reducing carbon footprint and improving air quality.

THEME 6: TOWN AND GOWN COLLABORATION

By contributing to the range of housing options in the Central West area, a wider range of people will have the opportunity to live near the University and University Hospital, promoting access for residents to health care centers as noted in the goals of Theme 6 in the Comprehensive Plan.

STATEMENT OF COMPLIANCE WITH DESIGN GUIDELINES

The Lock7 Townhome Development will be built in compliance with the Town's Design Guidelines.

The architecture will be carefully designed with high-quality materials, contemporary design, and will have thoughtful transitions to properties along the subject site's boundaries. Parking will be provided for each townhome with guest parking and amenity parking provided as parallel spots adjacent to the courtyard and clubhouse.

Landscape buffers will be designed in accordance with the Town's design manual and with the use of best practices to provide appropriate transitions between the building and streetscapes and adjacent land uses.

Vehicular connectivity will be provided from Somerset Dr and the future Aura development, and internal roadways will avoid dead-end streets as much as possible. Pedestrian connections will be provided to both Somerset and Aura and connect to the multi-use path along Estes Dr. Fire access shall be provided in accordance with code requirements.



Stormwater management facilities, water, sewer, and other utilities will be provided in accordance with the applicable guidelines, standards, and regulations.

Sincerely,

MCADAMS

A handwritten signature in black ink that reads 'Jessie Hardesty' in a cursive script.

Jessie Hardesty
Planner, Planning + Design

710 N ESTES TOWNHOMES

710 NORTH ESTES DRIVE
CHAPEL HILL, NORTH CAROLINA, 27514

SITE DATA		
PIN	9789455646	
SITE AREA	319,365 SF / 7.33 AC	
GROSS LAND AREA	319,365 SF + 10%(319,365 SF) = 351,302 SF / 8.06 AC	
ZONING	EXISTING	R-1
	PROPOSED	R-5
RIVER BASIN	CAPE FEAR	
WATERSHED	JORDAN LAKE	
WATERSHED PROTECTION	UNPROTECTED	
EXISTING USE	VACANT	
PROPOSED USE	RESIDENTIAL	
IMPERVIOUS	EXISTING	0.00 AC (00.0%)
	MAX ALLOWED	4.03 AC (50.0%)
	PROPOSED	3.73 (46.3%)
UNITS	PROPOSED	71 UNITS
MAXIMUM BUILDING HEIGHT	PROPOSED	3 STORIES
RECREATION SPACE	REQUIRED	0.05 * 319,365 SF = 15,968
	PROPOSED	16,000 SF
SETBACKS	REQUIRED	STREET = 20 FT MIN = N/A MAX INTERIOR = 6 FT SOLAR = 8 FT
	PROPOSED	STREET = 20 FT (SOMERSET), 20 FT (N ESTES) MIN = N/A MAX INTERIOR = 6 FT SOLAR = 8 FT
DISTURBED AREA	6.25 AC	

CONCEPT PLAN

PROJECT NUMBER: LKD-21001

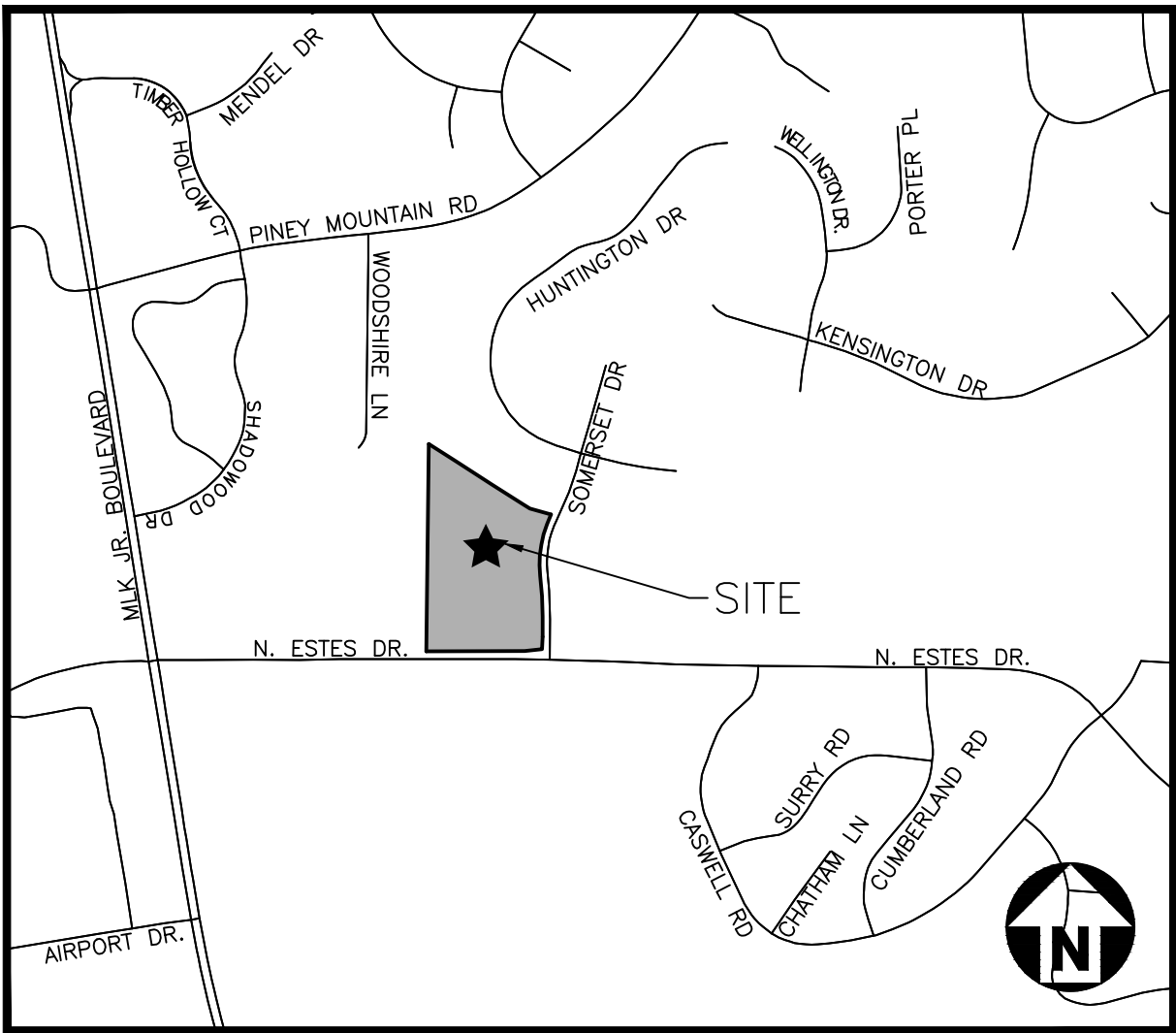
DATE: AUGUST 24, 2021

SHEET INDEX

C0.01	AREA MAP
C1.00	EXISTING CONDITIONS
C2.00	SITE PLAN

ARCHITECTURAL

A1	CONCEPT SITE PLAN
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VICINITY MAP
N.T.S.



McADAMS
The John R. McAdams Company, Inc.
2905 Meridian Parkway
Durham, NC 27713

phone 919. 361. 5000
fax 919. 361. 2269
license number: C-0293, C-187

www.mcadamsco.com

CONTACT

SEAN GLEASON, PE - PROJECT MANAGER
gleason@mcadamsco.com

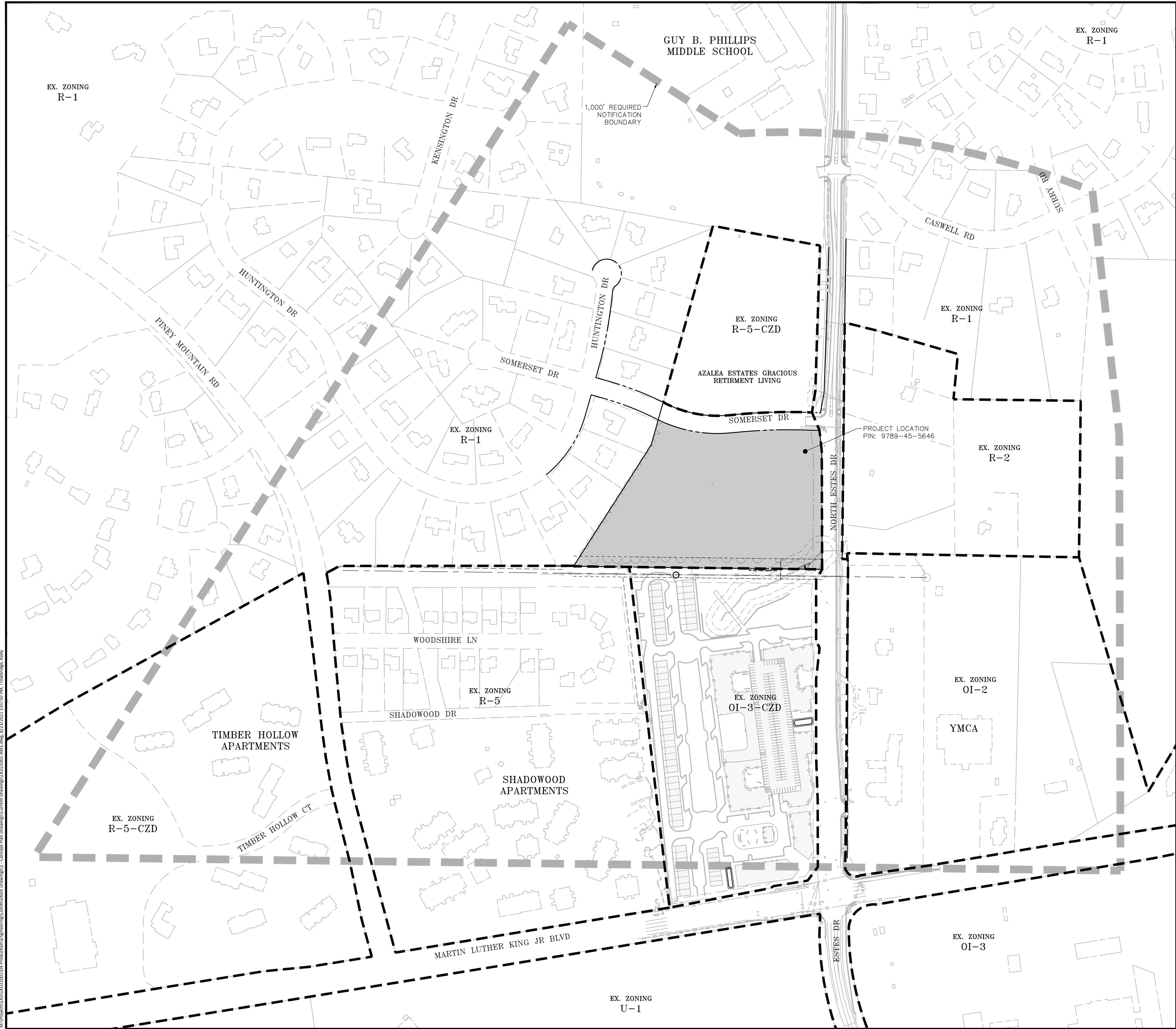
CLIENT

LOCK 7 DEVELOPMENT, LLC
1501 11TH STREET NW #2
WASHINGTON, DC 20001
PHONE: 202.670.1360

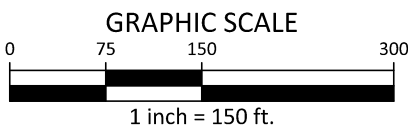
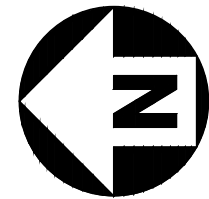
PROJECT DIRECTORY

REVISIONS	
NO.	DATE

**CONCEPT PLAN
DRAWINGS FOR:**
710 N ESTES TOWNHOMES
CHAPEL HILL, NORTH CAROLINA, 27514
PROJECT NUMBER: LDK-21001



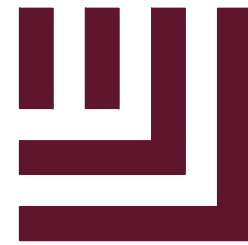
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SEE SHEET C0.00 FOR ALL PROJECT, SITE, GRADING, STORM DRAINAGE AND UTILITY NOTES

ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH NCDOT AND THE CURRENT TOWN OF CHAPEL HILL ENGINEERING DESIGN AND CONSTRUCTION STANDARDS

PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION



McAdams

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license number: C-0293, C-187

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710 N ESTES TOWNHOMES

710 N ESTES DR.
CHAPEL HILL, NORTH CAROLINA

REVISIONS

NO. DATE

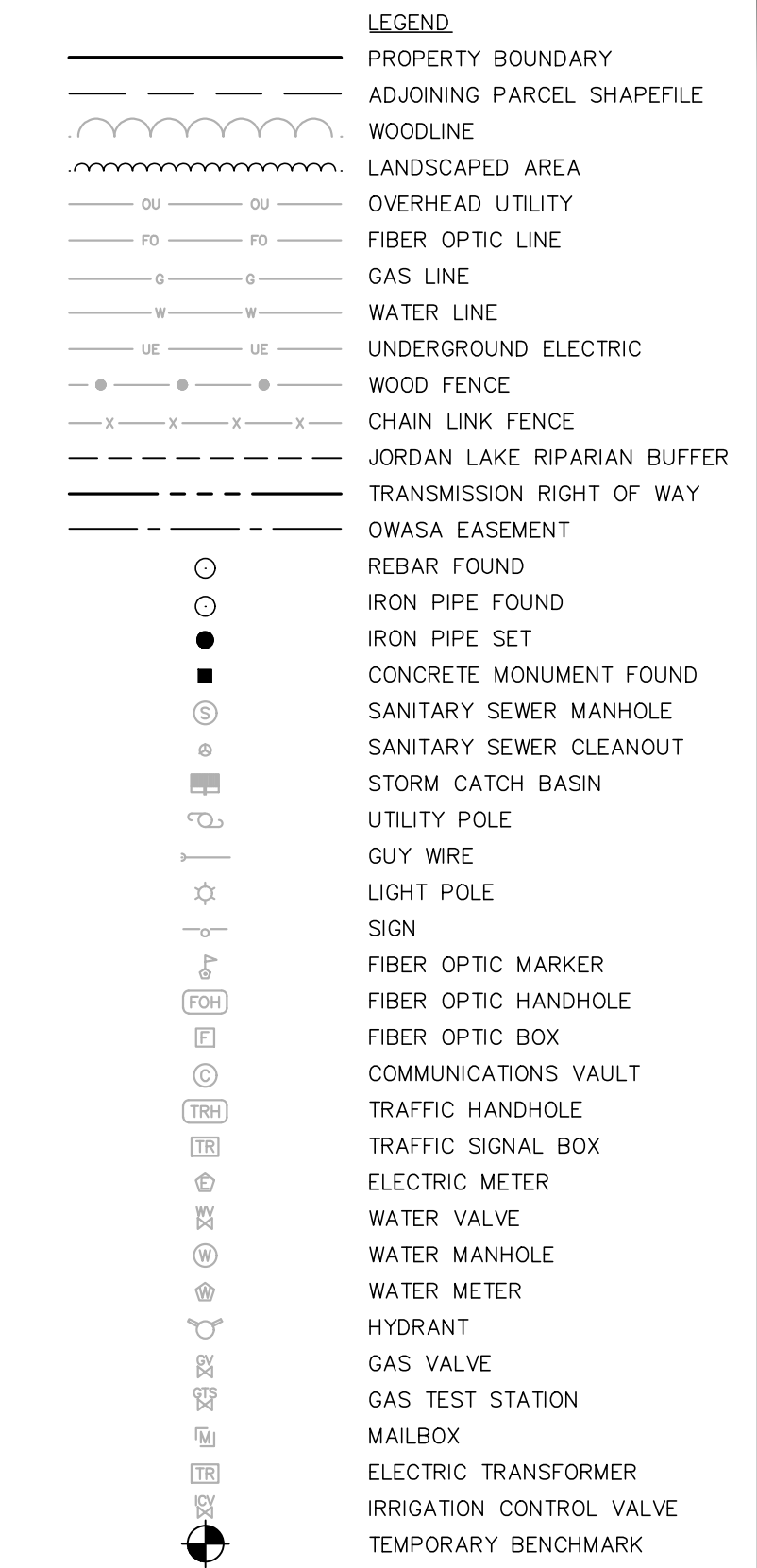
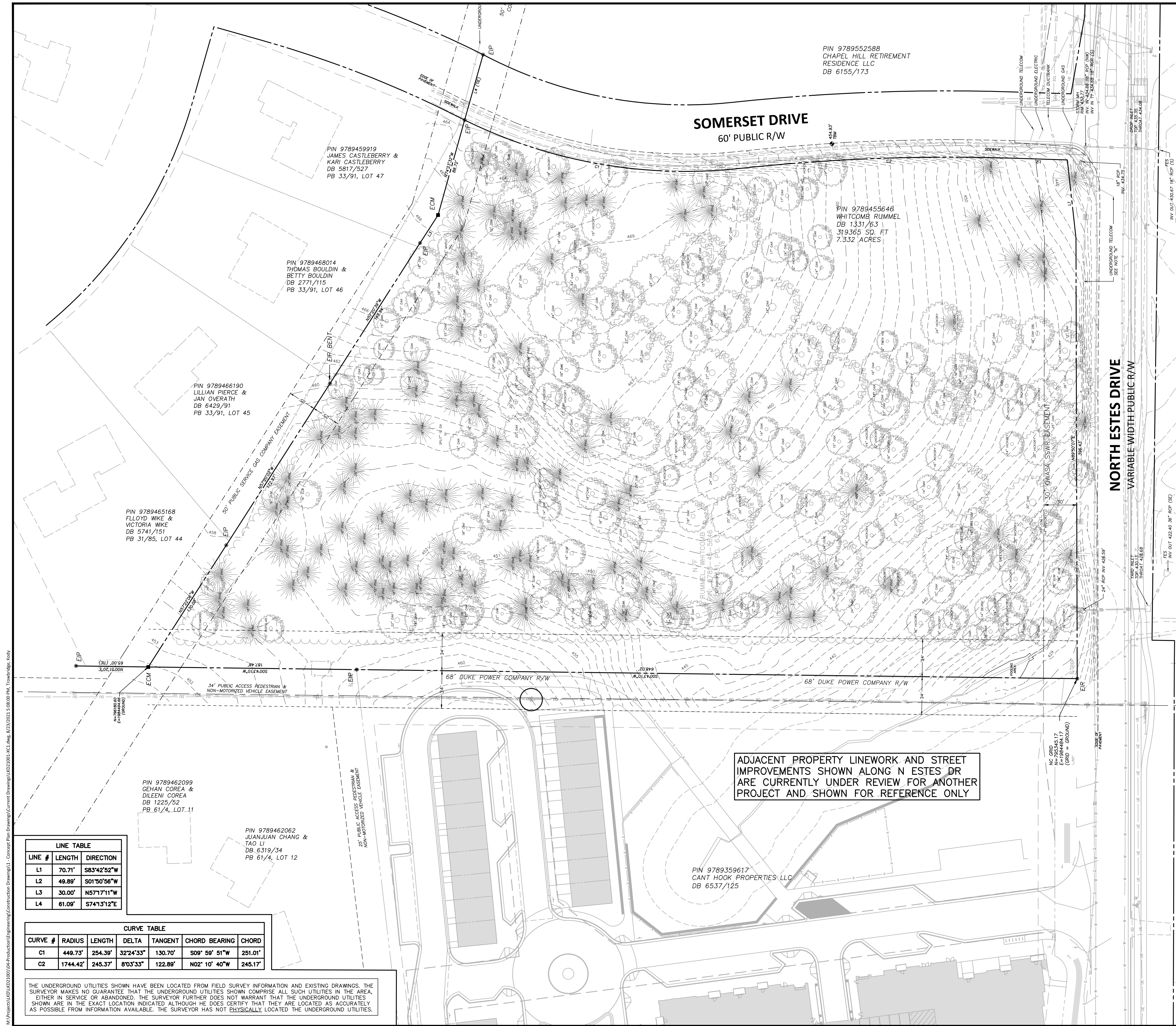
PLAN INFORMATION

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FILENAME LKD21001-AM1
CHECKED BY XXX
DRAWN BY KST
SCALE 1" = 150'
DATE 08.24.2021

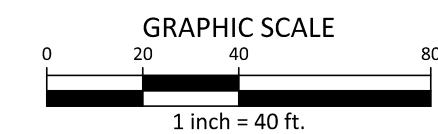
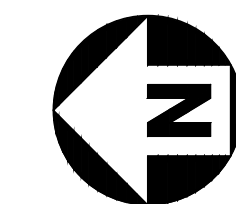
SHEET

AREA MAP

C0.01



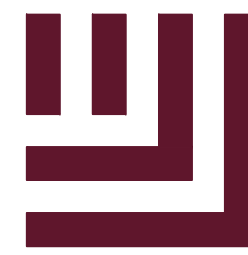
- SURVEY NOTES**
- THIS EXISTING CONDITIONS SURVEY WAS COMPLETED ON OCTOBER 8, 2020.
 - BEARINGS AND COORDINATES SHOWN ON THE PLAT ARE BASED ON NORTH CAROLINA STATE PLANE GRID NAD 83 (2001) ADJUSTMENT UNLESS NOTED OTHERWISE.
 - ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS NOTED OTHERWISE.
 - VERTICAL DATUM IS NAVD 88 BASED ON NCOS BARCLAY AND STAKE LOCATED ON THE WEST SIDE OF SOMERSET DR. LABELED "SPK ELEV 455.11".
 - AREAS SHOWN ON THIS MAP COMPUTED BY THE COORDINATE METHOD.
 - PROPERTY OWNER INFORMATION OBTAINED FROM ORANGE COUNTY GIS.
 - THE SUBJECT PROPERTIES ARE **NOT** LOCATED IN A SPECIAL FLOOD HAZARD ZONE. THEY ARE LOCATED IN ZONE "X" AS DEFINED BY F.E.M.A F.I.R.M COMMUNITY PANEL #3710978900J, DATED FEBRUARY 2, 2007.



SEE SHEET C0.00 FOR ALL PROJECT, SITE, GRADING, STORM DRAINAGE AND UTILITY NOTES

ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH NCDOT AND THE CURRENT TOWN OF CHAPEL HILL ENGINEERING DESIGN AND CONSTRUCTION STANDARDS

PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION



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710 N ESTES TOWNHOMES

710 N ESTES DR.
CHAPEL HILL, NORTH CAROLINA

REVISIONS

NO. DATE

PLAN INFORMATION

PROJECT NO. LKD-21001
FILENAME LKD21001-XC1
CHECKED BY XXX
DRAWN BY KST
SCALE 1" = 40'
DATE 08.24.2021

SHEET

EXISTING CONDITIONS

C1.00



414 fayetteville street
raleigh, nc 27601
t: 919.589.1820
f: 443.569.6430
www.ci-designinc.com

OWNER:
Lock7 Development
1101 Connecticut Ave NW #450
Washington, DC 20036
https://lock7.com/

Consultant Discipline
Consultant Name
Consultant Address1
Consultant Address2
Consultant Phone Number
Consultant Web Site

Consultant Discipline
Consultant Name
Consultant Address1
Consultant Address2
Consultant Phone Number
Consultant Web Site

Consultant Discipline
Consultant Name
Consultant Address1
Consultant Address2
Consultant Phone Number
Consultant Web Site

PRELIMINARY
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CONCEPT SITE PLAN

710 NORTH ESTES DRIVE
CHAPEL HILL, NORTH CAROLINA
CLIENT: LOCK7 DEVELOPMENT

DESIGN
DELIVERABLE: FOR REVIEW
ISSUE DATE: 08/20/2021
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PROJECT NUMBER: P200457

CONCEPT SITE PLAN
1" = 50'-0"

A1



N.ESTES TOWNS

CHAPEL HILL, NORTH CAROLINA

CONCEPT DESIGN

PROGRESS

24 AUGUST 2021



CONTEMPORARY MATERIALITY



FRONT STOOP/YARD EXPERIENCE

ROOF TERRACE



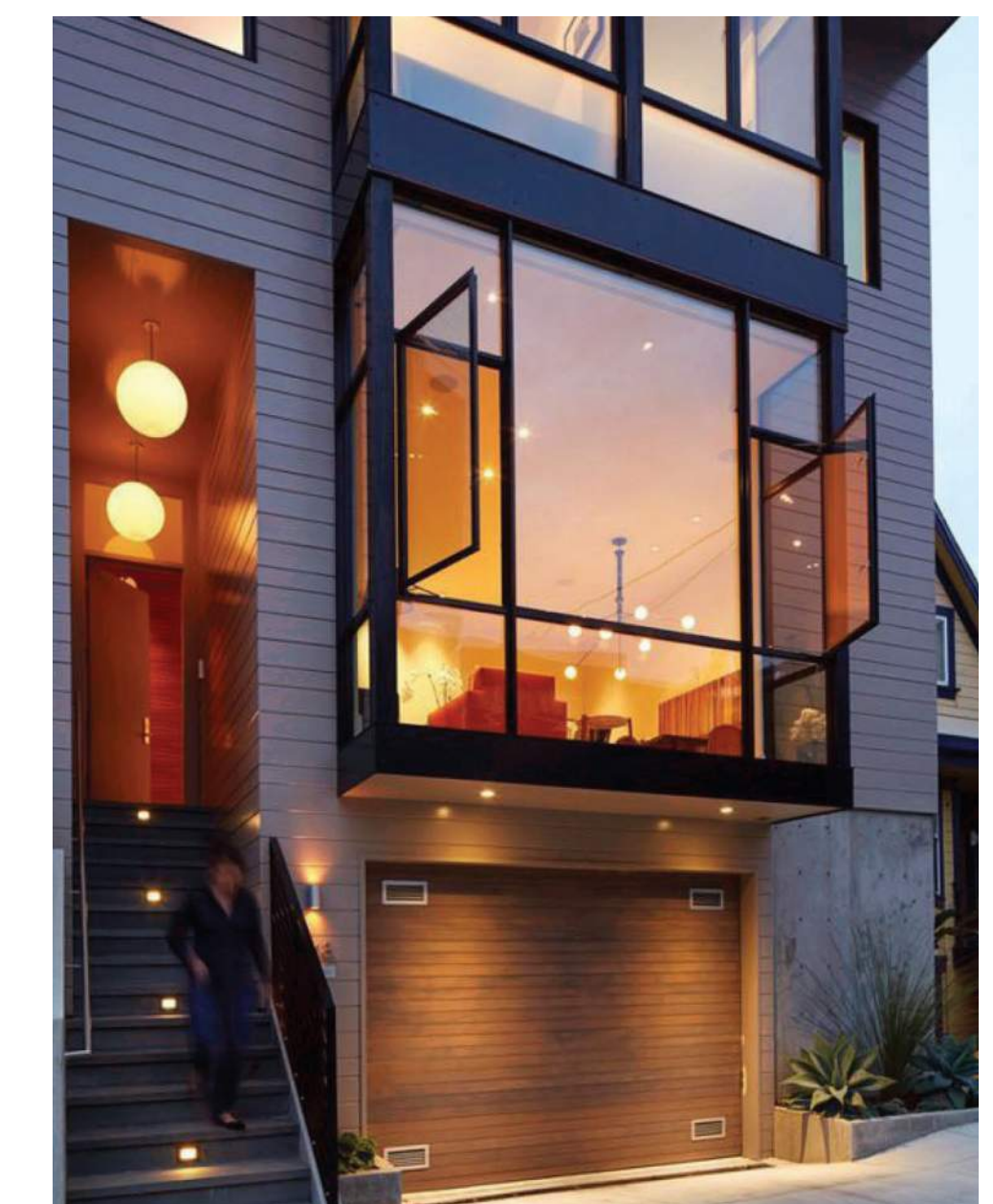
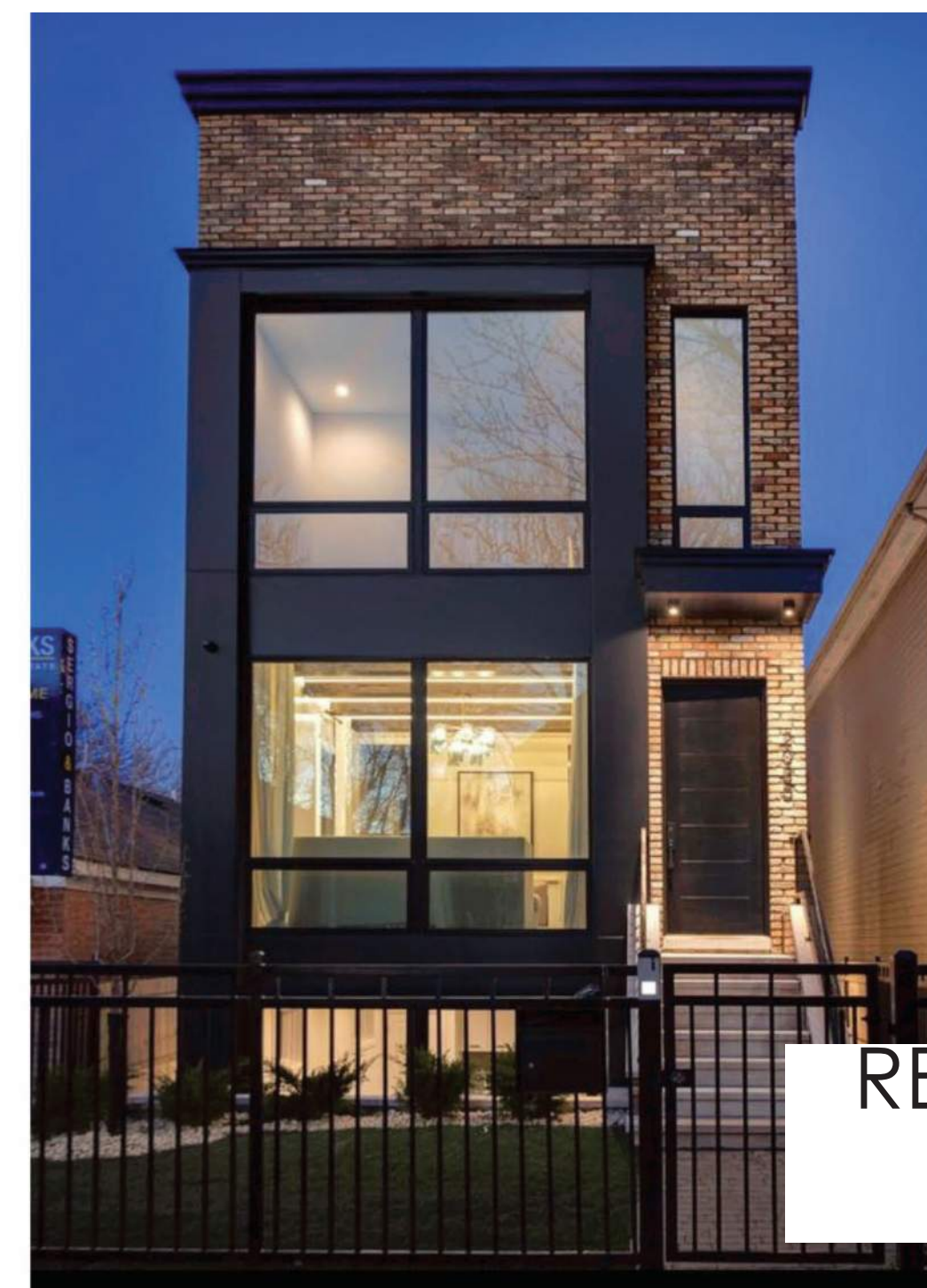
NATURAL DAYLIGHTING



ARCHITECTURAL IMAGERY :

- CONTEMPORARY MATERIALITY
- ROOF TERRACES
- RESIDENTIAL SCALE MASSING
- FRONT STOOP/YARD EXPERIENCE
- GARAGE ACCESS
- NATURAL DAYLIGHTING
- EXTERIOR LIGHTING
- COMMUNITY GREENS

RESIDENTIAL SCALE MASSING



GARAGE ACCESS



SITE PLAN
SCALE: 1" = 100'-0"