



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 Rachel Schaevitz
Council Member Karen Stegman

Wednesday, February 19, 2020 7:00 PM

RM 110 | Council Chamber

OPENING

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. Steve Moore Request Regarding Cemetery Needs.

[\[20-0122\]](#)

ANNOUNCEMENTS BY COUNCIL MEMBERS

CONSENT

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

2. Approve all Consent Agenda Items.

[\[20-0123\]](#)

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

3. Approve a Contract Extension for Audit Services

[\[20-0124\]](#)

Contract for Fiscal Year 2019-20.

By adopting the resolution, the Council accepts the proposal for the Town's FY 2019-20 audit firm Martin Starnes & Associates, CPAs, P.A. in the amount of \$53,050, exercising the third of four one-year contract renewal options and authorizes a contract to be signed by the Mayor on behalf of the Town.

- 4. Approve the Annual Percent for Art Plan. [\[20-0125\]](#)**

By adopting the resolution, the Council approves the 2019-20 Annual Percent for Art Plan continuing the FY 2018-19 Plan.

- 5. Call for a Public Hearing for April 1, 2020 to Consider a Request to Close a Portion of an Unmaintained and Unimproved Public Right-of-Way of Monroe Street. [\[20-0126\]](#)**

By adopting the resolution, the Council calls a Public Hearing for April 1st, 2020 to consider closing a portion of the unmaintained and unimproved Monroe Street public right-of-way.

- 6. Adopt Minutes from February 06, 2019 and October 30, 2019 and November 13 and 18, 2019 Meetings. [\[20-0127\]](#)**

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

INFORMATION

- 7. Receive Upcoming Public Hearing Items and Petition Status List. [\[20-0128\]](#)**

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

DISCUSSION

- 8. Consider Proposed East Rosemary Downtown Redevelopment Project. [\[20-0129\]](#)**

PRESENTER: Maurice Jones, Town Manager
Dwight Bassett, Economic Development Officer
Amy Oland, Director of Business Management
Clay Grubb, Grubb Properties

RECOMMENDATION: That the Council authorize the Town Manager to draft a non-binding Memorandum of Understanding with Grubb Properties and return to Council on March 4, 2020 for consideration.

- 9. Consider a Land Use Management Ordinance Text Amendment - Proposed Changes to Section 3.11 [\[20-0130\]](#)**

Regarding Massing and Permeability in the Blue Hill District.

PRESENTER: Corey Liles, Principal Planner

- a. Introduction and revised recommendation
- b. Recommendation of the Planning Commission
- c. Comments from the public
- d. Comments and questions from the Mayor and Town Council
- e. Motion to adjourn the Public 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 close the public hearing, adopt the Resolution of Consistency with the Comprehensive Plan, and enact Ordinance A to amend Section 3.11 of the Land Use Management Ordinance.

- 10.** Consider a Land Use Management Ordinance Text Amendment - Proposed Changes to Section Articles 3 and 4 Pertaining to Conditional Zoning.

[\[20-0131\]](#)

PRESENTER: Kari Grace, Senior Planner

- a. Introduction and revised recommendation
- b. Recommendation of the Planning Commission
- c. Comments from the public
- d. Comments and questions from the Mayor and Town Council
- e. Motion to adjourn the Public 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 close the public hearing regarding the Land Use Management Ordinance text amendment, adopt the Resolution of Consistency, and enact Ordinance A.

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 #:** [20-0122], **Version:** 1

Meeting Date: 2/19/2020

Steve Moore Request Regarding Cemetery Needs.

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 <http://www.townofchapelhill.org/town-hall/mayor-and-council/council-minutes-and-videos/petition-status>](http://www.townofchapelhill.org/town-hall/mayor-and-council/council-minutes-and-videos/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:**

- Steve Moore Request

Amy Harvey

From: Jeanette Coffin
Sent: Tuesday, February 04, 2020 11:19 AM
To: the oldchceme
Cc: Phillip Fleischmann; Linda Smith; Allen Buansi; Amy Ryan; Hongbin Gu; Jeanne Brown; Jess Anderson; Karen Stegman; Michael Parker; Pam Hemminger; Rachel Schaevitz; Tai Huynh; Amy Harvey; Carolyn Worsley; Catherine Lazorko; Flo Miller; Laura Selmer; Mary Jane Nirdlinger; Maurice Jones; Rae Buckley; Ralph Karpinos; Ross Tompkins; Sabrina Oliver
Subject: RE: Petition for Cemeteries Support

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Agenda Packet Process

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.

If your email is related to a development application or a particular issue being addressed by the Council, your comments will be made part of the record. If applicable, we encourage you to attend any public meetings related to the items addressed in your email.

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: the oldchceme [mailto:oldchceme@gmail.com]
Sent: Tuesday, February 4, 2020 11:04 AM
To: Town Council <mayorandcouncil@townofchapelhill.org>
Subject: Petition for Cemeteries Support

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

The Town of Chapel Hill has 4 cemeteries maintained by the town. The mayor led an effort to dissolve the Cemeteries Advisory Board last year, that had functioned for 10 years. The last Board meeting was cancelled by town staff so no finality was presented. A "cemetery champion" position was established but has been a disaster. Currently, there is only this mechanism to bring matters related to the cemeteries to the town and no mechanism exists to provide information from town except in response to a petition.

Numerous matters remained needed attention when the Board was dissolved and nothing visibly has occurred on these matters since the dissolution.

Among the matters needing attention are:

Repair to driveways in Old Cemetery. This was an action item for 4 years by town staff but has received no attention. Beyond the appearance needing attention, the root growth has become such a problem that a safety concern has been created for people using the driveways for access to cemetery plots.

Burial listings. The Old Cemetery has an accessible database for locating burial location on the town website. There is no such public information for Memorial or West Cemeteries burials. Town staff has been promising action on Memorial for over 2 years but without results.

Lack of burial plots There are currently no traditional burial plots available in the cemeteries since Memorial sold its last plots. There are Chapel Hill residents who wish to be buried within the town in a traditional plot. The Board petitioned the council over 4 years ago to address this problem and acquire and make available traditional burial plots, but the petition got no response or action.

Timely grounds cleanup Although generally undertaken, there are lapses. An associate of mine was buried in Old Cemetery and it took almost two months before the dried casket piece was finally removed from the grave.

Performance standards Grounds maintenance can be problematic. I incurred damages from the grounds crew on my plots that necessitated a substantial insurance payout and replacement, not repair, of damaged grave site structure. I have asked for standards and supervision to insure that this does not occur again.

Special funding control Over the years, a variety of special funding has occurred but when the Board requested a report on this, the result was a jumbled mess. Funding specific to the cemeteries should be spent as intended and accounts maintained to assure this.

Mechanism for direct input and response for cemetery matters With the dissolution of the Board, there currently exists no mechanism for direct public inquiry on cemetery matters and no mechanism to provide public information cemetery matters. Especially for family members of burials this problem exists.

I urge that the Council and town staff address these matters.

--

Steve Moore, Chair
Friends of Old Chapel Hill Cemetery



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 2., **File #:** [20-0123], **Version:** 1

Meeting Date: 2/19/2020

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
(2020-02-19/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:

3. Approve a Contract Extension for Audit Services Contract for Fiscal Year 2019-20. (R-2)
4. Approve the Annual Percent for Art Plan. (R-3)
5. Call for a Public Hearing for April 1, 2020 to Consider a Request to Close a Portion of an Unmaintained and Unimproved Public Right-of-Way of Monroe Street. (R-4)
6. Adopt Minutes from February 06, 2019 and October 30, 2019 and November 13 and 18, 2019 Meetings. (R-5)

This the 19th day of February, 2020.

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

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Item Overview

Item #: 3., File #: [20-0124], Version: 1

Meeting Date: 2/19/2020

Approve a Contract Extension for Audit Services Contract for Fiscal Year 2019-20.

Staff:

Amy Oland, Director

Department:

Business Management

Overview: Martin Starnes & Associates, CPA's, P.A. has been the Town's external auditor since FY 2007-08 and have provided consistent and responsive services and competitive pricing throughout their tenure. In June of 2017, Council awarded the Audit Services Contract for FY 2016-17 to Martin Starnes after a Request for Proposals (RFP) process. The Contract allows four one-year contract extensions. This extension would be the third one-year extension. Adopting the resolution would authorize the Mayor to execute an extension to our contract with Martin Starnes & Associates, CPAs, P.A. to conduct the annual audit for the 2019-20 fiscal year.

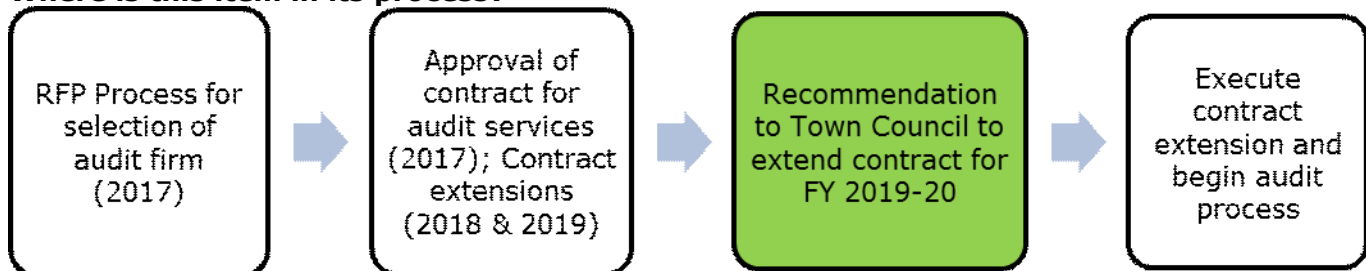


Recommendation(s):

That the Council adopt the attached resolution authorizing the execution of a one-year extension of the audit services contract to Martin Starnes & Associates, CPAs, P.A. in the amount of \$53,050 for fiscal year 2019-20..

Fiscal Impact/Resources: The audit fee for FY 2019-20 is \$53,050. One half of the cost will be paid in the current fiscal year and was included in the FY 2019-20 Adopted Budget. The other half will be included in the FY 2020-21 Manager's Recommended Budget in the Business Management Department.

Where is this item in its process?



Attachments:

- Resolution

A RESOLUTION AUTHORIZING THE EXTENSION OF THE CONTRACT WITH MARTIN STARNES & ASSOCIATES, CPAs, P.A. TO PERFORM THE TOWN OF CHAPEL HILL'S FY 2019-20 AUDIT (2020-02-19/R-2)

WHEREAS, the Town of Chapel Hill is required by the Local Government Budget and Fiscal Control Act to have its accounts audited by a certified public accounting firm after the close of the fiscal year; and

WHEREAS, the Town of Chapel Hill issued a request for proposals in 2017 and selected Martin Starnes & Associates, CPAs, P.A. to conduct the FY 2016-17 audit with an option to renew their contract for four one-year extensions.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the renewal of that contract for one year and authorizes the Mayor to execute a contract with Martin Starnes & Associates, CPAs, P.A. in the amount of \$53,050 for the Town's FY 2019-20 audit.

This the 19th day of February, 2020.

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

By adopting the resolution, the Council accepts the proposal for the Town's FY 2019-20 audit firm Martin Starnes & Associates, CPAs, P.A. in the amount of \$53,050, exercising the third of four one-year contract renewal options and authorizes a contract to be signed by the Mayor on behalf of the Town.



TOWN OF CHAPEL HILL

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Item Overview

Item #: 4., **File #:** [20-0125], **Version:** 1

Meeting Date: 2/19/2020

Approve the Annual Percent for Art Plan.

Staff:

Susan Brown, Executive Director

Department:

Community Arts & Culture

Overview: The 2019/20 Percent for Art Plan continues projects from the previous year, including Colorful Crosswalks, Chapel Hill Nine Marker, and Elliot Road Flood Storage.



Recommendation(s):

That the Council approve the 2019-20 Percent for Art Plan.

Fiscal Impact/Resources: The Town's Percent for Art Program is funded by designating one percent of all appropriations for Capital Improvements Projects to Public Art. No new funds were added to the program in 2019-20.



Attachments:

- Resolution
- 2019/2020 Percent for Art Plan

A RESOLUTION APPROVING THE 2019-20 ANNUAL PERCENT FOR ART PLAN (2020-02-19/R-3)

WHEREAS, Chapel Hill recognizes art as an important factor in developing a vibrant and inclusive community; and

WHEREAS, the Town actively works to create diverse opportunities for community to engage with the arts; and

WHEREAS, the Percent for Art Program is one avenue for increasing public art in public spaces; and

WHEREAS, there are no new Percent for Art projects identified for the 2019-2020 Fiscal Year; and

WHEREAS, there are no new projects identified for funding via the Percent for Art general fund; and

WHEREAS, there are three ongoing Percent for Art projects, Colorful Crosswalks, Chapel Hill Nine Marker, and Elliot Road Flood Storage.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council approves the 2019-20 Annual Percent for Art Plan continuing the FY 2018-19 Plan.

This the 19th day of January, 2020.

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 2019-20 Annual Percent for Art Plan continuing the FY 2018-19 Plan.

2019/2020 ANNUAL PERCENT FOR ART PLAN



PURPOSE OF PERCENT FOR ART

- Define community identity
- Promote social interaction
- Bring arts into everyday life
- Memorialize past/envision future



2019/2020 PLAN

- No new eligible projects
- No projects from general PFA fund
- Continue previous year projects



ONGOING PERCENT FOR ART PROJECTS

- Elliott Road Flood Storage
- Chapel Hill Nine Marker
- Colorful Crosswalks



OTHER PUBLIC ART PROJECTS

- Art & Transit
- OWASA Pipes on Bolin Creek Trail
- Downtown Mural Initiative
- Bloomberg Asphalt Art Grant (TBD)





TOWN OF CHAPEL HILL

Town Hall
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Item Overview

Item #: 5., **File #:** [20-0126], **Version:** 1

Meeting Date: 2/19/2020

Call for a Public Hearing for April 1, 2020 to Consider a Request to Close a Portion of an Unmaintained and Unimproved Public Right-of-Way of Monroe Street.

Staff:

Lance Norris, Director
Chris Roberts, Manager of Engineering and Infrastructure

Department:

Public Works

Overview: The developer of the Columbia Street Annex development, CH Hotel Associates Limited Partnership, proposes to close approximately 150' of an unmaintained and unimproved portion of Monroe Street. The 30' wide public right-of-way starts at its connection to the South Columbia Street right-of-way and extends west. This closure will disconnect the current Monroe Street right-of-way from South Columbia Street. The developer will dedicate a new easement providing reasonable access to the right-of-way at Columbia Street. The dedication will be required before the right-of-way closure.

The Columbia Street Annex SUP is currently under review (SUP #18-039).

More information about this project may be found at:

[<https://www.townofchapelhill.org/town-hall/departments-services/planning/development-activity-report/columbia-street-annex-2017>](https://www.townofchapelhill.org/town-hall/departments-services/planning/development-activity-report/columbia-street-annex-2017)

North Carolina General Statute Sec. 160A-299 sets the process for closing public rights-of-way, requiring the Council to adopt a resolution declaring its intent to close the public right-of-way and to call a public hearing. The resolution will be published once a week for four successive weeks before the hearing. A notice of the closing and public hearing will be posted in a least two places along the right-of-way.



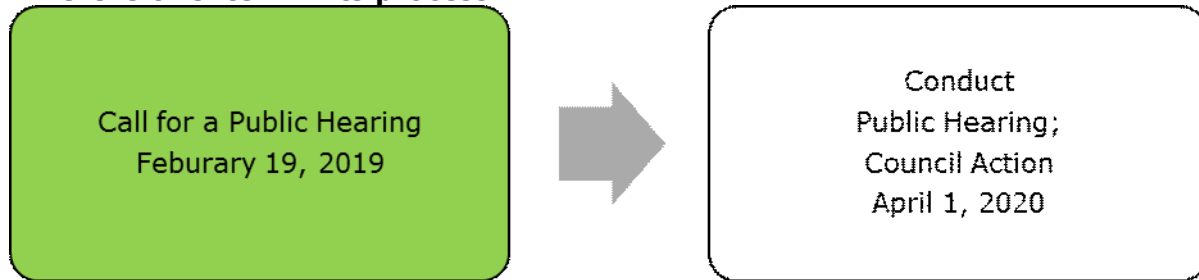
Recommendation(s):

That the Council adopt the resolution to call a Public Hearing for April 1, 2020 to consider a request to close a portion of an unmaintained and unimproved public right-of-way of Monroe Street.

Fiscal Impact/Resources: Closing of this right-of-way does not create costs to the Town since it was not being maintained.

Key Issues:

- CH Hotel Associates Limited Partnership, the Columbia Street Annex developer, requested this right-of-way closure.
- The closure will isolate one property, which is currently accessed via a private driveway to the paved portion of Monroe Street. The developer proposed an access easement, which staff determined will provide reasonable access to this parcel. The right-of-way closure will be contingent on dedication of the access easement.
- Dedication of the access easement will be required before the completion of the right-of-way closure process.

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

- Resolution
- Closure Request Letter from Wendi Ramsden, Coulter Jewell Thames, PA (representing CH Hotel Associates Limited Partnership, Owner)
- Exhibit and Photos of Requested Monroe Street Public Right-of-Way Closure
- NC Statute 160A-299

A RESOLUTION CALLING A PUBLIC HEARING TO CONSIDER A REQUEST TO CLOSE A PORTION OF AN UNMAINTAINED AND UNIMPROVED PUBLIC RIGHT-OF-WAY OF MONROE STREET (2020-02-19/R-4)

WHEREAS, the Town of Chapel Hill has received a request, from Wendi Ramsden, Coulter Jewell Thames, PA (representing CH Hotel Associates Limited Partnership, Owner) to close a portion of the unmaintained and unimproved Monroe Street public right-of-way; and

WHEREAS, there is one parcel that will become isolated with this right-of-way closure and the developer will provide a reasonable means of access to this isolated property with an access easement; and

WHEREAS, dedication of the access easement will be required before the completion of the right-of-way closure process.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby declares its intent to consider closing a portion of the unmaintained and unimproved Monroe Street public right-of-way, contingent upon dedication of an access easement.

BE IT FURTHER RESOLVED that the Council calls a Public Hearing at 7:00 pm on Wednesday, April 1, 2020 in the Council Chamber at Town Hall, 405 Martin Luther King Junior Boulevard, Chapel Hill, North Carolina to receive public comment on the proposed closure of said right-of-way and hereby authorizes the Town Manager to arrange publication, posting, and mailing of notices of the Public Hearing as required by law.

This the 19th day of February, 2020.

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

By adopting the resolution, the Council calls a Public Hearing for April 1st, 2020 to consider closing a portion of the unmaintained and unimproved Monroe Street public right-of-way.

Coulter Jewell Thames, PA
ENGINEERING LAND SURVEYING LANDSCAPE ARCHITECTURE

LETTER OF TRANSMITTAL

Date: 8/27/2019

*delivered
8/27/19*

To: Chapel Hill Public Works

Attn: Chris Roberts

Project: Columbia Street Annex
Monroe Street Road Closing

WE TRANSMIT TO YOU HEREWITH:

<u># Copies</u>	<u>Sheet No.</u>	<u>Date</u>	<u>Description</u>
1		6/10/2019	road closing request

Remarks:

Chris I know we talked about this months ago, but we finally have the information together to request the road closing. I was holding off submitting this until the owners had a chance to talk with the Joffes, which they recently have done. Zalman Joffe attended the neighborhood information meeting and we talked to him at that point. He was not opposed to the closing. Please let me know what else we need to provide to have this request move forward. Thank you.

Wendi

Copies To:

From: Wendi Ramsden
wramsden@cjtpe.com

Daniel A. Jewell, ASLA, RLA
 James W. Thames, PE
 Jeffrey P. Williams, PLS

Main Office: 111 West Main Street, Durham, NC 27701
Phone: 919.682.0368 **Fax:** 919.688.5646
Email: design@cjtpe.com

CH Hotel Associates Limited Partnership
3008 Anderson Drive, Suite 120
Raleigh, NC 2760

10 June 2019

Town of Chapel Hill Public Works
6850 Millhouse Road
Chapel Hill, NC 27514-5705
Attn: Chris Roberts

Dear Mr. Roberts

This letter will serve as a request to close an existing unimproved right of way intersecting with South Columbia Street, as shown on the attachment. The right of way is a 174.04 LF portion of Monroe Street, located between the two parcels with PINs 9788205716 and 9788204502. The improvement in this area consists of some grading to flatten out the cross slope of the right of way, and installation of a pipe over the stream crossing in the portion of the right of way that will remain open. This work was done prior to our purchase of the parcels. Although the street intersects with S-Columbia Street in plan view, topographically the paper street currently sits 8 feet below the street level at the right of way line, with a 2.2:1 slope that continues for 40 feet from the street edge, and then continues to fall at a gentler pitch to a stream. It would be very difficult to build a vehicular access in the current right of way.

We currently have a development proposal being reviewed by the Town of Chapel Hill, and propose recombining the two parcels adjacent to the right of way, and replacing this portion of the right of way with an access easement to the adjacent property owners which would follow our proposed paved driveway and provide physical access to South Columbia Street.

The proposed change would connect the remaining Monroe Street right of way with access to South Columbia Street north of the current intersection. **We have spoken with the affected adjacent property owners who are amenable to the changes.**

Sincerely,


Roland Gammon

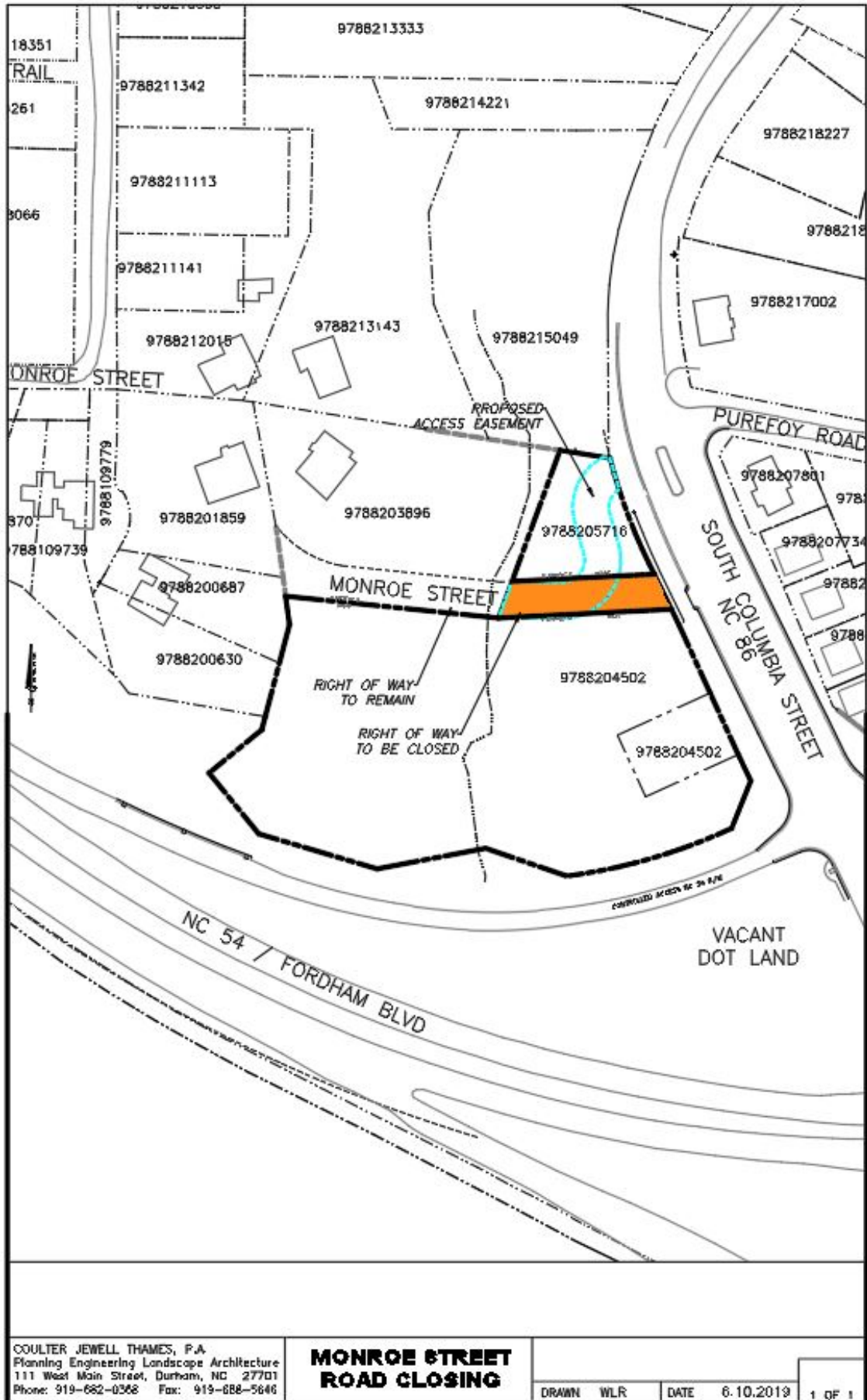
Attachments:

NC GS 160a-299

Plan

Site Photos

List of adjacent property owners



Site Photos

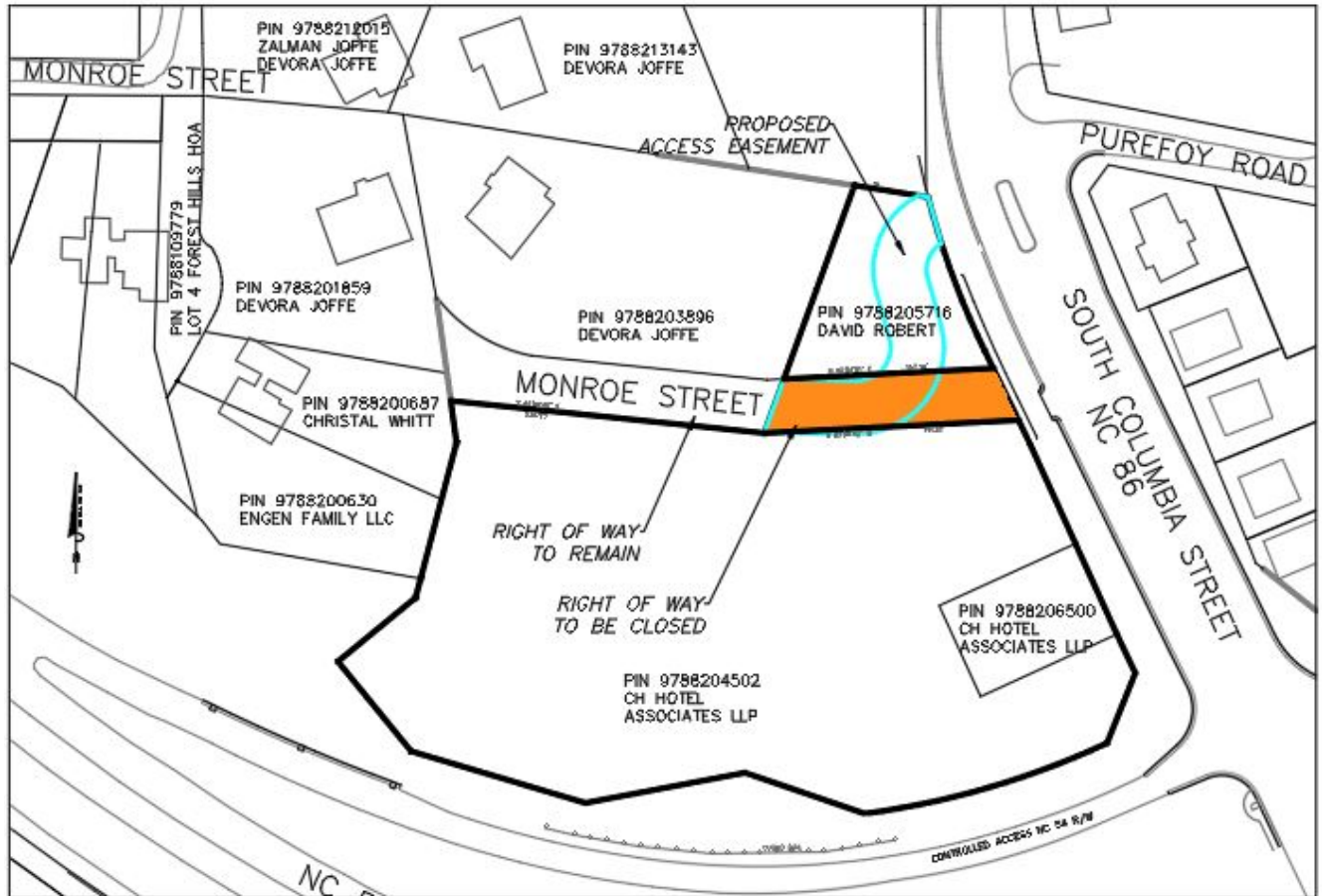


slope from street toward stream in right of way
area to be closed

grading over stream bed and piping of stream in
right of way area to remain open



Adjacent property owners



David Robert
 PO Box 184
 Chapel Hill, NC 27514

CH Hotel Associates LLP
 3008 Anderson Drive, Suite 120
 Raleigh, NC 27609

Devora and Zalman Joffe
 1007 John Jones Road
 Bahama, NC 27503

§ 160A-299. Procedure for permanently closing streets and alleys.

(a) When a city proposes to permanently close any street or public alley, the council shall first adopt a resolution declaring its intent to close the street or alley and calling a public hearing on the question. The resolution shall be published once a week for four successive weeks prior to the hearing, a copy thereof shall be sent by registered or certified mail to all owners of property adjoining the street or alley as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along the street or alley. If the street or alley is under the authority and control of the Department of Transportation, a copy of the resolution shall be mailed to the Department of Transportation. At the hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest, or the property rights of any individual. If it appears to the satisfaction of the council after the hearing that closing the street or alley is not contrary to the public interest, and that no individual owning property in the vicinity of the street or alley or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to his property, the council may adopt an order closing the street or alley. A certified copy of the order (or judgment of the court) shall be filed in the office of the register of deeds of the county in which the street, or any portion thereof, is located.

(b) Any person aggrieved by the closing of any street or alley including the Department of Transportation if the street or alley is under its authority and control, may appeal the council's order to the General Court of Justice within 30 days after its adoption. In appeals of streets closed under this section, all facts and issues shall be heard and decided by a judge sitting without a jury. In addition to determining whether procedural requirements were complied with, the court shall determine whether, on the record as presented to the city council, the council's decision to close the street was in accordance with the statutory standards of subsection (a) of this section and any other applicable requirements of local law or ordinance.

No cause of action or defense founded upon the invalidity of any proceedings taken in closing any street or alley may be asserted, nor shall the validity of the order be open to question in any court upon any ground whatever, except in an action or proceeding begun within 30 days after the order is adopted. The failure to send notice by registered or certified mail shall not invalidate any ordinance adopted prior to January 1, 1989.

(c) Upon the closing of a street or alley in accordance with this section, subject to the provisions of subsection (f) of this section, all right, title, and interest in the right-of-way shall be conclusively presumed to be vested in those persons owning lots or parcels of land adjacent to the street or alley, and the title of such adjoining landowners, for the width of the abutting land owned by them, shall extend to the centerline of the street or alley.

The provisions of this subsection regarding division of right-of-way in street or alley closings may be altered as to a particular street or alley closing by the assent of all property owners taking title to a closed street or alley by the filing of a plat which shows the street or alley closing and the portion of the closed street or alley to be taken by each such owner. The plat shall be signed by each property owner who, under this section, has an ownership right in the closed street or alley.

(d) This section shall apply to any street or public alley within a city or its extraterritorial jurisdiction that has been irrevocably dedicated to the public, without regard to whether it has actually been opened. This section also applies to unopened streets or public alleys that are shown on plats but that have not been accepted or maintained by the city, provided that this section shall not abrogate the rights of a dedicator, or those claiming under a dedicator, pursuant to G.S. 136-96.

(e) No street or alley under the control of the Department of Transportation may be closed unless the Department of Transportation consents thereto.

(f) A city may reserve a right, title, and interest in any improvements or easements within a street closed pursuant to this section. An easement under this subsection shall include utility, drainage, pedestrian, landscaping, conservation, or other easements considered by the city to be in the public interest. The reservation of an easement under this subsection shall be stated in the order of closing. The reservation also extends to utility improvements or easements owned by private utilities which at the time of the street closing have a utility agreement or franchise with the city.

(g) The city may retain utility easements, both public and private, in cases of streets withdrawn under G.S. 136-96. To retain such easements, the city council shall, after public hearing, approve a "declaration of retention of utility easements" specifically describing such easements. Notice by certified or registered mail shall be provided to the party withdrawing the street from dedication under G.S. 136-96 at least five days prior to the hearing. The declaration must be passed prior to filing of any plat or map or declaration of withdrawal with the register of deeds. Any property owner filing such plats, maps, or declarations shall include the city declaration with the declaration of withdrawal and shall show the utilities retained on any map or plat showing the withdrawal. (1971, c. 698, s. 1; 1973, c. 426, s. 47; c. 507, s. 5; 1977, c. 464, s. 34, 1981, c. 401; c. 402, ss. 1, 2; 1989, c. 254; 1993, c. 149, s. 1; 2015-103, s. 1.)



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 6., **File #:** [20-0127], **Version:** 1

Meeting Date: 2/19/2020

Adopt Minutes from February 06, 2019 and October 30, 2019 and November 13 and 18, 2019 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
- February 06, 2019 Work Session
- October 30, 2019 Regular Meeting
- November 13, 2019 Regular Meeting
- November 18, 2019 Work Session

A RESOLUTION TO ADOPT SUMMARY MINUTES OF COUNCIL MEETINGS (2020-02-19/R-5)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby adopts summary minutes for meetings held on February 06, 2019 and October 30, 2019 and November 13 and 18, 2019.

This the 19 day of February, 2020.

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 Jessica Anderson
Council Member Donna Bell
Council Member Allen Buansi
Council Member Hongbin Gu

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

Wednesday, February 6, 2019 6:30 PM Library Room B

Roll Call

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

Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Florentine Miller, Planning Director Ben Hitchings, Planning and Development Manager Judy Johnson, Engineering Manager Chris Roberts, Senior Planner Anya Grahm, Community Resilience Officer John Richardson, Police Chief Chris Blue, Economic Development Officer Dwight Bassett, Public Works Director Lance Norris, Planner Michael Sudol, Community Safety Manager Meg McGurk, LUMO Project Manager Alisa Duffey Rogers, and Communications and Public Affairs Director/Town Clerk Sabrina M. Oliver.

OPENING

Mayor Hemminger announced that a number of Council Members had attended an economic impact meeting that had covered all things commercial, retail, and development. She added that the Council Committee on Economic Sustainability will meet on Friday at 8 a.m. along with a public information meeting would be held on February 12 regarding transmission line removal on Weaver Dairy Road. The Mayor announced that the Council would have a regular meeting on February 13 and added that there would be a gun sense advocacy meeting at the library on February 12. She noted that UNC had announced Keven M. Guskiewicz as the appointed interim Chancellor.

AGENDA ITEMS

1. UNC Health Care Eastowne Master Plan Project.

[\[19-0108\]](#)

Simon George, with UNC Healthcare, said UNC was proceeding with the first medical building at the Eastowne development. Mr. George provided the timeframe, adding that it was an aggressive schedule. He said they want to develop the building and not come back to ask for any more until

Town Council

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February 6, 2019

it is completed and that it should be done in short order.

John Martin, with UNC Healthcare, said he believed 18 months to be a reasonable time frame. He said he was confident there was no set agenda and said he believed there to be a shared vision with UNC Health and the Town Council. He said in the preliminary phase they were asking for a resolution to begin the process in earnest set for March. He directed Council Members to the timeline schedule.

Council Member Parker said the project would be driven by the schedule. He asked if there would be a subcommittee of Council Members. He added that the plan gives the impression it's been subbed out to advisory boards. Mr. Martin said input and comments would be received at all board meetings and the negotiation itself would be with the full Council or a subcommittee as he had suggested.

Mr. Hitchings said there were topics that need to be discussed such as the recent Amity Station. He said there are several approaches and that they would need the involvement of Council. He suggested a subgroup or some combination of check-ins with a full body and subcommittees. Council Member Parker said he would like to see month-to-month involvement by Council. He said that in the case of Amity, there were advisors directing them. He asked what additional resources were needed and who would pay. Mr. Hitchings said the applicant would pay for an urban designer. Town Manager Maurice Jones commented that some time could be spent discussing other things needed, similar to what was done with Amity Station.

Council Member Parker said it would be helpful to have a staff person on site at the open houses and mentioned potential challenges with the start date of negotiations, as we would be coming off the heels of the election in November 2019. Mr. George agreed with Council Member Parker and said that having a staff person on site would show commitment and partnership. Mr. Hitchings commented that there would be a session before the meetings.

Council Member Stegman said she wanted to see public comment meetings and wanted to have community meetings giving an example of Pinegate. Mr. George agreed in response.

Council Member Gu said she didn't see UNC as part of the schedule and asked what the schedule for UNC would be and when a time proposal would be made. Mr. George said it would dovetail into the Town's schedule. Council Member Gu asked how the framework would be combined, and Mr. George replied that they would overlay UNC's time frame over the Town's as they are fundamentally the same schedule. Mr. George said that the clinical, academic, and financial components would be the same.

Mayor pro tem Anderson asked about the stormwater review and if it would be in the environmental stewardship. Mr. Hitchings replied, yes. He said there would be an orientation for the commission in an open house framework. Mr. Hitchings said that instead of just an open discussion, which doesn't work for them, they would find a way of talking about potential uses throughout. Mr. George mentioned that UNC was going to have a clinical focus but was unsure of how much would have to be clinical and not. Mayor pro tem Anderson mentioned her concern about how UNC would house their employees in Town. She mentioned this was a bigger conversation that should take place during the negotiation process and agreed with Council Member Parker that there should be a subcommittee.

Council Member Schaevitz said she was interested in hearing about the sustainability workshop and in talking about the uses. Mr. Martin said he was open to either idea and all ideas.

Council Member Oates said that by looking at the dots on the schedule, time is expensive. She would like for the Council to be able to give feedback after hearing thoughts from the environmental sustainability meeting.

Mayor Hemminger agreed that there was a lot of stuff on the scheduled timeline. Amy Ryan said it depends on the level of input you want. She said they work better in subcommittees and should choose people who are not up for re-election so as to be thoughtful about this. We need to go back and talk to the Town Manager about what this schedule looks like. She said we need to look at stormwater and commented that it is a swamp over there. We need to have a list of potential uses. Ms. Ryan said it was hard to understand what you are doing. You need to tell the community you're growing and what will be there such as a major job center with a number of employees who will be at this site and that the people working there have the best of experience.

Council Member Parker said that both UNC and the Town needed to have a negotiating position, so they can have the discussion, and can represent the residents and community in a dual and visioning process.

Mr. Jones commented that this was an excellent point and wanted to ensure the community's desires would be heard.

Mayor pro tem Anderson agreed with Council Member Oates and Mayor Hemminger about more check-ins with Council early on.

Council Member Stegman said that regarding the costs and meetings there were too many dots and that the boards were not in the steps. She recommended replacing the dots with the joint board member meetings. Mr. Hitchings said, yes, that this would be possible and the reason for so many meetings is for the UNC team to share their developing information.

Mr. Martin said there would be a check-in early on with the Council and mentioned that consolidating board meetings would save time. We want the public to say there was enough input time, he said.

Council Member Bell said that she read the blue dots to be a response to the Council meeting where the Council had mentioned there was enough public meeting input. She said the Obey Creek Joint Advisory board meeting was very effective and expressed her support of a combined meeting for phase two.

Mr. Hitchings commented that the blue dots were regular advisory board meetings.

Mayor Hemminger said she preferred a check-in with the Council sooner rather than later after the economic sustainability meeting, and for the work sessions as well. She expressed a desire to see the committees first and to then have the joint meetings. Mr. George said he was happy to do that and would inquire with the board members to ensure their attendance. He stated he would think a little more about not having as many meetings as they require lots of notice and not all the members would be required to attend.

FEEDBACK

It was asked if there were any major principles missing from the Proposed Town of Chapel Hill Council Themes.

Council Member Parker mentioned roadway capacity and recommended adding it based on roadway capacity sequencing of a project.

Mayor Hemminger mentioned that themes #2 and #5 should be combined.

Mayor pro tem Anderson asked what was meant by "high quality" gateway in theme #1. She said she was unsure what strong links to transit meant in item #3 and mentioned there was nothing about tree canopy in theme #5. She thought this could be taken from the Carolina North ecological integrity. Mayor pro tem Anderson suggested understanding the impacts on town services should be added to theme #6.

Council Member Oates asked what affordable housing in theme #6 meant. Mayor Hemminger mentioned jobs and the job creation it would bring to the Town. She noted that the Town pays for services to these types of developments and that there would be a need for taxes to pay for this. Mayor Hemminger recommended food access for those who work there. Council Member Oates mentioned having clear expectations of AH and who is paying for what. She asked for stormwater considerations as well.

Council Member Schaevitz suggested there be stronger language in theme # 6 regarding AH and in theme #2 regarding energy efficient buildings and in re-green engineering.

Council Member Parker suggested the addition of solar panels to theme #2.

Council Member Stegman questioned what attractive buildings with appropriate height meant in theme #2. She said the wording was not clear and wanted clarification on the meaning and what the vision is.

Council Member Gu commented that the themes cover most conversations the Council and staff have had but suggested something more global and visionary. She recommended a statement like what was in Carolina North, the urban design principles, and an overarching theme.

Council Member Bell said that theme #2 should involve some type of measurement like a 20-year build out with the idea of an ecological assessment. She said there should be a commitment in how we are going to preserve and what our desire around AH will look like.

Mayor Hemminger recommended adding in a healthy work-place and an environmental piece. She advised the addition of best environmental places for it reuse of water and renewable energy. She suggested making it clear that it's a connected part of the community.

Mr. George referred to the handout on UNC's planned themes and touched on the goals of phased infrastructure and financial sustainability.

Council Member Parker referred to the Amity Station project and wanted to know if they would be willing to share that amount of information with the Council to help them better understand what financial sustainability means. Mr. George replied that breaking out proformas would have to come back to the Council but replied, yes.

Council Member Parker mentioned that affordable employee housing had not been added to the list. Mr. George said it should not be a concern until it was determined what we want.

Council Member Gu asked if there was a vision and Mr. George replied that it had not been developed yet.

ITEMS FOR FUTURE DISCUSSION

- Council to consider resolution to consider on February 20 (authorization to conduct a DA)

- Adopting town principles
- Establishing general schedule
- Authorizing process to proceed

Mr. George said there is a commitment to go through this process. He said what he is asking from you is the same commitment and engagement, long-vested rights.

2. Downtown Parking Update. (no attachment)

[\[19-0109\]](#)

Meg McGurk, Community Safety Planner, reviewed a PowerPoint presentation to discuss the current and future demands of downtown parking and to discuss the financial opportunities to meet the demand. She mentioned that the staff would be seeking the Council's feedback at the end of the presentations.

Ms. McGurk mentioned the recent parking improvements which included:

- 60 new parking kiosks
- 375 new spaces to public parking downtown
- Downtown Ambassadors to help ease the transition to new parking systems
- Consistent times for off-street parking at 8 a.m. - 8 p.m.

Ms. McGurk mentioned that a parking study had been completed by the Walker Consulting Group and it was determined that the demand for parking had been observed during the weekdays between noon and 2 p.m. Additionally, it was noted that the occupancy had reached 70%, which was deemed adequate but that several areas had experienced high occupancy levels which had put them at or near capacity. Ms. McGurk mentioned there would be a future demand of approximately 1,000 spaces within the next 10 years. The mentioned takeaways from the study were that the study captured a point in time, that the demand would change as development occurs, and that there were several options to meet the future demand.

Dwight Bassett, Economic Development Officer, highlighted the opportunities that would be available to meet the future demand of 1000 in the PowerPoint presentation.

Chris Roberts, Manager of Engineering & Infrastructure, mentioned that a 2012 Condition Assessment Report had identified maintenance needs on the Wallace deck which would cost approximately \$1.8 million in addition to the already determined parking needs. He said the staff would bring before the Council the recommendation of adding 100 parking spaces along with the repairs for a total cost of \$2.4 million by late February or early March.

Mayor Hemminger commented that the visitor's center was moving to Franklin Street and asked if additional parking would be added, if trees could be left on the deck, and if solar panels could be added.

Ben Hitchings, Planning Director, highlighted the needs for an integrated system to assist in planning, funding, and for building public parking. He identified the following components for the system, a parking information system, a parking capital improvement plan, a financing plan, and a capital improvements delivery system.

FEEDBACK

- Additional parking on the Wallace Deck was mentioned and Mayor pro tem Anderson responded in favor.
- An integrated parking management system that includes data and best management practices. Mayor pro tem Anderson responded in favor.
- A financing system that allows the Town to build parking to meet future demand. Mayor pro tem Anderson responded in favor.
- Council Member Schaevitz said she wanted to hear feedback about the new kiosks and asked if people knew where the new spaces were located. She said she agreed with Mayor pro tem Anderson that there can't be bus routes all over Town but asked if the addition of a park and ride or shuttle close to downtown had been looked into.
- Council Member Schaevitz mentioned that there was not enough down time for downtown parking. She wondered if there were other reasons the Town couldn't look into doing shared parking, other than a lack of money. Mr. Bassett said that Glen Lennox was currently doing it and mentioned it works because those living there go to work and then the space is available for other workers while they are gone.

Council Member Gu asked if we could partner with UNC. Mr. Bassett replied that we would try again.

Mayor Hemminger asked if there were any numbers on parking and the time and inquired on why numbers had dropped. She mentioned needing to get together again and said she wanted to see numbers from an 8 to 11 time frame. Mayor Hemminger said she wanted to see a change or suggested it come from the General Fund but said she didn't want to do that.

Mayor Hemminger mentioned autonomous vehicles and said the timeline was shifting because of public confidence and technology issues. She said

there was a need to do something about parking now and not 10 years from now when the autonomous cars will be here. Mayor Hemminger said there was not enough parking for the bicyclists, apartments, and luxury buildings taking over some spaces in downtown. She said parents of students would be willing to pay to reduce students driving. She encouraged the staff to bring up the Wallace Deck soon and urged the Council to keep thinking of questions. One hundred spaces will be used quickly, maybe behind the Courtyards, Mayor Hemminger suggested.

There was consensus from the Council regarding additional parking on the Wallace deck.

There was a consensus from the Council on integrated parking.

There was a consensus from the Council on more info about financing.

The Council mentioned not wanting to wait until the fall to hear back about this and asked for it to be brought back soon.

Mr. Jones recommended the focus to be on more than just parking. He mentioned bus rapid transit and multimodal transportation to help with the climate.

Mr. Gladdeck, Executive Director of the Chapel Hill Downtown Partnership, said they need data and a pilot way to tweak this.

Mr. Page spoke about public/private parking.

ADJOURNMENT

The meeting was adjourned at 9:32 p.m.



TOWN OF CHAPEL HILL

Town Council

Meeting Minutes - Draft

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405 Martin Luther King Jr.
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Mayor Pam Hemminger
Mayor pro tem Jessica Anderson
Council Member Donna Bell
Council Member Allen Buansi
Council Member Hongbin Gu

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

Wednesday, October 30, 2019 7:00 PM RM 110 | Council Chamber

Roll Call

Present: 8 - Mayor Pam Hemminger, Mayor pro tem Jessica Anderson, Council Member Donna Bell, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Nancy Oates, Council Member Michael Parker, and Council Member Karen Stegman

Absent: 1 - Council Member Rachel Schaevitz

Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Police Officer Rick Fahrer, Fire Inspector Donnie Morrissey, Communications Specialist Mark Losey, Interim Planning Director Judy Johnson, Planner II Becky McDonnell, Transportation Planning Manager Bergen Watterson, Principal Planner Corey Liles, Affordable Housing Manager Nate Broman-Fulks, Community Outreach Coordinator Len Cone, Parks and Recreation Director Phillip Fleischmann, Parks and Recreation Assistant Director Bill Webster, Flora Parrish, Police Chief and Executive Director for Community Safety Chris Blue, Assistant Police Chief Jabe Hunter, Fire Chief Matt Sullivan, Patrol Captain Donnie Rhoads, Senior Planner Kari Grace, Assistant Director of Housing and Community Sarah Vinas, Business Management Director Amy Oland, Administrative Analyst Rick Shreve, Administrative Assistant Kathryn McMillan, and Deputy Town Clerk Amy Harvey.

OPENING

0.01 Veterans Day Ceremony.

[\[19-0903\]](#)

Mayor Hemminger opened the meeting at 7:00 p.m. and said that Council Member Schaevitz would be absent due to work-related travel. In honor of upcoming Veterans Day, the Council viewed a video featuring Town employees who had served in the U.S. military. A Presentation of Colors and the Pledge of Allegiance followed the video.

0.02 Duke Energy - Presentation of Grant Awards.

[\[19-0904\]](#)

Indira Everett presented the Town with two checks from the Duke Energy Foundation. One grant was for reducing language barriers during emergency events, and the other was to support planting 200 trees and

Town Council

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October 30, 2019

expanding tree canopy in affordable housing neighborhoods.

0.03 Honor Flora Parrish for 50 Years with the Town of Chapel Hill. [\[19-0905\]](#)

Council Member Buansi read a proclamation honoring Flora Parrish, who had served for 50 years in the Chapel Hill Police Department's Records Division. He said that her teamwork, loyalty, and commitment to the community were an inspiration to all who met her.

Council Member Buansi and Police Chief Chris Blue presented Ms. Parrish with the proclamation, and she said that she felt humbled and grateful for the recognition. She was not yet ready to retire, she said.

0.04 Recognize Bill Webster by the State and Town for Meritorious Service. [\[19-0906\]](#)

Mayor Hemminger read a proclamation recognizing Parks and Recreation Department Planning and Development Manager Bill Webster for 39 years of meritorious service. The proclamation described Mr. Webster's leadership and dedication to many projects over the years and thanked him for his contributions to outdoor recreation, multi-modal connectivity, and healthy living for all.

North Carolina Recreation and Parks Association Director Michelle Wells recognized Mr. Webster for his tenure and devotion with a Meritorious Service Award.

Parks and Recreation Board President-elect Sonya Shaw congratulated Mr. Webster for being a role model and praised his work with greenways, trails, and other outdoor projects.

Mr. Webster thanked all who had helped him accomplish his goals over the years. He planned to retire after his 40th year, he said.

0.05 Recognize CBRE and Carolina Square for Excellence in Transportation Demand Management. [\[19-0907\]](#)

Mayor Hemminger pointed out that it was the Town's 28th year of national recognition for excellence for its Transportation Demand Management Program, which works with local employers to encourage employees to use public transportation.

Council Member Stegman pointed out that Go Chapel Hill, which the Association of Commuter Transportation had honored as "National Program of the Year" in 2019, was a team effort. She presented the 2019 National Outstanding Building and Development award from the National Association for Commuter Transportation to CBRE and Carolina Square, where 91 percent of employees use alternative transportation.

Melanie Rivera, representing CBRE and Carolina Square, said that none of the other communities she had worked with had provided the support for alternative transportation that Chapel Hill does. She hoped other jurisdictions would catch up, she said.

Mayor Hemminger recognized Transportation Demand Community Manager Len Cone for her amazing work as well.

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. Petitions from the Public and Council Members. [\[19-0876\]](#)

a. Chapel Hill Public Library Advisory Board Request Regarding Library Fines.

Blaine Schmidt, a Chapel Hill resident, presented a petition asking the Town to eliminate fines at the Chapel Hill Public Library. Mr. Schmidt said that the Library Board had unanimously approved the change because fines represent a barrier to those who most need access. Income from fines represented a very small portion of the Library's overall budget and the fine-free model was being adopted within North Carolina and across the country, he said.

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

1.01 Maggie West Regarding "Affordable Housing the Musical." [\[19-0908\]](#)

Maggie West, representing the cast and crew of "Affordable Housing the Musical", a play that had been produced in partnership with the Carolina Performing Arts, said that the production was based on individual experiences of living on the streets and in homeless shelters around Town. The satire was an outpouring of stories intended to illustrate the affordable housing crisis in a new way and to bring a sense of urgency, she said.

This item was received as presented.

1.02 Julie McClintock Regarding MPO Plans for 15-501. [\[19-0909\]](#)

Julie McClintock, a Chapel Hill resident, presented a petition from Charles Humble, Fred Lampe and herself. She noted numerous signatures on a supportive letter to the Metropolitan Planning Organization as well. Ms. McClintock's petition criticized three options that had been presented at a recent "Re-imagining 15-501" workshop, and she asked the Council and staff to make specific changes to revise the planning process.

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

ANNOUNCEMENTS BY COUNCIL MEMBERS

1.03 Mayor Hemminger Regarding Halloween. [\[19-0910\]](#)

Mayor Hemminger encouraged residents to have fun and to be safe at the annual Halloween celebration on Franklin Street the following day. Information about the event was available on the Town's website, she said.

1.04 Mayor Hemminger Regarding Council Committee on Economic Sustainability Meeting [\[19-0911\]](#)

Mayor Hemminger announced a Council Committee on Economic Sustainability meeting on November 1st at 8 a.m. in the Chapel Hill Public Library. That meeting would include an update from Planning and Affordable Housing staff, including new information regarding the Blue Hill District, she said.

1.05 Mayor Hemminger Regarding Community Meeting on NC 54 Safety Study. [\[19-0912\]](#)

Mayor Hemminger announced a community meeting regarding the NC 54 Safety Study on November 6th, from 6:00 p.m.-8:00 p.m., at Frank Porter Graham School. A study pertaining to bike and pedestrian safety between Manning Drive and Old Fayetteville Road would be discussed, she said.

1.06 Mayor Hemminger Regarding Arbor Day. [\[19-0913\]](#)

Mayor Hemminger said that Arbor Day on November 15th would be part of a week-long celebration that would include a Mayor's Tree of the Year contest. All were encouraged to submit a picture of a favorite tree in Town with a short explanation of what makes it special, she said. She announced that UNC, the NC Botanical Garden, Chapel Hill Public Library, Friends of Parks and Recreation, and others would host various events during Arbor Week. Related announcements would go out on November 1st, she said.

1.07 Mayor Hemminger Regarding Election Day. [\[19-0914\]](#)

Mayor Hemminger pointed out that Tuesday would be Election Day in Chapel Hill. She encouraged everyone to go out and vote.

1.08 Mayor Hemminger Regarding Item 4 on Consent Agenda. [\[19-0915\]](#)

Mayor Hemminger explained that Item 4 (authorizing the Town Manager to Execute a Contract with Gillig LLC to Purchase New Battery-Electric Buses) had been moved to be the first Discussion item.

CONSENT

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

Approval of the Consent Agenda

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

2. Approve all Consent Agenda Items. [\[19-0877\]](#)

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

3. Adopt a Resolution for the Issuance of Up to \$12,250,000 in General Obligation Refunding Bonds. [\[19-0878\]](#)

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

5. Award the Same Pay Increase Approved for all Employees to the Town Attorney. [\[19-0880\]](#)

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

6. Donate and Exchange Surplus Property. [\[19-0881\]](#)

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

7. Continue the Public Hearing for the Land Use Management Ordinance Text Amendment Regarding Massing and Permeability Standards in the Blue Hill District to January 8, 2020. [\[19-0882\]](#)

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

8. Adopt Minutes from May 22, 2019 and June 12, 19 and 26, 2019 and July 12 and 15, 2019 Meetings. [\[19-0883\]](#)

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

INFORMATION

9. Receive Upcoming Public Hearing Items and Petition Status List. [\[19-0884\]](#)

This item was received as presented.

DISCUSSION

4. Authorize the Town Manager to Execute a Contract with Gillig LLC to Purchase New Battery-Electric Buses. [\[19-0879\]](#)

Administrative Analyst for Transit Rick Shreve discussed the Town's interest in replacing diesel buses and its work with Transit Partners, The University of North Carolina-Chapel Hill (UNC-CH) and the Town of Carrboro, to develop a capital plan to modernize the fleet. Funding, technology and interest had converged to make that possible, he said and outlined a proposed pilot project to replace three diesel buses with electric ones.

Mr. Shreve said that the Town had solicited bids in February 2019 and had received two offers that met all requirements. Staff was recommending awarding the contract to Gillig LLC, he said, and he discussed several sources of funding. Mr. Shreve said that the total cost for the pilot program would be \$2.8 million, which included the cost of two charging stations.

Mr. Shreve said that not acting within a reasonable time-frame could jeopardize future grants and result in a loss of state funding. He recommended that the Council authorize the Manager to negotiate a contract with Gillig LLC to purchase three electric buses and charging units with the option to purchase an additional 19 buses.

Council members confirmed that purchasing additional buses would be an option but that no commitment to do so would be included in the contract. They verified that charging stations would be usable with other systems and that there would be a market for the buses if Gillig turned out to not be the right fit for the Town.

In response to questions from Council regarding the bidding process, Town Manager Maurice Jones and Mr. Shreve said that it had been very competitive process and that only two vendors had submitted bids. The Town had a long history of working with Gillig, which had been very responsive over the decades and that they had met the thresholds within FTA procurement guidelines, Mr. Shreve said.

Mr. Jones pointed out that such a pilot program would provide a good baseline of information to help the Town make decisions about future purchases.

Council Member Parker, one of the Council representatives to the Transit Partners group, pointed out that the specifications sent to bidders had been about 500 pages long. Chapel Hill Transit had more than done its due diligence in a rigorous bidding process, he said. Starting with three buses was cautious and prudent, said Council Member Parker.

The Council confirmed with Mr. Jones that issues regarding future transit needs vis a vis the Town's climate action strategy would be discussed at the Council's retreat in February. Mr. Jones said that he could, however, bring some information sooner, if the Council so desired.

Mayor Hemminger pointed out that the pilot project would be funded by the Transit Partners, not just the Town. She said that electric buses stay basically the same and that rapidly-changing battery technology could be added to update them. She did not think the Town would be getting rid of its new electric buses anytime soon, she said.

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

10. Consider Modifying the Process to Interview Applicants to the Boards with Semi-Autonomous Authority.

[\[19-0817\]](#)

Council Member Parker explained that the Board of Adjustment (BOA), Community Design Commissions (CDC), Historic District Commission (HDC), and Planning Commission (PC) all had semi-autonomous decision-making authority. CDC, HDC and PC decisions could be appealed to the BOA, but BOA decisions could only be appealed to the Superior Court, he said.

Council Member Parker proposed selecting a three- or four-member Council sub-committee to interview board applicants in an open, public process, and to make recommendations to the full Council. He said that the Committee on Boards and Commissions had recommended that the Council adopt Resolution-A, which would modify the process in that manner.

Council members discussed the level and type of information that the sub-committee should send to the full Council. They confirmed that the Mayor was responsible for making committee assignments each year, based on Council members' interests. They verified with staff that interviews would be conducted in the spring and board assignments made by July 1st.

Council Member Bell suggested having two sub-committees, with each looking at applicants for two of the boards.

Mayor Hemminger expressed support for that idea and Mayor pro tem Anderson moved to create two subcommittees and to have the minutes of interviews forwarded to the full Council along with the questioning rubric and recommendations.

Council Member Oates raised concerns that having a subcommittee might narrow the field of applicants to those with technical expertise, but Council Member Parker said that the intent was to encourage a broad range of applicants. Technical skills, where appropriate, would be only a part of that, he said.

Mayor Hemminger told the Council that some applicants had said that they felt intimidated when sitting before nine Council members with only three minutes to speak. The goal of having sub-committees would be to have applicants feel more comfortable, she said.

Mayor pro tem Anderson said that four Council members could provide diversity of thought. There were other ways to address the Council's interest in diversity without having applicants have to sit before the entire Council, she said.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Stegman, that R-8 be adopted as amended. The motion carried by the following vote:

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

Nay: 1 - Council Member Oates

11. Receive NC 54 West Corridor Study Update.

[\[19-0885\]](#)

Transportation Planning Manager Bergen Watterson said that the Carrboro Board of Aldermen had adopted a resolution opposing any widening of the NC 54 corridor but that widening that road was a priority for Orange County. The Metropolitan Planning Organization (MPO) had recommended that Carrboro and Orange County set up a working group to discuss the conflict, she said.

Ms. Watterson said that Carrboro had held a public meeting on the issue on October 24th, and the Orange County Board of Commissioners would do so on November 7th. The issue would go to the MPO on November 13, 2019. No Council action was required, but staff was seeking the Council's input, she said.

VHB Consultant Don Bryson gave a PowerPoint presentation regarding the NC 54 West Corridor Study. The main goal had been to identify low-cost, near- and longer-term solutions, potential policies, and trade-offs, he

said. He discussed the existing conditions at intersections that lead to traffic backups and collisions and showed recommended improvements for Phase 1 and Phase 2 of a widening project. If NC 54 were not widened, drivers would eventually find alternative routes via nearby roads, Mr. Bryson said.

Council members ascertained from Mr. Bryson that the current Level of Service E or F meant that cars were frequently lined up behind slow-moving vehicles with no safe places to pass. The goal would be Level D, Mr. Bryson said. The Council also verified that the proposed improvements would mean that both safety and speed would be managed better.

The Council confirmed that widening the road would mean acquiring some property, and Mr. Bryson described the challenge of doing that with so many wells and septic systems in front yards along the corridor. The Council verified with him that there was not enough money (and not really the need) to make large improvements at the current time, so VHB had identified places where it appeared to be necessary.

Mayor Hemminger confirmed that operational improvements currently being implemented included traffic signals at intersections and some road widening. Perhaps some driveways that were close together could be consolidated and some sidewalk connections might be created, she said.

Mayor Hemminger and Mr. Bryson discussed the potential for reducing traffic to and from UNC, and Mayor Hemminger said she liked the recommendation of forming a work group to talk through the challenges. The Town still needed a park & ride on the Chapel Hill side and would be very supportive of whatever the MPO could do to make the multi-modal path safer, she said.

This item was received as presented.

12. Open the Public Hearing: Land Use Management Ordinance
Text Amendment - Proposed Changes to Sections 3.6.2 and 8.4
Related to Historic District Commission Procedures.

[\[19-0886\]](#)

Planner Becky McDonnell provided background information on proposed changes to 15 Land Use Management Ordinance (LUMO) text amendments (TAs). She said that the Council Committee on Boards and Commissions had addressed seven of those and staff had developed next steps for the remaining eight. Ordinance A would approve those proposed steps, she said, adding that the HDC and PC had recommended approval, with some conditions.

Ms. McDonnell said that the seven TAs pertained to the following: a 90-day deadline for HDC action on applications, clarification regarding application re-submissions, expiration and/or extension of Certificates of Approval, guidance regarding review criteria and congruity standards,

clarification of the number of votes required for approval or denial, and modernization of language regarding historic inventories.

Ms. McDonnell explained that several of the remaining eight TAs would be addressed through the design guidelines (DGs) rewrite process, which would have to be completed by August 2020. A future TA would tie the DGs to the LUMO, she said. She explained that staff would update some HDC documents to address other items and would continue to research issues such as land marking and demolition by neglect ordinances, she said.

Council Member Parker verified with Town Attorney Ralph Karpinos that a person contesting the Town's determination could appeal to the BOA.

Randall Landy, a local developer, made several recommendations regarding the TAs and suggested that congruity be determined as described in the LUMO and nothing else. It was critical to codify in the LUMO that public opinion was irrelevant for quasi-judicial decisions, he said. He argued that DGs, which support LUMO congruity standards and provide guidance on interpreting the LUMO, should not be referenced or codified in the LUMO. Mr. Landy recommended publishing standards on how congruity was determined.

Randall Roden, speaking for a group of Historic District residents, said that he and his neighbors wanted to meet with individual Council members to talk about important preservation issues and how the DGs must be the most important standard for guiding HDC decisions.

David Schwartz, HDC chair, said that HDC decisions must be informed by the DGs, according to law. The staff's proposed LUMO revision supported that by citing the DGs, but the Council Committee on Boards and Commissions had then decided to defer action on that amendment, he said. Mr. Schwartz characterized the Council Committee's decision as "unfortunate". Continued lack of clarity regarding the role of the DGs in reviewing Certificate of Appropriateness applications hindered the effective functioning of the HDC, he said, and he recommended restoring that TA to the set of proposed amendments being considered.

Mayor Hemminger said that there had been much discussion over the summer regarding how to provide more clarity and help everyone operate under the same rules and guidelines. She and others on the Council Committee were trying to find a way forward that would bring many voices to the table, she said. She noted that the item would return in November with all of the input and comments that were currently being offered.

Mayor pro tem Anderson confirmed with Ms. McDonnell that the Council Committee on Boards and Commissions had removed the section regarding DGs because those were in the process of being modified. The DGs were still being used and staff had no objection to adding the

reference back in, Ms. McDonnell said.

Council Member Stegman verified that in addition to having the DGs provide examples of how to meet congruity standards, staff would update current standards and perhaps provide examples. She asked why having only congruity be the standard would be problematic, and Mr. Landy replied that vague terms such as "like materials" could lead to less legitimate replacements.

Bob Epting, former HDC chair, said that the statute authorized and directed the adoption of DGs and he characterized the assertion that DGs were not pertinent to the determination of congruity to be "absolutely stunningly wrong". The NC Historic Preservation Office had recently stated, once again, that DGs were necessary in order to prevent the exercise of an arbitrary decision by the HDC, he said.

Council Member Parker confirmed that the HDC was currently using the DGs in its determinations. He did not understand why adding words from the LUMO would be a problem, he said, adding that the new DGs, when finished, would just be substituted for that.

Mr. Karpinos replied that the issue would be clarified when the HDC continued to be more articulate and clear about its decisions and the basis for them. The BOA was not seeing the connection between the decisions and the DGs, and one of the changes encourages a clearer statement of the reasons and evidence for the HDC's decisions, he said.

Council Member Oates predicted that the DGs rewrite would help with the contentious nature of some applications that come before the Council. If the state was requiring the HDC to follow the DGs, then she strongly supported having a reference to them in the LUMO, she said.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Parker, to continue the Public Hearing to November 20, 2019. The motion carried by a unanimous vote.

13. Call a Public Hearing on November 20, 2019 to Consider a Petition for Annexation of Properties at Sunrise Road and Ginger Road.

[\[19-0887\]](#)

Planner Corey Liles gave a PowerPoint presentation regarding a Habitat for Humanity mixed-income project at Sunrise and Ginger Roads, within the Chapel Hill/Orange County joint planning area. He explained that Habitat was petitioning the Town to annex the property prior to approving the development because affordable housing (AH) funds that had been approved for it needed to be for a site within Town limits.

Mr. Liles clarified that annexing the site would not mean approving rezoning and development. He recommended that the Council call a public

hearing for November 20th, when there would be an opportunity to hear more about the annexation request and discuss a fiscal impact analysis.

Mayor Hemminger said that she had informed the Orange County Commissioners in writing that the Council was considering holding a hearing on annexation. The Commissioners had not expressed any concerns, she said.

Mayor pro tem Anderson pointed out that the annexation process was not governed by the Joint Planning Agreement and did not require Orange County's approval. In addition, annexation was not contingent upon development, she said.

Michael Murphy, an area resident, asked that the hearing be delayed for a few weeks so that nearby residents could sort out the implications of being "a donut hole" surrounded by Chapel Hill.

Mayor Hemminger confirmed with Mr. Karpinos that the Council could enact an ordinance to annex the property whenever the hearing was finished, and the effective date would be determined at that time. She confirmed with Mr. Liles that staff had held several public input sessions regarding the project and that the Town currently provided services to lots within the "donut hole" area that Mr. Murphy had referenced.

Mr. Karpinos said that the Town could hold the hearing in November, as scheduled, but delay a decision until the second public hearing. The Council verified with Mr. Liles that Habitat for Humanity was eager to move forward with its development review and distribution of Town-approved funds. He did not know what a postponement would mean to them, he said.

Council Member Oates said she did not recall annexation being discussed at meetings with neighbors. It would be prudent to give the neighbors an opportunity to look at the ramifications, she said.

Council Member Bell said that 100 percent of property owners had asked and were qualified to be annexed. She moved to schedule a public hearing for November 20th with the possibility of continuing it to a future date.

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

14. Discuss Affordable Housing Preservation Strategy Framework.

[\[19-0888\]](#)

Affordable Housing Manager Nate Broman-Fulks gave a PowerPoint presentation on a draft affordable housing (AH) strategy framework. He outlined the following objectives and strategies for preserving AH in Town: 1) Preserve Existing AH, which included strategies to support properties at risk of redevelopment and providing support to low-income households

facing rising costs; 2) Maintain and Improve Quality of AH, which included a strategy to support rehabilitation of properties in need of repair; 3) Support Tenant Protections for Households at Risk of Displacement, which included a strategy to support protections for residents living in neighborhoods facing redevelopment or condemnation.

Mr. Broman-Fulks elaborated on those strategies and said that staff would build a framework and soon begin implementing the short-term ones, in particular. Staff would later return to the Council with any strategies that involved policy decisions or had financial impact, he said.

Council members clarified that the first strategy included creating an early warning system to identify properties that were at the greatest risk of redevelopment. In response to Council questions, Mr. Broman Fulks discussed relocation strategies and plans to work with developers to provide relocation support. He mentioned working with local partners to find alternative housing, and the Council recommended that it be laid out as Town policy. The Council verified that staff would talk with developers during rezoning about the level of AH they could provide and the possibility of targeting new units for existing low-income residents.

Council members discussed ideas such as abatements for providing property tax relief and they recommended advising qualifying residents about opportunities to lower property taxes. They recommended working with the Department of Social Service and the Tax Assessors Office to determine ways to keep people in their homes. The Council asked for information on any legal authority that the Town might have to require developers to make voluntary contributions to AH.

Heather Brutz, representing the Transportation and Connectivity Advisory Board, pointed out that individuals' needs differed. She recommended devising a way to organize information about different types of AH situations.

Council members discussed land banking in cooperation with partners and finding partners who might help create, or rehabilitate, higher-density projects. They recommended having an early warning system regarding AH needs. They confirmed with Mr. Broman-Fulks that Community Home Trust's master leasing approach was going well. The Council asked for specifics regarding Town strategies for having more landlords accept housing vouchers.

The Council and Mr. Broman-Fulks talked about developing rules regarding evictions, and the Council proposed holding public information sessions that might prevent or help with evictions. They stressed the need for a clear, direct link between Town strategies and current challenges, such as mobile home residents being threatened by redevelopment.

This item was received as presented.

ZONING ATLAS AMENDMENT(S)

Zoning Atlas Amendment: The Zoning Atlas Amendment, to change the zoning designation on this property, is Legislative. The Council receives and considers public comment on the merits of the proposed rezoning, including opinions, when making Legislative decisions.

15. Open the Public Hearing: Application for Conditional Rezoning - 1751 Dobbins Drive.

[\[19-0889\]](#)

Mayor pro tem Anderson left the meeting at 10:26 p.m.

Interim Planning Director Judy Johnson gave a PowerPoint presentation on a request to rezone a 1/2-acre parcel on Dobbins Drive from Residential-4 to Office/Institutional-2/Conditional. The project included a 5,747 square-foot, two-story office building that would transition to one story, she said. She showed the site plan, noted an access from Dobbins Drive, and said there would be 21 parking spaces.

Ms. Johnson said that Town advisory boards had recommended approval and that comments from the Transportation and Connectivity Board were in the Council's packets. The applicant had agreed to provide conduit to 20 percent of the parking but preferred not to provide an EV charging station at the current time, she said. Ms. Johnson recommended that the Council open the public hearing, receive comments, and recess the hearing to November 13, 2019.

Council Member Stegman confirmed that 21 was the maximum number of allowed parking spaces and that the Council could adjust that with the applicant's concurrence.

Aaron Frank, a planner with Womble Bond Dickinson, gave a PowerPoint presentation on the rezoning request. He said that Residential-4 zoning typically represented single-family residential uses, and he described how the area had become more of a commercial corridor surrounded by apartments, offices, and retail. He reviewed the site plan and explained the reasons for a request to modify regulations regarding setbacks, buffers and steep slopes. He outlined a plan to preserve trees, increase canopy coverage, and provide additional landscaping.

With regard to the Council's previous concerns about trash collection, Mr. Frank said that it would be collected at the rear of the building, rolled out to the street, and rolled right back again after collection. He said that the applicant was proposing three zoning conditions -- which pertained to buffers, a payment in lieu for a multi-use path, and a reduction in the number of required EV conduits.

The Council ascertained that the roof would face north but that the applicant was hoping to orient it in a way that might provide some solar energy. Mr. Frank agreed to talk with his architect about providing conduit for a possible solar roof and the Council urged him to install at least one EV charging station. The Council confirmed that an underground detention facility would meet or exceed Town requirements. Mr. Frank said that the applicant was reluctant to reduce the number of parking spaces.

Council Member Oates raised questions about the ability of adjacent property owners' to develop in the future with the 20-foot shared buffer being on their properties. Mr. Frank replied that the applicant would provide an alternative buffer on its property in that case, and Council Member Oates asked if the neighboring property owners understood and had approved that arrangement.

Ms. Johnson replied that the buffer already existed and that the applicant did not need permission from its neighbors to share it.

Council Member Oates said that she would feel more comfortable if someone told those neighbors that they would be sharing.

A motion was made by Council Member Parker, seconded by Council Member Bell, to continue the Public Hearing to November 13, 2019. The motion carried by a unanimous vote.

SPECIAL USE PERMIT(S)

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

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

- 16.** Open the Public Hearing: Application for Special Use Permit Modification - Wegmans Food Market Street Improvements, 1810 Fordham Boulevard. [\[19-0890\]](#)

Ms. Johnson gave a PowerPoint presentation on a SUP modification request regarding street improvements for a Wegmans project that had been approved in 2017. She described the project and pointed out that the Council had recently discussed the limited modification request. A recent transportation impact analysis of the area had concluded that no additional improvements would be needed beyond those to which the applicant had already committed, she said.

Ms. Johnson showed the area on a map and explained the proposal to

continue an existing NC Department of Transportation (NC DOT) service road and add a full access onto Highway 15-501. The Transportation and Connectivity Advisory Board and the Planning Commission had both recommended approval, she said, and she recommended that the Council open the public hearing, receive comments, and recess the hearing to November 13, 2019.

The Council confirmed with Ms. Johnson that the proposed intersection would eventually line up with one at the Eastowne Medical Office Building and that nothing being proposed for Wegmans would have a negative impact on the Eastowne side of Highway 15-501. They also confirmed that there would be a multi-use path and sidewalk in an abandoned area of the service road. They raised questions about how the plan related to NC DOT's "Re-imagining 15-501", and Ms. Johnson replied that ongoing conversations with NC DOT were aimed at coordination. She pointed out that Wegmans would have to be accommodated in the DOT's ultimate future plans.

Mayor Hemminger said that Town representatives to the Metropolitan Planning Organization (MPO) had pointed out that being able to move cars faster via super-streets was not the Town's goal. The Town would make recommendations and give feedback, and then the MPO would vote, she said.

Council Member Gu expressed concern about the lack of coordination between the Town, which was designing two intersections based on its own land use design, and NC DOT, which was designing traffic without consideration of what the Town was doing.

Mayor Hemminger agreed that those were different philosophies.

Council Member Oates expressed concern about driveway cuts creating an implication that the Council was approving development on both sides of the road.

Ms. Johnson agreed to add a stipulation to the resolution stating that no development was intended or implied by those driveway cuts.

A motion was made by Council Member Parker, seconded by Council Member Bell, to continue the Public Hearing to November 13, 2019. 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.

17. Concept Plan Review: Putt-Putt Fun Center and Storage Facility, 2200 Eubanks Road.

[\[19-0891\]](#)

Planner Kari Grace gave a PowerPoint presentation on a concept plan for a Putt-Putt Fun Center and storage facility next to Carraway Village at the intersection of Interstate 40 and Eubanks Road on property currently zoned Mixed Use/Residential-1. The concept was to rezone to Office/Institutional-2 with a Planned Development/Mixed Use overlay, she said.

Ms. Grace outlined the plan to build a range of outdoor and indoor recreational facilities -- such as miniature golf, go-kart, laser tag -- and an adjacent self-storage facility at the location. She showed a diagram of a proposed 100,000 square-foot building on a heavily wooded 19.5-acre site. CDC comments were included in the Council's packet, Ms. Grace said, and she recommended that the Council provide feedback and adopt Resolution-A, transmitting comments to the applicant.

Architect Dan Jewell, of Coulter Jewell Thames, said that Putt-Putt North Carolina was a 65-year-old firm with headquarters in Chapel Hill. He said that the project would have more than 100 feet of buffer separating its frontage from Interstate 40. More than 40 percent of the site was in the Resource Conservation District (RCD) and would remain undeveloped, he said. Mr. Jewell described a building that would contain games, party rooms, laser tag and more. A large outdoor area would include a mini golf course, go-kart track, and batting cages, he said. Mr. Jewell said that the proposed climate-controlled storage facility would require a Special Use Permit.

Teresa Greco, representing Putt-Putt North Carolina, said that the

development would provide resources and incentives for classrooms and teachers, and employment and internship opportunities for students. A variety of attractions would appeal to a wide-age range and different ability levels, she said. The concept plan included a natural area and nature trails, and would use green resources for lighting, water use, and supplies, Ms. Greco said.

Mr. Jewell noted a Community Design Commission (CDC) comment about potential noise issues, and said that the applicant was considering using electric go-karts as a remedy. He stated that nearby Carraway Village did not appear to be building anything residential in the portion of its property close to the site. He discussed potentially reorganizing the layout with regard to the parking lot location, and said that the storage facility would be innocuously tucked away in the woods. Mr. Jewell described a maximum three-story building on land that was 15 feet below Carraway Village's property line.

The Council confirmed that the facility's typical hours would be noon to 9:00 p.m. during school days and 10:00 a.m. to 11:00 p.m. (or midnight) on weekends. They determined that a stormwater pond was being planned for behind the storage building, and they proposed making that more of an environmental feature and amenity.

Council members confirmed that there would be no outdoor storage and no large trucks, boats or other objects parked at the storage site. They recommended softening the site's interior with green spaces and pointed out that mini golf courses required shaded areas in the summer. The Council stressed the Town's interest in having EV charging stations on site and confirmed that way-finding signs would probably be posted on Eubanks Road and possibly on Interstate 40.

Josh Mayo, a Chapel Hill resident, recommended including a paved trail that would connect to Town property. He pointed out that the CDC had mentioned the need for a pedestrian connection from Carraway Village to the facility that would be closer to the main building than was being shown on the concept plan.

The Council stressed the need for strong pedestrian connections. They asked Mr. Jewell to give more thought to reducing noise and traffic impacts on neighbors, and to consider reducing the number of parking spaces. They reminded him to include conduits for solar roofing.

In response to a question from Council Member Bell, Ms. Johnson confirmed that a portion of Carraway Village's land near the site had been reserved for AH, and the Council recommended determining how the Putt-Putt project would impact that area. They asked Mr. Jewell to return with a commitment to not clear-cut the land. The Council discussed paved

versus natural trails, and Mr. Jewell offered to work with the Town's Parks & Recreation Department to develop a coordinated trail system.

Mayor Hemminger said that the Council had received many positive comments from residents about the project and that the Council wanted to find a way to make it work. Despite the constraints, the project was a great fit for that site, she said.

A motion was made by Council Member Parker, seconded by Council Member Buansi, that R-10 be adopted. The motion carried by a unanimous vote.

APPOINTMENTS

18. Appointments to the Transportation and Connectivity Advisory Board. [\[19-0892\]](#)

The Council appointed Jack Whaley to the Transportation and Connectivity Advisory Board.

ADJOURNMENT

The meeting was adjourned at 11:47 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 Jessica Anderson
Council Member Donna Bell
Council Member Allen Buansi
Council Member Hongbin Gu

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

Wednesday, November 13, 2019 7:00 PM RM 110 | Council Chamber

Roll Call

Present: 8 - Mayor Pam Hemminger, Mayor pro tem Jessica Anderson, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Nancy Oates, Council Member Michael Parker, Council Member Karen Stegman, and Council Member Rachel Schaevitz

Absent: 1 - Council Member Donna Bell

Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Police Officer Rick Fahrer, Communications Manager Catherine Lazorko, Interim Planning Director Judy Johnson, Senior Planner Kari Grace, Fire Chief Matt Sullivan, Fire Marshal Tommy Gregory, Community Development Program Manager Renee Moye, Community Connections Coordinator Megan Peters, Housing and Community Assistant Director Sarah Vinas, and Communications and Public Affairs Director and Town Clerk Sabrina Oliver.

OPENING

Mayor Hemminger opened the meeting at 7:00 p.m. Council Member Bell was absent due to travel.

0.01 Successes Video: Intersection Improvements on Franklin Street between Merritt Mill Road and Graham Street. [\[19-0949\]](#)

The meeting began with a Celebrating Successes Video about intersection improvements on Franklin Street between Merritt Mill Road and Graham Street. The \$350,000 project had been done in collaboration with the Town of Carrboro and the NC Department of Transportation and would make the area safer for pedestrians and cyclists, Mayor Hemminger said.

0.02 Proclamation: 100th Anniversary of Women's Right to Vote. [\[19-0950\]](#)

Mayor pro tem Anderson read a proclamation regarding the 1919 passing of the 19th Amendment to the U.S. Constitution and the states'

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ratification in 1920. The proclamation described the League of Women Voters of North Carolina and lauded its success in registering women. It declared November 10, 2019 to be the 100th Anniversary of Women's Right to Vote and the founding of the League of Women Voters in North Carolina. The proclamation recognized the impact of those accomplishments on the civic life of the Town, state, and nation.

Krishna Mondal, League of Women Voters of NC president, thanked the Town for the recognition and said that the League's Orange/Durham/Chatham chapter would continue its work for many more years.

Dr. Jennifer Bremer, representing the League's state board, discussed current threats to democracy and expressed hope that more people would join the League's current efforts.

Mayor Hemminger pointed out that the Town would celebrate its 200th birthday on November 20, 2019 and noted that women had been voting for only half of that time. She thanked the League of Women Voters for all its work.

0.03 Proclamation: Small Business Saturday. [\[19-0951\]](#)

Council Member Parker read a proclamation about how small businesses contribute to the local community and country. Chapel Hill's small businesses create jobs, boost the local economy, and preserve neighborhoods, he said. The proclamation designated November 30, 2019 as Small Business Saturday in Chapel Hill and urged all to support small businesses and merchants on that day and throughout the year.

Matt Proctor, owner of the Vacuum Cleaner Hospital, thanked the Town for the proclamation and said that studies had confirmed the value of small businesses to local communities. Merchants would be offering deals and discounts on Small Business Saturday and information was available at #webuylocal, he said.

0.04 Proclamation: OWASA's Care to Share Day. [\[19-0952\]](#)

Council Member Oates read a proclamation regarding the Orange Water and Sewer Authority's (OWASA) Care to Share program, which provided assistance to community members in partnership with The Interfaith Council. She said that the program had helped more than 200 households each year. The Council was joining with OWASA in proclaiming November 21, 2019 to be Care to Share Day and was urging all to support that program in any way possible, she said.

OWASA's Communications and Community Engagement Officer Linda Low expressed gratitude to the Town for its support and for raising awareness about the program. She asked community members to be as generous as

possible and to donate wherever and whenever possible. More information was available at caretoshare.org, she said.

Mayor Hemminger pointed out that citizens could go online and make a one-time donation, or spread a donation out by adding it to their monthly water bills.

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. Sylvia Steere Regarding Fordham Side Path.

[\[19-0930\]](#)

Sylvia Steere, a Chapel Hill resident, said that her petition regarding a proposed path along Fordham Boulevard was being supported by more than 100 residents who had safety concerns about the path's intersection with side streets. She showed on a map where bikes and pedestrians would cross and said that she had previously submitted information regarding how the intersection would conflict with Federal Highway Administration safety guidelines. A Kimley Horn study of the area had not been done at the area of concern, Ms. Steere said.

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

1.01 UNC Students Regarding "Ban the Box."

[\[19-0953\]](#)

Students from the University of North Carolina at Chapel Hill (UNC-CH) School of Social Work presented results of a project that Council Member Oates had asked them to take on.

Ellie Glass explained the project's goal to evaluate "Ban the Box", a Town policy to remove a box on employment applications asking about criminal records. She described the six-step racial equity policy, passed in 2011, which had been intended to end structural, institutional and individual racism.

Sonam Shah provided background on the Town's 2012 Ban the Box policy, which had come out of an Orange County Partnership to End

Homelessness petition. The idea had been to remove any biases that might impede people from getting jobs, she said. She said that not much data was available regarding the policy's effects and that such information would be essential to determining whether the policy was helpful or harmful.

Sophia Janken explained that the needed data included: information on whether the policy had resulted in an increase in applications from people with criminal backgrounds; figures on who was being offered interviews and who was ultimately being hired; and information determining that hiring staff were aware of the policy. She described how Ban the Box could hinder those it was meant to help, and she stressed the importance of racial equity training for staff.

The three students encouraged the Council to facilitate partnerships among specific community organizations to address the root causes of why Ban the Box was needed. They said that reducing bias within the Town's own Police Department could help to avoid some criminal records in the first place. Above all, the Town should seek out and prioritize the voices of those who are most impacted by the policy, which are people of color and those with criminal records, they said.

This item was received as presented.

1.02 The Green Team from Area Schools Regarding Environmental Sustainability.

[\[19-0954\]](#)

Four Chapel Hill middle and high school students gave a brief presentation on the student-led environmental program, called the Green Team. Hazel Grine explained that the Green Team was aimed at making the community more environmentally sustainable. Emma Culley described a program that attempted to raise awareness about exhaust fumes being one of the greatest contributors to climate change and the cause of various health problems. Benjamin Parry, Lisseth Rodriguez and Lilly Howard said that pollutants from tailpipes were the same as greenhouse gases and could cause breathing difficulties for all. Therefore, reducing idling was an action that could be taken immediately to address climate change, Lilly Howard pointed out.

Laura Doherty, an educator with the Chapel Hill-Carrboro City Schools and a member of the Commission for the Environment of Orange County, said it was encouraging to see the Green Team's proposals becoming so successful in Town. She hoped Chapel Hill would continue to be a more bike-friendly and walkable community, she said.

Mayor Hemminger said that the Council was looking forward to taking action on the town's Climate Action Plan, which would engage the entire community. It was great to see the Town's youth getting involved, she said, adding that raising awareness was the first step toward changing

behavior.

This item was received as presented.

ANNOUNCEMENTS BY COUNCIL MEMBERS

1.03 Mayor Hemminger Regarding Eastowne Planning Meeting and West Rosemary Information Meeting. [\[19-0955\]](#)

Mayor Hemminger announced an Eastowne planning meeting with UNC Healthcare at 2:00 p.m. on November 14, 2019 in the Chapel Hill Public Library. There would also be a public information meeting at 5:30 p.m. on November 14th regarding five mixed-use live/work buildings on West Rosemary Street, she said.

1.04 Mayor Hemminger Regarding Arbor Week. [\[19-0956\]](#)

Mayor Hemminger pointed out that Arbor Week would begin on November 15, 2019 with the planting of a new tree at Ephesus Park. She highlighted some of the tree-related activities scheduled for the following week.

1.05 Mayor Hemminger Regarding Downtown Alleyway Ribbon Cutting. [\[19-0957\]](#)

Mayor Hemminger announced a ribbon-cutting ceremony at the Varsity Alleyway in Downtown Chapel Hill at noon on November 20, 2019. She invited all to join the celebration.

1.06 Mayor pro tem Anderson Regarding Upcoming Council Meetings. [\[19-0958\]](#)

Mayor pro tem Anderson said that a Council work session would be held at the Public Library on November 18, 2019 at 6:30 p.m., and a regular Council business meeting would occur on November 20th at 7:00 p.m. in Council Chambers. In addition, Chapel Hill Government's 200th anniversary celebration would be held at Town Hall on November 20th at 5:30 p.m. Former Council members and mayors, and other community members, would be attending and members of the public were encouraged to join, she said.

1.07 Council Member Buansi Regarding Remembrance Ceremony for Manly McCauley. [\[19-0959\]](#)

Council Member Buansi said that a remembrance ceremony in honor of Manly McCauley (an African American man who had been lynched in the 1890s) would be held at Hickory Grove Missionary Baptist Church on November 15, 2019 from 10 a.m. to noon.

CONSENT

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

Approval of the Consent Agenda

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

2. Approve all Consent Agenda Items. [\[19-0931\]](#)

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

3. Grant a Private Sewer Easement over Town Property to the Owners of 200 Perry Creek Road. [\[19-0932\]](#)

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

4. Authorize the Town Manager to Seek an Affordable Housing Partner for Town-Owned Land on Jay Street and Begin Negotiating an Agreement under which the Parties would Prepare a Proposed Development Project. [\[19-0933\]](#)

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

5. Adopt a Calendar of Council Meetings through June 2020. [\[19-0934\]](#)

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

6. Adopt Minutes from September 11 and 18, 2019 Meetings. [\[19-0935\]](#)

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

INFORMATION

7. Receive Upcoming Public Hearing Items and Petition Status List. [\[19-0936\]](#)

This item was received as presented.

DISCUSSION

8. Discuss On-Street Parking Regulations in the Burch Kove Neighborhood. [\[19-0937\]](#)

Fire Chief Matt Sullivan provided background information on the Burch Kove neighborhood, which had become an extraterritorial jurisdiction community in 2007 and was then annexed by the Town in 2014. He said that neighborhood covenants contained a provision against on-street parking, with the exception of 10 allotted spaces. To allow on-street parking would impede emergency and fire access on that narrow road, he

explained.

Chief Sullivan said that Burch Kove residents had expressed a variety of interests to him. He said that possible solutions included: locating 20 additional on-street parking spaces in the neighborhood; restricting parking to neighborhood access only; and/or creating an additional parking area. Other proposed ideas included allowing parking along Sewell School Road, creating one-way travel through the neighborhood, widening the street, and restricting parking to neighborhood access only, he said.

Chief Sullivan recommended using 20 spaces in the community as a temporary solution, and Mayor pro tem Anderson confirmed with him that the solution would be temporary because it probably was not sufficient and would not meet code.

Council members ascertained from Chief Sullivan that some homeowners had been using their garages as storage units. They confirmed with him that spaces associated with affordable housing had not been assigned, that Sewell School Road was a NC Department of Transportation (NC-DOT) road, and that parking would have to be restricted to certain areas even if it were allowed on one side of the road. Chief Sullivan said that neighborhood covenants did not allow on-street parking but that renters would not necessarily know about those covenants.

The Council verified with Chief Sullivan that widening the road would be costly. They verified that the Town's Parking Service and Fire Departments could enforce regulations that the Council might add. They also confirmed that the 20 spaces would be in addition to the 10 that had already been allocated (but not designated) and would be located where fire trucks could squeeze by. However, parking anywhere along that street would cause problems for fire trucks, Chief Sullivan said.

Robert Dowling, executive director of Community Home Trust, expressed concern about the eight affordable homeowners who had parking pads for only one car even though most were two-car households. Those residents must put a car in the street, he pointed out. Mr. Dowling said that the original developer had told him that there would be designated on-street parking. Prohibiting parking after the fact would be problematic, he said.

With regard to legal authority, Town Attorney Ralph Karpinos explained that the Town enforced its ordinances, HOAs enforced private covenants, and the two went down separate paths. The Town could enact an ordinance that restricts something that might otherwise be permitted by the HOA, he said. The Town could also allow something that would be in violation of HOA covenants, he said.

The Mayor and Council agreed that Chief Sullivan should designate the 20

spaces and see if that would meet the needs. Mayor Hemminger recommended that he ask the HOA about making it a one-way street and about allowing parking on one side. The Council confirmed that staff did not know if people from outside the neighborhood parked on the street and had not received a unified response about whether neighbors were interested in permits. They confirmed with Chief Sullivan that ensuring parking for the affordable units would mean having to permit and monitor those spaces.

Chief Sullivan said he would return with an ordinance that would designate 20 on-street parking spaces in the neighborhood. Mayor Hemminger asked him to obtain more information on the HOA's thoughts about making it a one-way street. She proposed that he also ask the HOA to recommend other places to add parking spaces.

This item was received as presented.

9. Initial Public Forum: Housing and Community Development Needs Assessment for the Community Development Block Grant Program.

[\[19-0938\]](#)

Community Development Program Manager Renee Moye said that the first step in the annual Community Development Block Grant (CDBG) application process was to receive comments regarding the use of FY 2020-21 CDBG funds, in the context of the Town's five-year goals. She provided background on the federal program in which Chapel Hill had been designated as an entitlement community and gave examples of eligible and approved affordable housing (AH) and public service activities.

Ms. Moye said that the Town's current allocation reflected an 8 percent decrease from the previous year, but that staff did not yet know what the FY 2020-21 amount would be. She explained that the funding application, due at HUD on January 14, 2020, would be followed by committee reviews of local applications and a public forum. The Council would take action in April and submission to HUD was due by May 15, 2020, Ms. Moye said.

The Council confirmed with Ms. Moye that federal requirements included holding two public forums at two different points in the process. Council Member Stegman urged staff to meet with low and moderate-income residents directly, even though some local non-profits do such community outreach as well. Council Member Buansi noted that the Community Policing and Advisory Committee was planning an outreach meeting at Hargraves Center. He proposed that other boards reach out to Town neighborhoods as well.

Kevin Giff, community development manager with Habitat for Humanity, thanked the Town for its previous support. He described Habitat's Home Preservation Program, which had completed more than 150 repairs for

low-income Orange County homeowners since 2009. Mr. Giff provided demographic information about recipients and said that Habitat for Humanity had used more than \$175,000 in CDBG funds over the past six years to complete home repairs in Chapel Hill.

Dan Sargent, executive director at Rebuilding Together of the Triangle, which provides home repairs for low-income families, praised the work that the Orange County Home Preservation Coalition had been doing. He hoped that all efforts could be unified so that processes could be more efficient and homeowners' experiences easier, he said.

This item was received as presented.

10. Consider Approving the Language Access Plan.

[\[19-0939\]](#)

Assistant Director of Housing and Community Sara Viñas presented a Town-wide Language Access Plan (LAP) that staff had developed based on specific recommendations from the Town's immigrant and refugee residents. The plan provided a starting place for building stronger connections and reducing barriers for residents who speak languages other than English, she said. Ms. Viñas gave several reasons for creating an LAP and explained how it aligned with the Council's strategic initiatives.

Community Connections Coordinator Megan Peters discussed details of the LAP and pointed out how it would provide access to vital Town services. She said that there were resources in the Town's current budget to implement the plan. Ms. Peters described how the LAP would provide interpretation and translation services for Town departments. She proposed offering languages service training and pay incentives to bilingual and multilingual staff. Ms. Peters also outlined how monitoring and updating would be accomplished, and she provided details on proposed funding sources. She asked the Council to approve the LAP as outlined in Resolution 6.

Council Members praised staff for its work and expressed support for the idea of having employees provide translation/interpretation services. They confirmed that employment incentives would be offered to current employees, not necessarily new hires. They verified that staff planned to involve community partners when designing outreach strategies. The Council expressed agreement that establishing trust would be a key component to the LAP's success. They asked that annual results and any major program changes be brought before the Council.

Mayor Hemminger proposed that staff share some of the demographic data that it had obtained so that community members would be more aware of how many different languages were spoken in Town.

George Gutierrez-Marmolejo, a Building Integrated Communities

participant, said that the LAP signaled to community members with limited English proficiency that they were welcome and valued in Town. That was an invaluable message, he said.

A motion was made by Council Member Schaevitz, seconded by Mayor pro tem Anderson, that R-6 be adopted. The motion carried by a unanimous vote.

ZONING ATLAS AMENDMENT

Zoning Atlas Amendment: The Zoning Atlas Amendment, to change the zoning designation on this property, is Legislative. The Council receives and considers public comment on the merits of the proposed rezoning, including opinions, when making Legislative decisions.

11. Consider an Application for Conditional Zoning Atlas Amendment at 1751 Dobbins Drive from Residential-4 (R-4) to Office/Institutional-2 Conditional Zoning (OI-2-CZ).

[\[19-0940\]](#)

Interim Planning Director Judy Johnson gave an update to a Conditional Zoning (CZ) application for 1751 Dobbins Drive that the Council had seen at a recent public hearing. Staff had since clarified information about a proposed alternate buffer and was also proposing Stipulation 7 regarding the applicant's agreement to provide a solar conduit, she said.

Ms. Johnson reviewed the application for a 5,700 square-foot building with 21 parking spaces on a 1/2-acre site. The project was being proposed as an OI-2-C zoning district, and staff was recommending closing the public hearing, adopting the resolution of consistency, and enacting O-A to approve the application, she said.

Mayor Hemminger asked if staff had developed a process for making solar conduits and EV charging stations standard, and Ms. Johnson replied that a policy to formalize that needed to be in place.

Council Member Schaevitz verified with Ms. Johnson that "restrictive approval" meant that the plan did not allow much flexibility and the applicant would have to come before Council for approval if they wanted something different.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Stegman, to close the public hearing. The motion carried by a unanimous vote.

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

A motion was made by Mayor pro tem Anderson, seconded by Council

Member Schaevitz, that O-1 be enacted as amended. The motion carried by a unanimous vote.

SPECIAL USE PERMITS

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

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

- 12.** Consider an Application for Special Use Permit Modification - Wegmans Food Market Street Improvements, 1810 Fordham Boulevard. [\[19-0941\]](#)

Ms. Johnson opened a continuation of a public hearing regarding a Wegmans SUP modification that the Council had previously limited to street improvements. Since that first public hearing, staff had added text to a stipulation regarding driveway cuts shown on nearby State Employee Credit Union (SECU) property, she said. She explained that the changes were to clarify that those driveway cuts did not imply approval of any connection to a road and did not mean that SECU would be able to connect at those points without Council approval.

Ms. Johnson summarized the 130,000 square-foot Wegmans project (which had been approved in October 2017) and outlined the SUP. She recommended that the Council close the public hearing and adopt Resolution 9, approving the SUP modification.

Council Member Oates said that the proposed new language made the situation worse. She requested that the SUP state that the driveway cuts did not imply approval or expectation of "any future development" rather than "any connections to the service road". Community members had expressed concern about tacitly implying that the Town knew there would be development there, she explained.

Mayor pro tem Anderson said that approving a road with driveway cuts did not mean giving tacit approval for land to be developed. It was not the Town's process to tacitly approve development by allowing a road, she said.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Parker, to close the public hearing. The motion carried by the following vote:

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

Nay: 1 - Council Member Oates

A motion was made by Mayor pro tem Anderson, seconded by Council Member Parker, that R-9 be adopted. The motion carried by the following vote:

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

Nay: 1 - Council Member Oates

CONTINUED DISCUSSION

- 13.** Open the Public Hearing: Land Use Management Ordinance Text Amendment - Proposed Changes to Articles 3 and 4 Pertaining to Conditional Zoning. [\[19-0942\]](#)

Planner Kari Grace gave a PowerPoint presentation on a proposed Land Use Management Ordinance (LUMO) text amendment (TA) related to Conditional Zoning. She provided background regarding other TAs that had been passed since Conditional Zoning was added to the LUMO in November 2017. She pointed out that a May 2019 administrative procedure change had allowed LUMO amendments and Conditional Zoning requests to be considered concurrently. The proposed TA would provide consistency regarding concept plan reviews and would allow applications for multi-family developments, she said.

Ms. Grace explained that the proposed TA would: 1) add Conditional Zoning (CZ) to the R-6 district in the use table for multi-family projects with more than seven dwelling units; 2) allow use without getting a Special-Use Permit (SUP) and only if a CZ were approved; 3) use the same threshold for concept plan review by Council as all other application types; 4) reference CZ as an approval process in other development application process sections. Ms. Grace recommended that the Council open the public hearing, receive comments, and continue the hearing to January 8, 2020.

Mayor Hemminger explained that CZ allowed the Mayor and Council to ask questions and discuss projects directly in a way that the quasi-judicial SUP process did not. With CZ, anyone would be able to give an opinion, she said.

The Council confirmed with staff that previous concerns about including multi-family had been assuaged because the review process would require the same information for CZ as for an SUP. They also confirmed that staff had not found any unintended consequences and had decided that the TA was a good place to start. The Council verified with staff that projects in the Historic District would still go before the Historic District Commission for review.

In response to Council questions, Mr. Karpinos explained that using a legislative, rather than quasi-judicial process would allow the Council to have more discretion on whether to give a Conditional Use Zoning permit or deny one if an applicant chose not to follow Town objectives, such as adhering to its affordable housing policy.

William Camp, a Chapel Hill resident, said that zoning should not be used as a negotiating item. Those who had purchased homes in Town did not expect zoning to change and rezoning should be rare and difficult to accomplish, he said. He asked the Council to give much more thought to the issue.

Philip Klemmer, a Historic District resident, expressed concern about the interaction of Opportunity Zones, CZ, and the University's housing policy. He shared his view of why students preferred to live off-campus and said that the affordable housing issue would be solved when the wealth gap was addressed.

Pamela Weiden, a Chapel Hill resident, said that affordable housing in the downtown area typically ended up looking more like student housing than anything a family would live in. She expressed concern that allowing CZ in her downtown neighborhood would lead to less oversight.

Janet Smith, a downtown "Opportunity Zone" resident, said that the current requirement for an SUP in the R-6 zone was exactly as it should be. She and her neighbors had raised alarms about unintended consequences when their area was designated as an Opportunity Zone and they had been assured that the Franklin/Rosemary Historic District would not be rezoned, she said.

Bruce Ballentine, a volunteer with Habitat for Humanity who was managing a redevelopment project currently going through the CZ process, said that his Habitat project would not be allowed under an SUP process because R-6 did not allow multifamily use in a zoning district that should have it. He said that the CZ process allowed more communication with anyone able to give an opinion.

The Council verified with Ms. Johnson that any project proposed for the Opportunity Zone would still need to go through the public process and

that the public would not be cut out of discussions under the CZ process. Council Member Gu said that some members of the public were concerned about Council Members and developers holding conversations outside the public process. Council Member Buansi suggested that Council Members be required to disclose their outside communications in the same way they do during the SUP process.

Council Member Parker mentioned the frustration that he and others felt over not being allowed to talk about projects. He said that applicants for CZ would need to provide the same information as those for SUPs and that the same stipulations and conditions would be applied. However, there would be a free and open flow of communications with CZ that was not allowed during the SUP process, he said.

Ms. Grace clarified that any rezoning would be to the R-6 CZ district, which was separate from R-6, and Ms. Johnson explained that staff had received at least half a dozen applications for CZ and was trying to find a path for some multi-family projects to get through the process. Staff was not prepared to make a big change without knowing all the nuances, she said.

Council Member Oates confirmed that Ms. Johnson would be willing to meet with community members and explain that single-family neighborhoods would not be at more risk than they currently were.

The Council commented on how making the approval process clearer and more predictable did not mean reducing oversight or standards, but Council Member Gu said that some Town residents were concerned that CZ might make the process more subjective and discretionary. Possible abuse was a source of community concern, she said.

Mayor Hemminger said that the term "Conditional Zoning" was unfortunate because it implied that the Town would rezone if the applicant met its conditions. In reality, CZ allowed the Council to say that a project was not what it was looking for, she pointed out. She argued that CZ was a better tool and said that any tool could be abused. Mayor Hemminger said that much more information on Opportunity Zones and other issues would be shared with the community before the next public hearing on January 8, 2020.

A motion was made by Council Member Parker, seconded by Mayor pro tem Anderson, to continue the Public Hearing to January 8, 2020. The motion carried by a unanimous vote.

14. Consider Expanding the Length of Term That a Member May Serve as an Officer on a Board. [\[19-0943\]](#)

Mayor Hemminger explained that a stipulation requiring that board chairs

and vice chairs could not serve for more than two years had raised concerns because it meant that vice chairs could not roll into chairmanship if they had already served for two years. The proposed amendment would allow someone who had served as vice chair to roll into chairmanship, she said.

Mr. Karpinos noted that the item included changes to both the Town Code and the LUMO.

Council Member Oates asked the Town Manager to include a section on leadership in the next Peoples Academy training session. Doing so might address a reluctance by some advisory board members to serve as chairs, she said.

Mayor Hemminger said that board members had recently told her they would like role-playing experience and mock examples of how to deal with certain situations. Staff would be looking into implementing such training and was looking for volunteers, she said.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Parker, that R-11 be adopted. The motion carried by a unanimous vote.

CONCEPT PLAN REVIEWS

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.

- 15. Concept Plan Review: West Rosemary Street Hotel, 108/114 West Rosemary Street. (Project #19-107) [19-0944]

Mayor pro tem Anderson left the meeting at 10:19 p.m.

Ms. Grace introduced a concept plan for six parcels on approximately one acre of land at the northwest corner of Rosemary and Columbia Streets.

The parcels were currently zoned Town Center 2, Office/Institutional 1, and Residential 3, and the applicant was proposing to rezone most of the property to TC-2, with the exception of the R-3 portion, she said.

Ms. Grace noted that the land was within the Northside Neighborhood Conservation District and that the West Rosemary Street Design Guidelines applied. The proposal included removing two structures, building a 95,000 square-foot West Rosemary Street Hotel, and swapping a parcel with the Town, she said. She showed several views of the site and surrounding area and recommended that the Council hear the presentation and adopt R-12, transmitting comments to the applicant.

Ed Small, president of Smart Hotels, said that the project could be a catalyst for further development in the downtown area as well as a gateway to downtown and campus. Site improvements, such as a rooftop terrace and a 1/4-acre park adjacent to Old Town Hall, would create a sense of place and be a community focal point, he said. Mr. Small explained how the plan was sensitive to where and how the building would step down to the Northside neighborhood. He pointed out that the project would create jobs and that the estimated tax revenue to the Town would exceed \$400,000 per year.

Architect Dan Jewell, of Coulter Jewell Thames, discussed how West Rosemary Street had changed over the years and was still not what it could be from an economic development perspective. The site under discussion was surrounded by surface parking lots, and there had been little investment in that area to date, he said. Mr. Jewell described the proposed hotel and surroundings. He said that the plan re-envisioned Old Town Hall with a public green space around it. He explained that the properties being proposed for a swap were similar in size and tax value.

Jarred Martinson, of MHA Works Architects, said that discussions with the Community Design Commission, local businesses, and community members had addressed height, massing, step-backs, setbacks, transitions, landscaping and parking issues. He described circulation through the site and said that structured parking would include valet service.

Mr. Martinson showed where refuse and recycling would be located, and explained where three stories on the Columbia Street wing would step down to two. He indicated a 20-foot setback on Rosemary Street by the public front door. He described a single vehicle entrance from Rosemary Street, a single exit out to Columbia Street, and one-way vehicle traffic through the site.

Mr. Jewell pointed out that surface parking would nearly be eliminated on the site and that nothing more than landscaping was proposed on a

portion near the neighborhood. He indicated where five convenient parking spaces could be and showed how the upper terrace would relate to the lower plaza. He also noted an alternate plan that would allow more surface parking for Old Town Hall.

Mr. Jewell said that next steps would include more community engagement and meetings with local mural artists regarding a gateway wall. The applicant had met with the Chamber of Commerce and the Downtown Partnership and intended to submit a CZ application, he said. Mr. Jewell asked Council members to provide feedback on the proposed land swap, rezoning, massing and height.

The Council determined that the owner of the property proposed for a swap typically leased a small house there to students. They confirmed that the applicant was proposing two parking scenarios in addition to a structured parking lot: one could have as many as 23 spaces; the other would have 5 with the possibility of more. The hotel parking lot would also be available to the public during the day, the applicant said, and Mayor Hemminger clarified that the current lot was paid parking.

The Council confirmed that the service access lane would also be the entrance to parking and that no retail space was currently being proposed for the site. They discussed the potential for local jobs, and Mr. Small said that Smart Hotels worked closely with the Towns' job-placement agencies. In response to a question about having all parking on site, Mr. Martinson mentioned discussions with off-site property owners about shared parking opportunities and said that demand for on-site parking had been shrinking throughout the country.

The Council confirmed that the concept was to have retail on the Rosemary Street frontage and a high quality mural on the Columbia Street side. That mural would be engaging and would be integrated with the park in some way, and would signal arrival at the gateway, the applicant said. Council Member Gu commented that an 80-foot wall would not activate the street, create vibrancy, or enhance the sidewalk experience in the way the Town wanted.

Council members confirmed that there would be about 140 hotel rooms and 80 to 90 parking spaces. They confirmed with Town Manager Maurice Jones that the concept plan would be sent to the Town's urban designer for feedback. They discussed potential traffic difficulties and asked for more specific information regarding the house that the Town would receive in the swap. Mr. Small said that the project could not happen without that swap.

Matt Gladdek, representing the Downtown Partnership, said that the plan had the potential to add greenspace downtown. It would be an asset,

would enhance what could be done in Old Town Hall, and would bring visitors to Town, he said. He praised the proposed valet parking, reduced height toward Northside, and Rosemary Street activation. Mr. Gladdek said that he looked forward to bringing an artist in to create an entryway to Downtown.

Walter Mallett, owner of the property at 209 Pritchard Avenue, said that two nearby houses needed to be torn down. He felt bothered by the proposed entrance being too close to Columbia Street and by the inadequate number of parking spaces, he said. Mr. Mallett said he wondered what would happen on Pritchard Avenue, noting that there were nice trees on the lot where the house would be torn down.

Mayor Hemminger pointed out that the current parking spaces were being leased to students, and that the University could provide other options. She verified with Mr. Jewell that the offer was to trade the Pritchard Avenue house, not necessarily to tear it down.

Council Members said they liked the design, the park, and the rooftop experience. Most wanted the mural, were in favor of the land swap, and liked the underground parking, but some expressed concern about whether there would be a sufficient amount of parking. Council Members Schaevitz and Stegman said they would prefer a bigger park and less parking. Council Member Buansi praised the applicant's sensitivity regarding the step-backs to Northside.

The Council asked for more information on the Town's options regarding the Pritchard Avenue land swap, such as equivalent values and the possibility for affordable housing. They also asked for more information on how the project would effect Old Town Hall. Council Member Parker expressed concern about traffic flow, with three driveways next to the most congested intersection in Town, and about a mural not activating the pedestrian experience.

Mayor Hemminger agreed with many of the Council's comments and said, in summary, that six Council Members supported the land swap and one was okay with it but wanted to hear more. She proposed that staff look at how the park would affect the entrance to Old Town Hall, and she suggested that the applicant use that Old Town Hall building as a model when creating the space.

Mayor Hemminger pointed out that Raleigh and Durham had murals that say, "All Are Welcome Here", and she suggested making that part of the theme in Chapel Hill as well. She agreed with others that the Columbia Street wall could be more interesting, perhaps by including something green, she said. Mayor Hemminger recommended having at least five parking spaces at the north side of Old Town Hall. She said that local

hoteliers had said that having another hotel in Town would create more vibrancy and would maybe reduce traffic. She confirmed that the applicant would demolish the Pritchard house if staff determined that it could not be saved.

Mr. Small made a commitment to work with the Town on the park improvements being shown and at the applicant's expense. He said that the Pritchard Avenue lot was in the Rosemary Street Design Guidelines as part of the development site for that location. He agreed that Old Town Hall would be a big part of the contextual inspiration for the design, he said.

Council Member Stegman left the meeting at 11:52 p.m.

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

16. Concept Plan Review: Evolve, 1701 Martin Luther King Jr. Blvd. [\[19-0945\]](#)
(Project #19-111)

Ms. Grace gave a PowerPoint presentation regarding Evolve, formerly known as Charterwood, a multi-family development that had an SUP requiring that 25 percent of its floor area be used as commercial or office space. The existing development had 145 multi-family dwelling units in a mixed-use village portion of the site, but the 5,800 square-foot building designated for commercial use was currently vacant, she said. Ms. Grace explained the applicant's proposal to reallocate the commercial space to residential use. She recommended that the Council provide feedback and adopt Resolution-13, submitting comments to the applicant.

Adam Tucker, with Zimmer Development Company, described the "contentious" history of Charterwood before he acquired it and said that his relationship with neighbors was "as good as could be expected". He had inherited the SUP and had been trying for 2.5 years to lease the commercial space, but had faced issues with potential retailers because of poor visibility and lack of foot traffic, he said.

Mr. Tucker showed a proposed concept plan for six, one-bedroom units, half of which would be at median income and 25 percent of which would rent for about \$980 a month, for 10 years. He said that his neighbors were okay with the proposal, and he pointed out that six residential units would create much less traffic than retail would.

Council Member Parker pointed out that converting the space into housing units would cost a fraction of what building them from scratch would have cost. It seemed as though the AH offer could be more generous, he said, and Mr. Tucker replied that it would depend on the lender.

The Council confirmed that about 75 percent of current renters were students. Council Member Oates proposed that the project be all affordable housing: half at 65 percent and half at 80 percent of the area median income. She also raised the idea of considering affordable office space as an alternative.

Council Member Schaevitz encouraged the applicant to connect with Town agencies in order to give people who were already looking for that kind of affordable housing a fighting chance for the units. Mr. Tucker agreed, stating that he would look into the Fair Housing Act with respect to that. Council Member Buansi asked Mr. Tucker to consider accepting housing vouchers as well.

Mayor Hemminger said she was uncomfortable with changing a principle but that the Town did have a desperate need for affordable housing. The Council would be much more likely to consider changing the requirements if all of the units were affordable and for more than 10 years, she said.

A motion was made by Council Member Parker, seconded by Council Member Buansi, that R-13 be adopted. The motion carried by a unanimous vote.

ADJOURNMENT

The meeting was adjourned at 12:12 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 Jessica Anderson
Council Member Donna Bell
Council Member Allen Buansi
Council Member Hongbin Gu

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

Monday, November 18, 2019 6:30 PM Library Meeting Room B

Roll Call

Present: 8 - Mayor Pam Hemminger, Mayor pro tem Jessica Anderson, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Nancy Oates, Council Member Michael Parker, Council Member Karen Stegman, and Council Member Rachel Schaevitz

Absent: 1 - Council Member Donna Bell

Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Assistant Town Manager Mary Jane Nirdlinger, Police Officer Rick Fahrner, Interim Planning Director Judy Johnson, LUMO Project Manager Alisa Duffey Rogers, Planner II Becky McDonnell, Community Resilience Officer John Richardson, Mayoral Aide Jeanne Brown, Ombudsman Jim Huegerich, and Assistant Town Clerk Christina Strauch

0.01 Mayor Hemminger Regarding Open House for Eastowne Master Plan. [\[19-0981\]](#)

Mayor Hemminger called the meeting to order at 6:32 p.m. She said that an open house regarding the Eastowne master plan would be held in Council chambers on November 19th from 5:30-6:30 p.m.

0.02 Mayor Hemminger Regarding Third Grade Field Trip. [\[19-0982\]](#)

Mayor Hemminger mentioned that there had been a third grade field trip at Town Hall that day.

0.03 Mayor Hemminger Regarding Alleyway Ribbon Cutting, Celebrating Improvements, 200th Birthday Celebration on Wednesday, November 20. [\[19-0983\]](#)

Mayor Hemminger announced a ribbon cutting at Varsity Alley at noon on November 19th. In addition, the Town's 200th birthday celebration would

Town Council

Meeting Minutes - Draft

November 18, 2019

begin at Town Hall at 5:30 p.m. on November 19th, along with a short mock meeting to remember key moments in the Town's history, she said.

0.04 Mayor Hemminger Regarding Arbor Week Kickoff at RENA Center. [\[19-0984\]](#)

Mayor Hemminger said that children from Ephesus Elementary School and the RENA Center had helped kick off Arbor Week the prior week by planting trees at the RENA Center.

0.05 Mayor Hemminger Regarding Tree of the Year Contest. [\[19-0985\]](#)

Mayor Hemminger pointed out that November 22nd would be the deadline for entry into the Tree of the Year contest.

0.06 Mayor Hemminger Regarding Planting 200 Trees for 200 Years. [\[19-0986\]](#)

Mayor Hemminger said that the Town was reaching out to the community to help plant 200 trees as part of Chapel Hill's 200th birthday. More information was available on the Town website, she said.

0.07 Mayor Hemminger Regarding Naming Year 2019 as Year of the Cradle in Honor of 50th Birthday of Cat's Cradle. [\[19-0987\]](#)

Mayor Hemminger said that Council Member Stegman would be joining the Town of Carrboro in celebrating "the Year of the Cradle" in honor of the 50th birthday of the Cat's Cradle.

AGENDA ITEMS

1. Discuss the Eastowne Master Plan. [\[19-0960\]](#)

Mayor Hemminger said that the Council subcommittee, comprised of her and Council Members Gu, Parker and Schaevitz, wanted to update other Council Members and ask for their input regarding negotiations with UNC Healthcare (UNC-HC) about the Eastowne Master Plan and Development Agreement (DA). She outlined some of the Town's goals for that project such as increasing office/commercial development in order to help diversify the tax base and provide local jobs.

Mayor Hemminger said she was not sure that Council subcommittee members were completely aligned on every aspect of the negotiations or that the Town was completely aligned with UNC-HC. She said that the subcommittee envisioned a development focused on medicine and innovation, but that UNC-HC had returned with a proposal for residential, commercial, medical, and retail. UNC-HC had also asked for more than three times the density that the subcommittee had in mind, she said. She described a UNC-HC proposal to build on a northern parcel, and said she was bringing that forward for Council feedback.

Mayor Hemminger pointed out that the Town wanted to create more affordable housing at Eastowne, but said that the subcommittee had not made much progress with UNC-HC regarding that. A traffic impact analysis (TIA) of the area had not yet been completed, so it was not known how much traffic the roads could handle, she said. She told the Council that staff had recently learned that a northern parcel was a significant natural heritage area, which included a stream with Jordan Lake buffer requirements that prohibited building on it.

Mayor Hemminger said that the subcommittee had been willing to consider taller buildings in return for more greenspace preservation, but that UNC-HC had replied that it did not want to go higher than six stories. She said that the subcommittee was still processing that response and did not yet understand it. The subcommittee had not had time to process a regulating plan that it had recently received from UNC-HC, she said.

Interim Planning Director Judy Johnson gave a PowerPoint presentation on the Eastowne master plan. She said that the purpose of a November 20th council meeting would be to understand UNC-HC's request to drain a pond and stream crossings, and to discuss opportunities to preserve the natural heritage site. Staff would bring forward a resolution at that meeting that would request Council action on UNC-HC's request, she said.

Ms. Johnson provided background on the process and said that the Council subcommittee had met 13 times since February 2019. The subcommittee had been trying to hold true to Council-endorsed principles, she said, and she listed those. She explained that UNC-HC had presented two alternatives in recent months that would move the developable area closer to the stream. The Council subcommittee had recently received those plans and was still trying to understand them, she said.

Ms. Johnson provided information about the three-acre pond and dam and the state-regulated Jordan Lake buffer surrounding it. She noted that the area contained a 300-foot swath of Town Resource Conservation District as well. She explained what regulations would and would not allow in the area. UNC-HC was proposing to drain the pond and do some water quality improvements to the intermittent stream, she said.

Ms. Johnson pointed out that the site was currently ranked as a fairly significant natural heritage area and a substantial wildlife corridor. Biohabitats, Inc. had analyzed the region and concluded that a significant amount of it was worth preserving, she said. She mentioned that the site was in the 74th percentile, based on importance, and was vulnerable to extinction.

Ms. Johnson said that the question before the Council was whether reducing that environmental area in exchange for more preservation in the "northern 20" was an equal trade-off. She reviewed the timeline and said that staff was working toward reaching a DA by June.

The Council confirmed with Ms. Johnson that the Town and UNC-HC were still discussing the scope of the TIA and that the Town's technical team had not yet had time to analyze the recently-submitted regulating plan. Some wondered why the Council was having the conversation when it did not yet have the information it needed to make a decision.

Council Member Parker, a subcommittee member, replied that he wanted to discuss the Council's degree of comfort with the proposed vision for a medical innovation/mixed use campus. He asked how important it was to preserve all or part of the natural heritage site. He also asked Council Members to think about whether or not they would want Highway 15-501 widened to six lanes in the future.

Council Members Buansi and Gu expressed opposition to the idea of developing the northern parcel, and other Council Members said they could not make that decision without seeing a TIA. The Council said that far too much parking was being proposed, and some requested that underground parking be considered. Mayor Hemminger pointed out that more transit going to the site would add cost for the Town.

The Council asked for more information from UNC-HC about its plans for affordable housing. They wondered why UNC-HC was resisting going higher than six stories. Council Members said they wanted convenient retail that was scaled to medical and office uses such as employee childcare for those who live and work there, not major destination retail. Most Council Members said they wanted to preserve the natural heritage area, and some said they were willing to consider one hotel, but not two.

Mayor Hemminger pointed out that UNC-HC had asked for support for its request to drain the pond. She said that the Council could amend any agreement to include trade-offs, such as conservation of all or part of the northern area. The pond was not a viable stormwater feature, and draining it would yield developable area, she said.

Mayor pro tem Anderson ascertained from Mayor Hemminger that UNC-HC needed an answer regarding the pond because its regulating plan would be completely different without that land.

Council Member Gu, a subcommittee member, commented that UNC-HC might not need such a large footprint if it would commit to taller buildings. That would allow the Town to restore the pond as a beautiful water feature, she said.

Mayor Hemminger pointed out that the pond's dam was compromised and would have to be rebuilt. She also said that no one would be able to walk around the pond because of buffer regulations.

Town Manager Maurice Jones said that staff needed to hear from the

Council on what to do with the pond and whether or not there was any interest in allowing development on the northern parcel. He said that he was hearing that the majority of Council Members were not interested in building there for the first time.

Council Member Gu said that getting a realistic notion of capacity from the TIA would be relevant to whether or not the Town should allow development in the northern parcel.

Council Member Parker replied that a TIA required a hypothesis of what would be built before gathering information to determine whether or not it can be built. He pointed out that any decision about draining the pond would not be irrevocable.

Council Member Gu insisted, however, that road capacity needed to be known first in order to determine allowable density. She said that the Council needed to see alternative plans that showed taller buildings and a smaller footprint, but that UNC-HC continued to present the same plan.

Mayor Hemminger determined from Ms. Johnson that the TIA would likely be completed by January 2020.

2. Discuss Prescriptive Nature of the Draft Focus Area Maps & Principles.

[\[19-0961\]](#)

Land Use Management Ordinance (LUMO) Project Manager Alisa Duffey Rogers gave a PowerPoint presentation on feedback from the community regarding draft focus area maps and principles. She said that some residents had thought the proposed character types were too narrowly drawn and/or that the focus area maps were too prescriptive. Ms. Duffey Rogers said that the community wanted the certainty of easy-to-understand maps and had stressed the importance of green space and meaningful transitions.

Council Member Parker said that the Town's future land-use map (FLUM) covered up to 30 years but would probably be revised in 10 or 15. Was there a way to build in some expectation of what might happen, sooner rather than later, he asked. He confirmed with Ms. Duffey Rogers that the FLUM and LUMO interacted with each other and that the contents of the LUMO rewrite would have to be more specific than what was in the FLUM.

Ms. Duffey Rogers said that towns were not good at making predictions and were almost always wrong when trying to predict what piece of land would change. Therefore, she was hesitant to include a temporal element, but the 30 year time frame was a way to help people think about how an existing road or building would not necessarily be there 10 or 30 years from now, she said.

Ms. Duffey Rogers proposed breaking larger focus areas down into

subareas with appropriate uses in each. She said that having transitions had been important to those who commented, and she proposed adding "transition" as a new character type on maps where appropriate. That would give the Town flexibility while also giving residents the security of knowing that their neighborhood would be respected, she said. Ms. Duffey Rogers pointed out that parks were also important to community members, and proposed indicating those on the FLUM as well.

The Council confirmed with Ms. Duffey Rogers that the transition character type would not be specific and would merely flag the place between two area types. She confirmed by consensus that Council Members thought character type and height should be on separate maps. She asked if Council Members thought the revised names and character type descriptions were specific enough.

Mayor pro tem Anderson said she liked the revised character types, and Council Member Oates said that she did, too, except for "mixed-use" because everyone defined that differently. Council Member Schaeveitz said that "transition" was somewhat vague but that she did not have a good suggestion for a word that would provide more transparency and clarity.

The Council discussed how "transition" could mean different things, and Ms. Duffey Rogers gave an example of a six-story building that appears to be right up against a single family house. She was envisioning putting the transition character type there, she said. She pointed out that the transition could be between heights, between uses, or even be a wall.

Mayor Hemminger expressed concern about leaving the word "residential" off the list of character types because the Town did have some people living along Martin Luther King Jr. Boulevard. Even though those areas probably would be developed at some point, she did not want to be disrespectful to those residents, she said, and Ms. Duffey Rogers agreed to figure something out.

Council Member Buansi confirmed with Ms. Duffey Rogers that "institutional civic" meant owned by the Town or Orange County with the idea that it would transition to something else over the next 30 years. Mayor Hemminger and Council Member Parker discussed how the Town had no control over houses of worship and how civic space could mean various things, and Ms. Duffey Rogers noted that a church might be a transition.

Ms. Duffey Rogers said that she would return with an update at the November 20, 2019 Council meeting.

Gary Baum, a Martin Luther King Jr. Boulevard resident, asked what a "traditional neighborhood" character type was and how that related to what was being discussed.

Ms. Duffey Rogers replied that some residents wanted to preserve the

existing rhythm and scale of their community and did not want a new character type. Therefore, staff had developed a "traditional neighborhood" character type to address that concern, she said. Whatever action the Council takes at its November 20th meeting would be folded into what had been discussed tonight, she said.

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

A motion was made by Council Member Oates, seconded by Council Member Buansi, that the Council enter into closed session as authorized by General Statute Section 143-318.11(a)(3) to consult with the Town attorney concerning an existing lawsuit in which the parties are Epcon Homestead, LLC and the Town of Chapel Hill. The motion carried by a unanimous vote.

ADJOURNMENT

The meeting was recessed at 8:57 p.m., the Council went into closed session and the meeting adjourned at the end of the closed session.



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 7., **File #:** [20-0128], **Version:** 1

Meeting Date: 2/19/2020

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 <<http://www.townofchapelhill.org/town-hall/mayor-and-council/council-minutes-and-videos/scheduled-agenda-items>>
- Status of Petitions to Council <<http://www.townofchapelhill.org/town-hall/mayor-and-council/council-minutes-and-videos/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.

February 19

- Consider a Land Use Management Ordinance Text Amendment for [Blue Hill Massing and Permeability](#)
- Consider Amendments to Land Use Management Ordinance Articles 3, 4, and 6 Pertaining to Conditional Zoning

February 26

- Initial Public Forum on the Annual Budget, Capital Program, Use of Grants and Related Items, and Potential Legislative Requests.

March 4

- Open the Public Hearing for the Code of Ordinances Text Amendment to Chapter 11A and Land Use Management Ordinance Text Amendment to Section 5.9 Pertaining to Off-Street Parking and Payment-in-Lieu Policy.
- Concept Plan Review: [Bella Vista at Meadowmont](#) Village Center, 100 Meadowmont Village Circle.

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 at [Council Meetings, Agendas, Minutes and Videos](#).

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
01/08/2020	Parks, Greenways, and Recreation Commission	Request for Park Maintenance Funding.	Parks & Recreation Phillip Fleischmann , Director Parks and Recreation Phone: 919-968-2785	Staff is preparing information to respond to this request.
01/08/2020	Beth Waldron	Request Regarding Revising the Deer Management Program.	Parks & Recreation Phillip Fleischmann , Director Parks and Recreation Phone: 919-968-2785 Police Chris Blue , Police Chief Phone: 919-968-2766	Staff is preparing information to respond to this request.
01/08/2020	Jeff Mallett	Request for Ordinance Review.	Planning & Development Services Judy Johnson , Interim Planning Director Phone: 919-969-5078	Staff is preparing information to respond to this request.
01/08/2020	Carl Schuler	Regarding Advisory Board Attendance Policy.	Town Manager Ross Tompkins , Assistant to the Town Manager Phone: 919-968-2707	Staff is preparing information to respond to this request.
01/08/2020	Renuka Soll	Request for an Improved Petition Process.	Town Manager Ross Tompkins , Assistant to the Town Manager Phone: 919-968-2707	Staff is preparing information to respond to this request.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
01/08/2020	Northwood Ravin	Request for Limited SUP Review for Carraway Village SUP Modification.	Planning & Development Services Judy Johnson , Interim Planning Director Phone: 919-969-5078	Staff is preparing information to respond to this request.
11/20/2019	John Morris	Request Regarding Local & Regional Transit Planning.	Transit Brian Litchfield , Transit Director Phone: 919-969-4908	Staff is preparing information to respond to this request.
11/13/2019	Sylvia Steere	Regarding Fordham Side Path.	Parks & Recreation Phillip Fleischmann , Director Parks and Recreation Phone: 919-968-2785 Planning & Development Services Judy Johnson , Interim Planning Director Phone: 919-969-5078	The Council will consider options for the Fordham Side Path Project at an upcoming meeting.
10/30/2019	Chapel Hill Public Library Advisory Board	Request Regarding Library Fines	Library Susan Brown , Library Director Phone: 919-969-2034 Business Management Amy Oland , Business Management Director Phone: 919-969-5017	Staff is preparing information to respond to this request.
10/30/2019	Julie McClintock	Regarding MPO Plans for 15-501	Planning & Development Services Judy Johnson , Interim Planning Director Phone: 919-969-5078	The Council will receive an update on this project in early 2020.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
10/02/2019	Parks, Greenways, and Recreation Commission	Request to Permit Current Commission Officers to Serve an Additional Year and a Recommendation to Change the Policy.	Communications & Public Affairs Sabrina Oliver , Communications & Public Affairs Director Phone: 919-968-2757	At their 11/13/19 meeting, the Council adopted a resolution amending the Advisory Board Membership Policy to adjust term limitations for advisory board officers.
10/02/2019	Parks, Greenways, and Recreation Commission	Request to Reconsider the Designation of a Cemetery Champion Seat on the Commission.	Communications & Public Affairs Sabrina Oliver , Communications & Public Affairs Director Phone: 919-968-2757	Staff is preparing information to respond to this request.
10/02/2019	Daniel Dunn	Request Regarding Government Transparency.	Technology Solutions Scott Clark , CIO Phone: 919-968-2735 Communications & Public Affairs Sabrina Oliver , Communications & Public Affairs Director Phone: 919-968-2757	Staff is preparing information to respond to this request.
10/02/2019	Susan Smith	Request Regarding Advisory Board Vote Policy.	Planning & Development Services Judy Johnson , Interim Planning Director Phone: 919-969-5078	At their 11/20/19 meeting, the Council enacted an ordinance amending Land Use Management Ordinance sections that included a change related to Historic District Commission quorum and voting.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
09/25/2019	Chapel Hill Downtown Partnership	Request Regarding Franklin Street Restriping.	Planning & Development Services Judy Johnson , Interim Planning Director Phone: 919-969-5078 Public Works Lance Norris , Public Works Director Phone: 919-969-5100	Staff shared information with the Council at the Council's 10/16/19 work session. Staff will request scopes and cost estimates from engineering firms to complete a traffic analysis and prepare design alternatives prior to NCDOT's April 1, 2020 deadline.
09/11/2019	East Franklin Neighborhood Steering Committee & Neighbors	Request Regarding Neighborhood Preservation.	Police Chris Blue , Police Chief Phone: 919-968-2766 Planning & Development Services Judy Johnson , Interim Planning Director Phone: 919-969-5078	Staff is preparing information to respond to this request.
06/26/2019	Burwell Ware	Request to Place a Moratorium on the Construction of New Fast-Food Drive-Throughs Until Future Town Councils Decide to Repeal the Moratorium.	Planning & Development Services Judy Johnson , Interim Planning Director Phone: 919-969-5078	Staff is preparing information to respond to this request.
06/26/2019	Community Design Commission	Request for Modifications to the Concept Plan Review Process.	Planning & Development Services Judy Johnson , Interim Planning Director Phone: 919-969-5078	At their 10/04/19 meeting, the Council Committee on Economic Sustainability received a staff update on the response to this request.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
06/26/2019	Community Design Commission	Request to Authorize the CDC to Create and Facilitate a Chapel Hill Design Award Program.	Planning & Development Services Judy Johnson , Interim Planning Director Phone: 919-969-5078	At their 10/04/19 meeting, the Council Committee on Economic Sustainability received a staff update on the response to this request.
06/26/2019	Julie McClintock	Request Regarding the Blue Hill Form Based Code.	Planning & Development Services Judy Johnson , Interim Planning Director Phone: 919-969-5078	Staff is preparing information to respond to this request.
05/08/2019	Rebecca Cerese	Regarding Resolution in Support of HR1384.	Town Manager Ross Tompkins , Assistant to the Town Manager Phone: 919-968-2707 Mayor Pam Hemminger , Mayor Phone: 919-968-2714	Staff is preparing information to respond to this request.
04/24/2019	Cobb Terrace Residents	Petition Regarding Rooming Houses in the R-3 Zoning Districts.	Planning & Development Services Judy Johnson , Interim Planning Director Phone: 919-969-5078	Staff shared some preliminary information with the Council at the 06/07/19 Council Committee on Economic Sustainability meeting.
04/24/2019	Board of Adjustment	Request Regarding Neighborhood Conservation District Ordinances.	Planning & Development Services Judy Johnson , Interim Planning Director Phone: 919-969-5078	Staff is preparing information to respond to this request.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
04/17/2019	Amy Ryan for Planning Commission	Commission Regarding Site Plan Review Process.	Planning & Development Services Judy Johnson , Interim Planning Director Phone: 919-969-5078	Staff is preparing information to respond to this request.
03/20/2019	Cheri Hardman	Request to Explore Local Control over Transit Planning and Funding.	Transit Brian Litchfield , Transit Director Phone: 919-969-4908	The public comment period for the FY20 Work Plan closed 05/30/19. The Town also submitted a funding request for North South BRT project from the Orange County Transit Plan; all of the governing bodies (Orange County, GoTriangle, and DCHC MPO) approved it.
03/06/2019	Environmental Stewardship Advisory Board	Request to Modify the Blue Hill Form Based Code to Include a Requirement for Installing Roof-Mounted Solar Energy Systems	Planning & Development Services Judy Johnson , Interim Planning Director Phone: 919-969-5078 Town Manager Ross Tompkins , Assistant to the Town Manager Phone: 919-968-2707	As discussed at the 04/24/19 Council meeting, staff will develop options aimed at achieving the Council's energy efficiency goals for new development.
02/13/2019	Citizens	Request Regarding Coal Use and Coal Ash.	Town Manager Ross Tompkins , Assistant to the Town Manager Phone: 919-968-2707	The Town plans to fund interim remedial measures based on recommendations from the human health and ecological risk assessment performed at the coal ash site. The Town continues to monitor NC Division of Air Quality's review of the power plant permit.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
02/13/2019	David Adams and Julie McClintock	Regarding Evaluation of Town Transportation Needs.	Transit Brian Litchfield , Transit Director Phone: 919-969-4908 Planning & Development Services Judy Johnson , Interim Planning Director Phone: 919-969-5078	The Town's request for an additional \$8 million from the Orange County Transit Plan for the North South Bus Rapid Transit Project was approved by the OC Board of Commissioners, the GoTriangle Board, and the DCHC MPO.
01/16/2019	John Morris	Regarding GoTriangle Meetings and Materials.	Planning & Development Services Judy Johnson , Interim Planning Director Phone: 919-969-5078 Transit Brian Litchfield , Transit Director Phone: 919-969-4908	Staff is preparing information to share with GoTriangle.
12/05/2018	Paul Pritchard	Request to Defer Reforestation at Cleland, Rogerson, and Oakwood Intersection.	Parks & Recreation Phillip Fleischmann , Director Parks and Recreation Phone: 919-968-2785	This topic was added to the 01/15/19 agenda of the Parks, Greenways and Recreation Commission, with time allocated for the neighbors to speak. Another public meeting will be scheduled later in the year.
10/24/2018	Justice in Action Committee	Request Regarding a New Location for the Teen Center of Chapel Hill.	Housing & Community Loryn Clark , Executive Director Phone: 919-969-5076 Community Arts and Culture	A staff workgroup, in coordination with the Mayor's Office, has been gathering data and seeking input from teens, service providers, and other stakeholders. The Council received an update on this initiative at their 01/30/19 business meeting.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
10/24/2018	Jeff Charles	Regarding Extended Speaking Time for Individuals with Disabilities.	Mayor Pam Hemminger , Mayor Phone: 919-968-2714 Town Manager Ross Tompkins , Assistant to the Town Manager Phone: 919-968-2707	Staff met with the petitioner and will update the "Comment at Council Meetings" web page to clarify the Town's willingness to extend speaking time and how to request this extension.
10/10/2018	Jeff Charles	Regarding Creating Citizen Advisory Board for Seniors.	Town Manager Ross Tompkins , Assistant to the Town Manager Phone: 919-968-2707	The petitioner is representing the Town on Orange County board and will provide updates to the Town as needed.
09/19/2018	Julie McClintock of CHALT	Regarding Land Use Intensification.	Planning & Development Services Judy Johnson , Interim Planning Director Phone: 919-969-5078 Public Works Lance Norris , Public Works Director Phone: 919-969-5100	The Town's Resiliency Map is part of the map series for the Future Land Use Map. On 06/12/19, the Council received a presentation on the Town's Stormwater program. Staff is preparing information to respond to the additional requests in this petition.
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 Judy Johnson , Interim Planning Director Phone: 919-969-5078	Referred to the Future Land Use Map and Land Use Management Ordinance rewrite process, which began in Fall 2017 and is expected to be completed in 2020.
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 Judy Johnson , Interim Planning Director Phone: 919-969-5078	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.
06/13/2018	Ondrea Austin	CHALT's Request to Revise the Tree Ordinance.	Planning & Development Services Judy Johnson , Interim Planning Director Phone: 919-969-5078	Staff is preparing information to respond to this request.
03/14/2018	Council Members Anderson, Gu, and Schaevitz	Request Regarding Addressing Blue Hill District Community Interests.	Planning & Development Services Judy Johnson , Interim Planning Director Phone: 919-969-5078	The Council enacted ordinance amendments to improve outcomes for stormwater management and affordable housing, to encourage non-residential development, and to address building size. Staff will return to Council in Fall 2019 to discuss building massing.
09/06/2017	Tom Henkel from the Environmental Stewardship Advisory Board	Request for Modification to the Ephesus-Fordham Form-Based Code for the Purposes of Energy Efficiency.	Planning & Development Services Judy Johnson , Interim Planning Director Phone: 919-969-5078	Where feasible, modifications will be considered as part of the development process for the Blue Hill Design Guidelines.
01/23/2017	Transportation and Connectivity Advisory Board	Request to Support Low/No Vision Guidelines to be Included in the Town's Engineering Manual as Stated in the April 11, 2016 Petition to Council	Public Works Lance Norris , Public Works Director Phone: 919-969-5100 Planning & Development Services Judy Johnson , Interim Planning Director Phone: 919-969-5078	Request incorporated into process to update Public Works Engineering Design Manual.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
11/07/2016	Mayor Hemminger	Regarding Parking and Transit Needs in Downtown Area.	Planning & Development Services Judy Johnson , Interim Planning Director Phone: 919-969-5078 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.
05/09/2016	Stormwater Management Utility Advisory Board	Request for Orange County Commissioners to Increase Staffing in Soil and Erosion Control Division and Improve Efficiency of Temporary Soil Erosion and Sediment Controls During Construction.	Public Works Lance Norris , Public Works Director Phone: 919-969-5100	Petition forwarded to Orange County. Consider changes to soil erosion and sediment control as part of Public Works Engineering Design Manual updates.
04/11/2016	Transportation and Connectivity Advisory Board	Request to Incorporate Proposed No-Vision and Low-Vision Pedestrian Facilities Guidelines into Design Manual and Development Code as Required	Public Works Lance Norris , Public Works Director Phone: 919-969-5100	Request incorporated into process to update Public Works Engineering Design Manual.
04/11/2016	Transportation and Connectivity Advisory Board	Request for Senior Citizen Pedestrian Mobility and Complete Street Implementation	Public Works Lance Norris , Public Works Director Phone: 919-969-5100	Request incorporated into process to update Public Works Engineering Design Manual.



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 8., File #: [20-0129], Version: 1

Meeting Date: 2/19/2020

Consider Proposed East Rosemary Downtown Redevelopment Project.

Staff:

Maurice Jones, Town Manager
Dwight Bassett, Economic Development Officer
Amy Oland, Director

Department:

Manager's Office
Economic Development
Business Management

Overview: The Town of Chapel Hill has affirmed in recent years its commitment to strengthening its fiscal and economic sustainability by enhancing its Downtown business corridor. The Town has encouraged the development of new office space, a market that until recently had remained stagnant for over a decade. Several new projects will assist with improving the office market for Chapel Hill.

In 2019, Well Dot, Inc. announced its plans to invest \$3 million to establish a new operations and corporate center along Franklin Street in Chapel Hill that will create about 400 high-paying jobs over a five year period of time. Grubb Properties also announced its intentions to move forward with the creation of new office space as part of its Glen Lennox redevelopment project.

On the east end of Downtown, Grubb Properties acquired the 137 East Franklin office building and parking deck in 2019 with the intention of turning the building into Class A office space that would attract innovative companies with an eye toward technology and biotechnology.

Grubb is now considering a larger redevelopment project on East Rosemary Street that would build upon the inspiration behind the 137 East Franklin Street Building. Their vision would transform East Rosemary Street into an **Innovation Hub** in Downtown Chapel Hill.

The East Rosemary Downtown Redevelopment Project would require the exchange of the Town's ownership stake in the Wallace Parking Deck for Grubb Properties' ownership of the 137 East Franklin (CVS) Parking Deck and adjacent parcel(s). The project could potentially result in the creation of a new 200,000 square foot office building (on the existing Wallace Deck site) and a new parking deck (on the existing CVS Deck site) with upwards of 1,100 parking spaces to meet the growing needs of our Downtown businesses. Additionally, the University of North Carolina at Chapel Hill (UNC) is exploring the possibility of joining this Innovation Hub and committing to other uses at the 137 East Franklin building. UNC is also in the early stages of designing a new Admissions Center which would be adjacent to Porthole Alley on East Franklin Street.

In 2019 the Town Council passed a set of strategic goals and objectives that focused on seven goal areas. Many of those goals and objectives align directly with the proposal before the Council this evening:

Economic and Financial Sustainability

Attract and retain companies that create jobs in Chapel Hill

**** Strengthen UNC Town Gown economic development Partnerships***

UNC is exploring leasing space in the new projects in Downtown and is also planning to move its Admissions Center near East Franklin Street.

** Add commercial office space to the Town to locate Businesses*

The project could add nearly 200,000 square feet of office space and attract other development opportunities.

** Obtain new and innovative technology solutions to attract and retain businesses that create jobs in Chapel Hill*

** Strengthen and facilitate the ecosystem for entrepreneurship and innovation*

The new Innovation Hub is expected to create over 800 jobs in Downtown, attract new entrepreneurs and retain the businesses that began in Chapel Hill but have outgrown their space.

Make Downtown Chapel Hill a destination with diverse options for work, live and play

** Add more Downtown business and visitor anchors (Market Drivers)*

Significant amount of new office space along with UNC Admissions Center move to East Franklin Street.

** Invest in Downtown infrastructure*

Significant investment in parking, streetscape improvements and multi-modal improvements along East Rosemary Street.

** Conduct Downtown parking analysis and policy expectations (meet demand)*

There is a need for additional parking in Downtown especially as new office space is created. This project could meet both the present and future needs of Downtown businesses.

The new garage would be managed in a way that ensures self-sufficiency for the project.

Adopt a budget strategy that aligns Town revenues and expenses

** The new office building would bring \$80 million+ in new investment into Downtown that could result in over \$270,000 in tax revenue.*

** The 800 new jobs could have a positive financial effect on the rest of Downtown. One internal estimate has placed the expected value of support for Downtown businesses at \$4.2 million.*

Environmental Stewardship

Invest in green infrastructure and build community resiliency

Increase solar infrastructure

** Both projects will include solar infrastructure on their rooftops including the possibility of a solar canopy on the top floor of the new parking deck*

Continue electric vehicle infrastructure investment

** Both projects will offer Electric Vehicle charging stations*

Connected Community

Continuously monitor and address road infrastructure utilization throughout the town of Chapel Hill

** A Traffic Impact Analysis (TIA) will be conducted for both projects*

** The Town will be reviewing options to minimize the traffic effects on East Rosemary Street*

Increase connectivity between walking, bicycling, and multi-modal networks to reduce amount of driving needed to get around Chapel Hill

** Improving the streetscape along East Rosemary Street and enhancing the pedestrian and bicycling experience and increasing safety for multi-modal transportation is a key goal of the Town and Grubb Properties*

There are several challenges associated with these projects that the Town and Grubb Properties would need to address:

- **Traffic on East Rosemary Street.** With the consolidation of parking and the addition of new parking spaces in the garage there will be a need to closely examine the impacts on traffic. The Town will be initiating a TIA for both the new office building and the parking garage that will assist in determining any mitigation that may be needed.
- **Expediency of the projects.** There is a sense of urgency related to these projects as a result of time constraints associated with the requirements of the Opportunity Zone. The parking garage would need to be under construction by the fall of 2020 in order to meet the deadline for the completion of the new office building. The entitlement process, however, for both projects will be independent of each other and will offer opportunities for public engagement and input from the Town's advisory boards, including a Public Information Session on Thursday February 27th at 6:00 pm.
- **Cost of the parking garage.** The Town will need to support a bond of roughly \$28 million to construct the new garage. However, unlike other capital projects, this project, once open will generate revenue for the Town that will assist in paying off the debt service. It is the goal of the Town to make this project, and ultimately the entire parking enterprise fund, self-sufficient through improved parking and rate management.

Recommendations:

That the Council authorize the Town Manager to draft a non-binding Memorandum of Understanding (MOU) with Grubb Properties and return to Council on March 4, 2020 for further discussion and consideration.

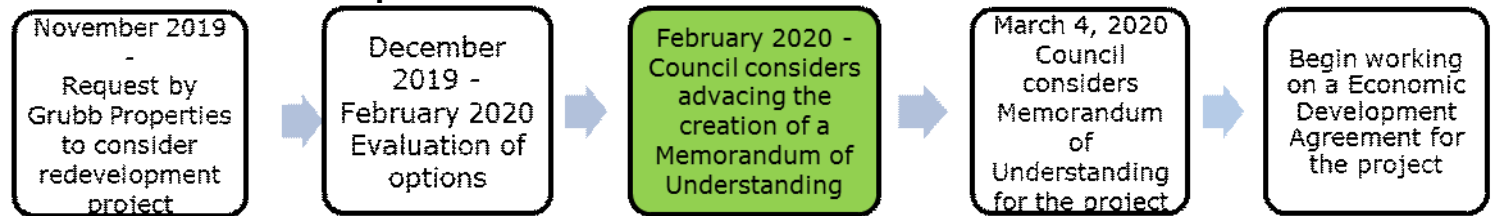
Decision Points:

- Selling the Wallace Deck in exchange for the 137 East Franklin (CVS) Parking Deck and adjacent parcel(s) for the creation of a new 1100 space parking deck.
- Supporting a job creating office and wet-lab building totaling 200,000SF.
- Scheduling a public information session to gather additional input from the community (February 27, 2020 at Top of the Hill Great Room, 6:00pm).

Key Issues for Consideration:

- Consolidation of various parking facilities on East Rosemary and constructing a new 1100 space parking deck (entitled by June 2020).
- Creation of 200,000SF of wet lab and office space to support job growth, retention of UNC companies, support for existing businesses, and innovation in downtown.

Fiscal Impact/Resources: Approximately \$28.5 million in debt to support the new parking deck and parking revenue. Pay off the existing \$1.4 million Wallace Parking Deck debt. Creation of approximately \$80 million in value for new office building, enhancing the Town's tax base.

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

- Resolution
- Draft Staff Presentation

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO RETURN TO COUNCIL ON MARCH 4, 2020 WITH A DRAFT NON-BINDING MEMORANDUM OF UNDERSTANDING FOR CONSIDERATION OF REDEVELOPMENT ON EAST ROSEMARY STREET(2020-02-19/R-6)

WHEREAS, Chapel Hill Town Council desires to strengthen downtown and meet market needs; and

WHEREAS, the Town Council wants to work to strengthen and retain business growth from research on UNC's campus, and

WHEREAS, Grubb Properties presented an opportunity to exchange property to facilitate the creation of a new 200,000SF office building and 1100 space parking deck; and

WHEREAS, this project can add to the economic vitality of downtown year round.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorize the Town Manager to draft a non-binding Memorandum of Understanding with Grubb Properties regarding a redevelopment project on East Rosemary Street and return to Council on March 4, 2020 for consideration.

This the 19th day of February, 2020.

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

PRESENTER: Maurice Jones, Town Manager
Dwight Bassett, Economic Development Officer
Amy Oland, Director of Business Management
Clay Grubb, Grubb Properties

RECOMMENDATION: That the Council authorize the Town Manager to draft a non-binding Memorandum of Understanding with Grubb Properties and return to Council on March 4, 2020 for consideration.

East Rosemary Redevelopment Proposal

DRAFT

CHAPEL HILL

OPEN2.BIZ

Chapel Hill
Parking
Services

NCNB

Battle

Vance

Pettigrew

Hyde Hall

Hill
Commercial

134 E
Franklin St

**Grubb Properties proposes to
exchange property and construct a
1100 space parking deck and a
new office building in downtown**

CHAPEL HILL

OPEN2.BIZ

DRAFT

Economic & Financial Sustainability

Attract and retain companies that create jobs in Chapel Hill

- *Strengthen UNC Town/Gown economic development partnerships*
- *Add commercial office space to the Town to locate Businesses*
- *Strengthen and facilitate the ecosystem for entrepreneurship and innovation*

Make Downtown Chapel Hill a destination with diverse options for work, live and play

- *Add more Downtown business and visitor anchors (Market Drivers)*
- *Invest in Downtown infrastructure*
- *Conduct Downtown parking analysis and policy expectations (meet demand)*
- *Clean and beautify Downtown*

DRAFT

Council Goals

78

Environmental Stewardship

Invest in green infrastructure and build community resiliency

- *Increase solar infrastructure*
- *Increase use of alternative transportation through infrastructure investments*
- *Continue electric vehicle infrastructure investment*

Vibrant and Inclusive Community

Create diverse opportunities for community to engage with the arts

- *Increase public art in both public and private spaces*
- *Improve festivals and events with a focus on **spaces**, policies, partners, sponsorships, content and **infrastructure***

Connected Community

Increase connectivity between walking, bicycling, and multi-modal networks to reduce the amount of driving needed to get around Chapel Hill

- *Increase and integrate Downtown parking options to support a “park once” strategy*

DRAFT

RECOMMENDATION:

That the Council authorize the Town Manager to draft a non-binding Memorandum of Understanding (MOU) with Grubb Properties for consideration by the Council on March 4, 2020.

DRAFT

} Proposed Redevelopment

1.6 acres

1.6 acres

Chapel Hill
Parking
Services

DRAFT

- Create a new opportunity for job creation in downtown.
- Consolidate parking on East Rosemary that supports new and existing businesses.

Opportunity Zone Selection:

OZs are qualifying community census tracts, as originally established under the New Markets Tax Credit program and confirmed by the Treasury Dept. to be used for this program.

Governor Roy Cooper's target was to have at least one designated opportunity zone per county. This is the only Opportunity Zone in Orange County.

The Grubb Chapel Hill Opportunity Fund has 2022 as a deadline for investments.

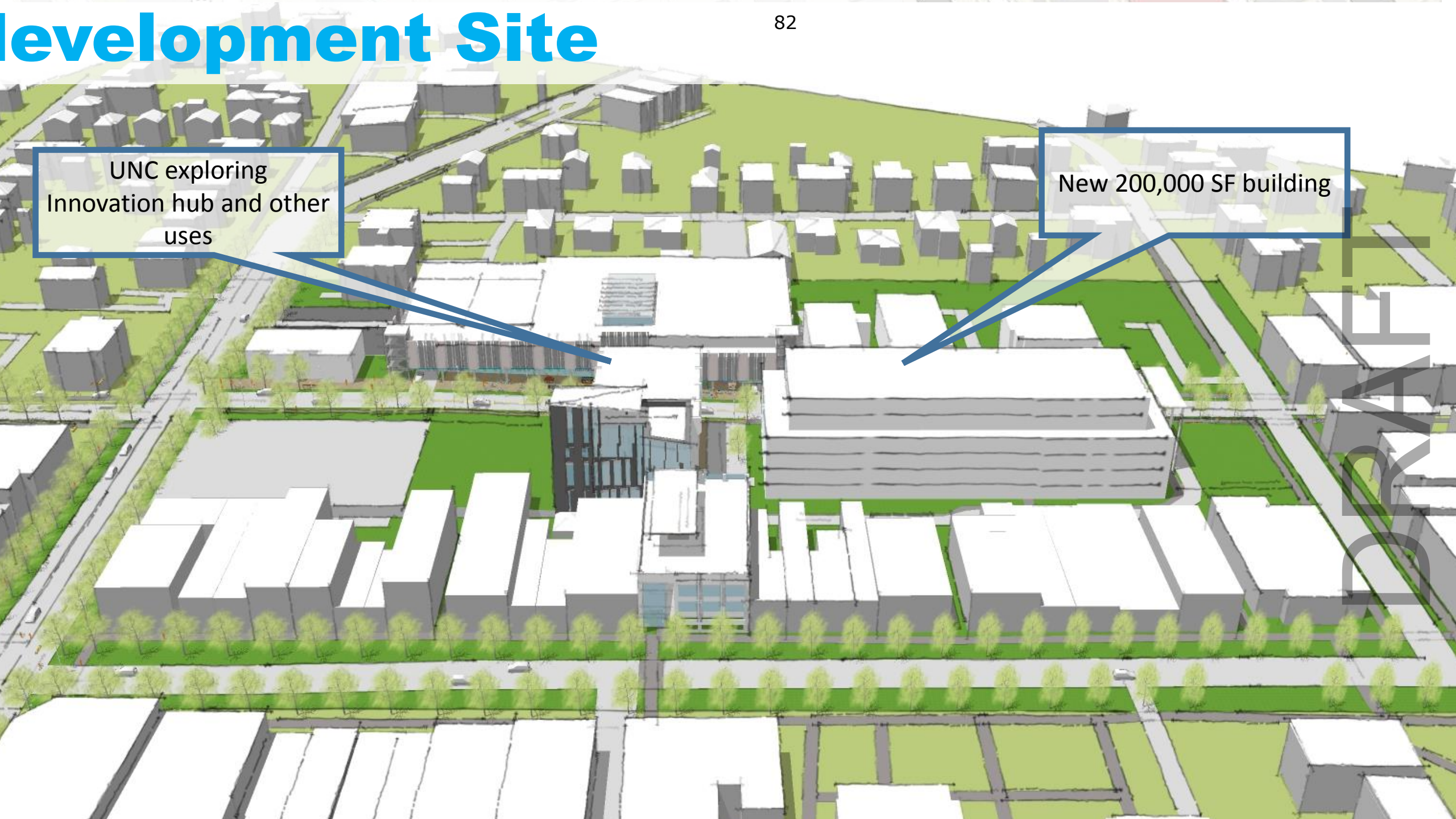


Development Site

82

UNC exploring
Innovation hub and other
uses

New 200,000 SF building



} Downtown Benefits⁸³

- Potential of 800 new employees downtown (4/1000SF)
- \$4.2 million in new support for downtown businesses (\$102 per week times 800 employees)
- New 200,000SF office and wet lab that contributes to tax base annually
- New centralized parking that creates additional land for other developments
- Retention of researchers from UNC with wet lab space
- Retention of other companies through UNC partnership
- Support for UNC Admissions building with parking
- Adds parking to support downtown
- More publically managed parking so our policies affect the good of downtown (currently only controlling 30% of market)

DRAFT

} Proposed Scenario

84

- **Exchange Wallace parking deck/land for 137 (CVS) parking deck and adjacent parcel(s).**
- **Build a new parking deck on 137 East Rosemary parcel that provides a total of 159 new public parking spaces (1100 space deck)**
- **Reserve rights to 100 spaces to support the University for a new Admission building downtown**
- **Grubb constructs a new wet lab/office building of 200,000 SF in downtown (projected value of \$80M)**

DRAFT

} Parking

85

Projected new parking deck (1100 spaces)

- Current Public Spaces

- Wallace Deck 309 spaces
- Potential Wallace expansion 80 spaces
- Lot 2/Rosemary – Columbia Parking Lot 102 spaces

Total Public Spaces

491 spaces

- Current Private Spaces

- Replace spaces from 137 Deck (CVS) 270 spaces
- Replace spaces at 139 E. Rosemary (Inv. Title) 80 spaces

Total Private Spaces

350 spaces

Total Existing Parking

841 spaces

- Planned New Spaces

- Support new building and growth 159 spaces
- UNC spaces to support Admissions/new bldg. 100 spaces

Total Net New Spaces

259 spaces

DRAFT

**March 4, 2020 –
Memorandum of
Understanding**



**March 2020 – Begin
Conditional Zoning for
new deck**



**June 2020 – Consider
entitlement of new
parking deck**



**September 2020-
September 2021
Construction of new
deck**



**Staff will begin
drafting MOU based
on key issues.**

**Entitlement process
for Deck will have
full review of Board
and Commissions
despite shortened
time-frame. Some
may need to share
meeting time for a
single presentation.**

**Consider authorizing a
new deck.**
**> Authorize Grubb to
construct.**
**> Execute economic
development
agreement and
exchange of parcels.**

**Work to
approve ZCP
and Building
permits in a
90 day
window.**

DRAFT

**September 2020 –
Accept application for
a new office building**



**June 2021 –
Consider authorizing
a new office building**



**September 2021 –
Accept new deck and
management of new
deck**

**Formal and
complete
application for
Concept and
Rezoning.**

**Consider
authorizing a new
office building for
downtown.**

**Move our parking
operation from
Wallace to new
deck.
Complete transfer
of interests and
management.**

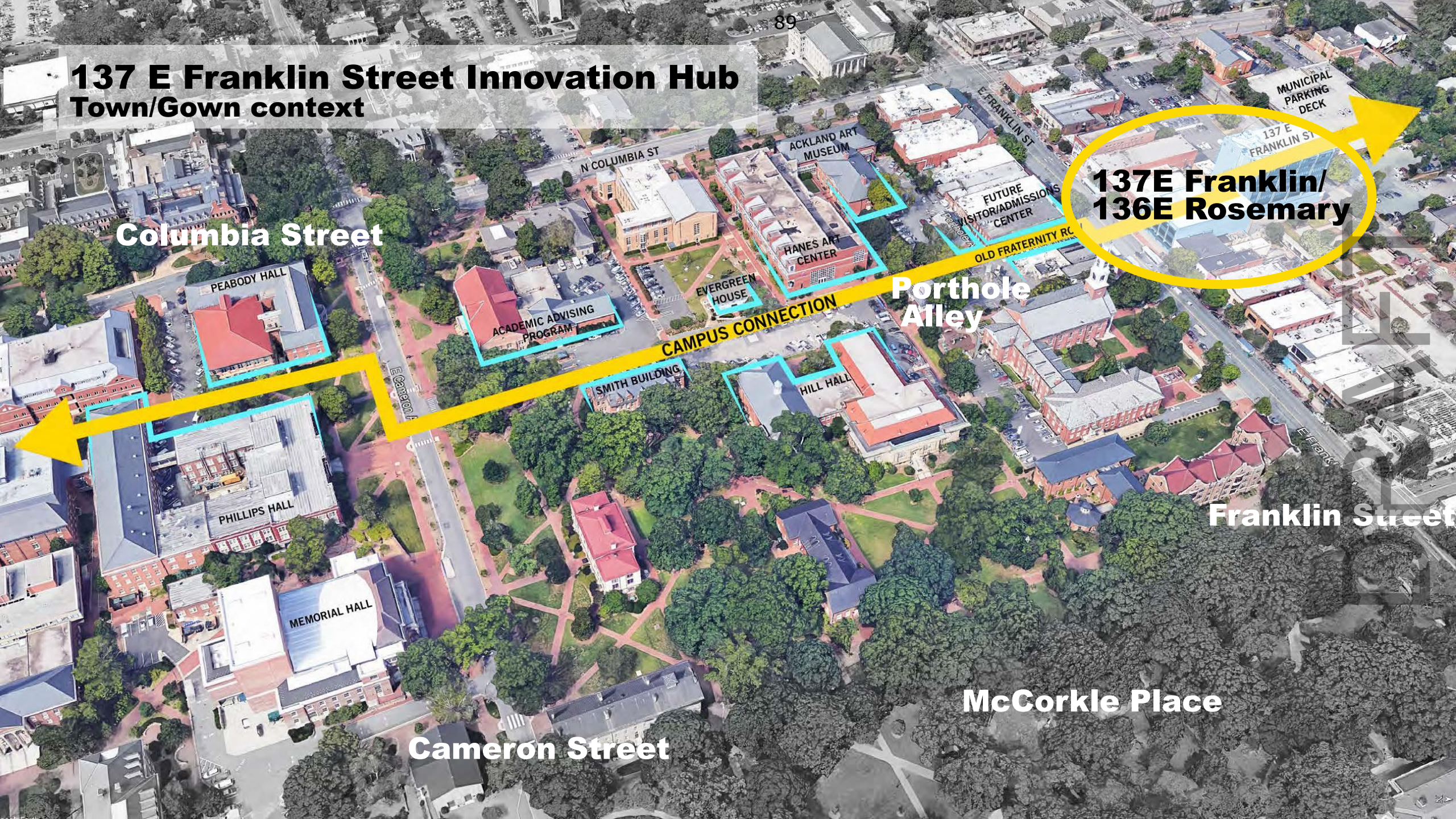
DRAFT

The Design Vision

Grubb Properties/Perkins&Will

DRAFT

137 E Franklin Street Innovation Hub
Town/Gown context



Columbia Street

Porthole Alley

**137E Franklin/
136E Rosemary**

Franklin Street

McCorkle Place

Cameron Street

CAMPUS CONNECTION

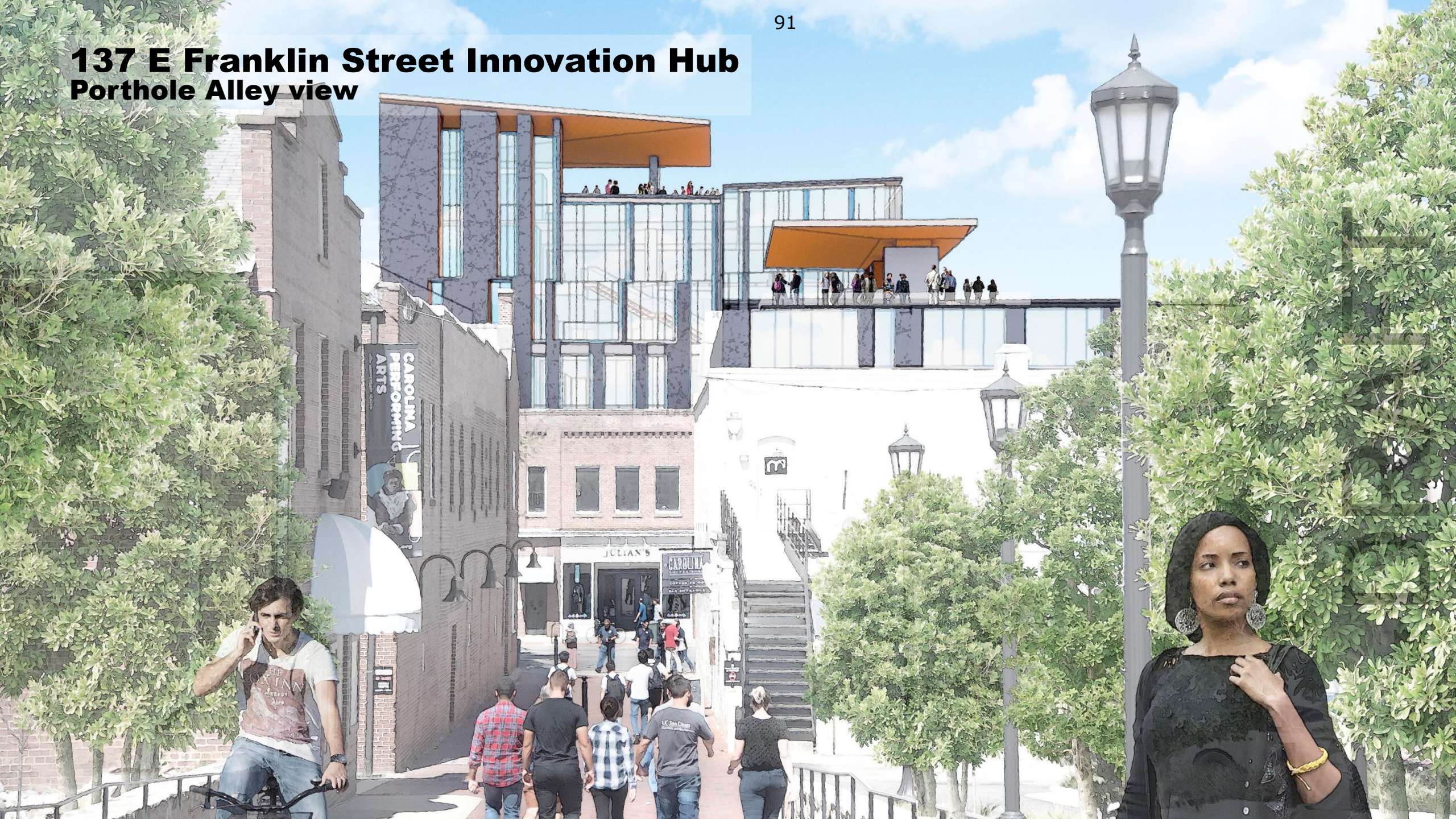
137 E Franklin Street Innovation Hub

Porthole Alley view



137 E Franklin Street Innovation Hub

Porthole Alley view



137 E Franklin Street Innovation Hub

Franklin Street View

Where ideas, research, industry and innovators collide to create social and economic impact





Parking deck: Rosemary Street and retail porch



Flat floors for visibility and walkability



Access control

Parking deck: passive and active security features

94



Emergency stations



Video cameras

DRAFT



LED lighting



Rooftop PV arrays



EV charging stations



Bike parking

Parking deck: sustainability features

DRAFT



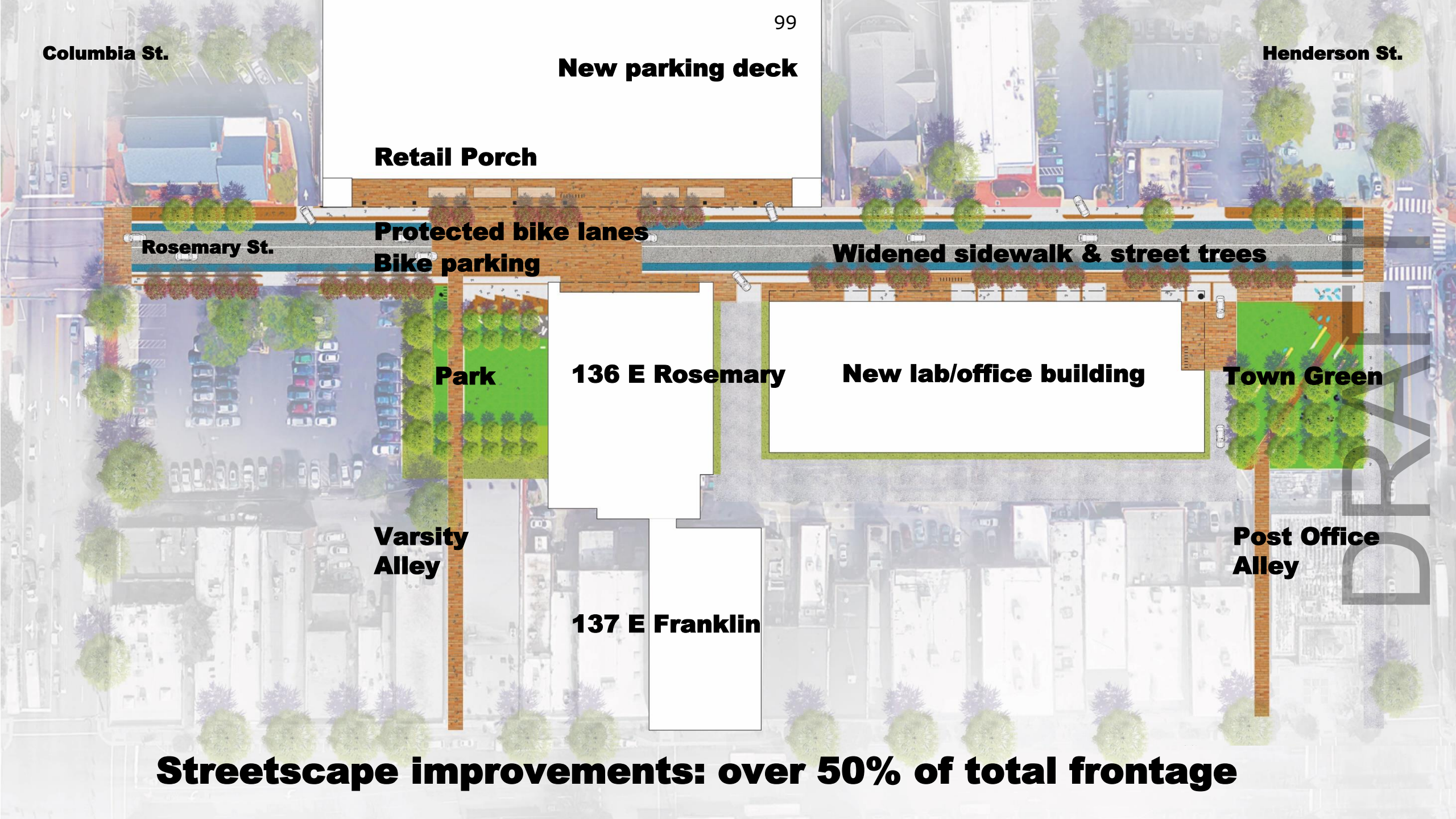
Rosemary and Henderson Streets: Town Green



Rosemary Street looking east: Park and Varsity Alley



Rosemary Street looking south



Columbia St.

99

New parking deck

Henderson St.

Retail Porch

Rosemary St.

**Protected bike lanes
Bike parking**

Widened sidewalk & street trees

Park

136 E Rosemary

New lab/office building

Town Green

**Varsity
Alley**

137 E Franklin

**Post Office
Alley**

Streetscape improvements: over 50% of total frontage

Community Benefits

- **Improved Rosemary Street streetscape – over 50% of street frontage**
- **Two public green spaces**
- **Mid-block pedestrian connection between Franklin and Rosemary Streets**
- **Alleyway improvements**
- **Expanded public parking**
- **Sustainable development features for deck & building**
- **Walkable development to reduce car dependency**
- **Economic development and jobs in downtown Chapel Hill**

DRAFT

Project Cost

101

Parking Deck Construction Cost	\$ 24,200,000
Existing Deck Demolition Cost	1,200,000
Construction Management Fee (4%) (4% of Garage Cost & Demolition)	1,016,000
Adjacent Land Purchase	<u>1,750,000</u>
Total	\$ 28,166,000

- Assumes borrowing amount \$28.5 million; 3.5% interest
- Assumes \$22,000 per space cost for 1100 space deck - design & construction costs

DRAFT

East Rosemary Development Structure

Session Law 1983, Chapter 1961

- “Town may expend funds, acquire property and participate in capital economic development projects which Town Council determines will enhance the economic development and revitalization of the Town”
- “Construction or renovation of parking facilities”
- “Contract between Town & developer may provide that developer shall be responsible for construction of entire economic development project”
 - “Meet needs of the Town”
 - “Operated for benefit of the residents of the town”
 - “Constructed at a reasonable price”

DRAFT

} Project Profit & Loss Statement

Rosemary Parking Deck Revenue	
TOTAL spaces	1100
Spaces leased	225
Leased Spaces monthly rate	\$ 125
Percent Leased	70%
Hourly Parking rate	\$ 1.50
Hourly Occupancy	65%
Hours of Operation	12
Days of Operation	312
Hourly Spaces	625
Annual Lease Revenue	\$ 236,250
Annual Hourly Revenue	\$ 2,281,500
Guaranteed Lease Revenue (250 spaces)	\$ 375,000
Misc. Other Income	\$ 40,000
Total Revenue	\$ 2,932,750
Revenue Per Space	\$ 2,666.14
Operating Expenses	\$ (440,000)
Debt Service (Yr 1)	\$ (2,422,500)
Total Cost	\$ (2,862,500)
Net	\$ 70,250

Proposed Fee Changes:

- Consider Hourly Parking Rate for Parking Decks from \$1 per hour to \$1.50 per hour to be consistent with other hourly rates
- Consider Leased Parking Rate for Parking Decks from \$115 per month to \$125 per month

DRAFT

} Project Cash Flows

Town Build Sceario - Revised Fee Structure

Par Amount \$ 28,500,000
Interest Rate 3.50%

A	B	C	D	E	F	G	H
FY	Year	Principal	Interest	Debt Service	Net Revenues	Surplus/ (Deficit)	Cumulative Surplus/(Deficit)
Total		\$28,500,000	\$10,972,500	\$39,472,500	\$52,882,751	\$13,410,251	
2021	0	-	498,750	498,750	-	(498,750)	(498,750)
2022	1	1,425,000	997,500	2,422,500	1,246,375	(1,176,125)	(1,674,875)
2023	2	1,425,000	947,625	2,372,625	2,492,750	120,125	(1,554,750)
2024	3	1,425,000	897,750	2,322,750	2,479,550	156,800	(1,397,950)
2025	4	1,425,000	847,875	2,272,875	2,627,504	354,629	(1,043,321)
2026	5	1,425,000	798,000	2,223,000	2,461,400	238,400	(804,921)
2027	6	1,425,000	748,125	2,173,125	2,599,076	425,951	(378,970)
2028	7	1,425,000	698,250	2,123,250	2,584,219	460,969	81,999
2029	8	1,425,000	648,375	2,073,375	2,578,367	504,992	586,991
2030	9	1,425,000	598,500	2,023,500	2,714,705	691,205	1,278,196
2031	10	1,425,000	548,625	1,973,625	2,698,471	724,846	2,003,042
2032	11	1,425,000	498,750	1,923,750	2,681,750	758,000	2,761,042
2033	12	1,425,000	448,875	1,873,875	2,826,077	952,202	3,713,244
2034	13	1,425,000	399,000	1,824,000	2,808,337	984,337	4,697,581
2035	14	1,425,000	349,125	1,774,125	2,790,065	1,015,940	5,713,521
2036	15	1,425,000	299,250	1,724,250	2,771,245	1,046,995	6,760,516
2037	16	1,425,000	249,375	1,674,375	2,913,411	1,239,036	7,999,552
2038	17	1,425,000	199,500	1,624,500	2,893,444	1,268,944	9,268,496
2039	18	1,425,000	149,625	1,574,625	2,872,879	1,298,254	10,566,750
2040	19	1,425,000	99,750	1,524,750	2,851,697	1,326,947	11,893,697
2041	20	1,425,000	49,875	1,474,875	2,991,429	1,516,554	13,410,251

DRAFT

} Proposed Scenario 105

- **Exchange Wallace parking deck/land for 137 (CVS) parking deck and adjacent parcel(s).**
- **Build a new parking deck on 137 East Rosemary parcel that provides a total of 159 new public parking spaces (1100 space deck)**
- **Reserve rights to 100 spaces to support the University for a new Admission building downtown**
- **Grubb constructs a new wet lab/office building of 200,000SF in downtown (projected value of \$80M)**

RECOMMENDATION:

That the Council authorize the Town Manager to draft a non-binding Memorandum of Understanding (MOU) with Grubb Properties for consideration by the Council on March 4, 2020.

DRAFT



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 9., File #: [20-0130], Version: 1

Meeting Date: 2/19/2020

Consider a Land Use Management Ordinance Text Amendment - Proposed Changes to Section 3.11 Regarding Massing and Permeability in the 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: Corey Liles, Principal Planner

- a. Introduction and revised recommendation
- b. Recommendation of the Planning Commission
- c. Comments from the public
- d. Comments and questions from the Mayor and Town Council
- e. Motion to adjourn the Public 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 close the public hearing, adopt the Resolution of Consistency with the Comprehensive Plan, and enact Ordinance A to amend Section 3.11 of the Land Use Management Ordinance.



CONSIDER A LAND USE MANAGEMENT ORDINANCE TEXT AMENDMENT - PROPOSED CHANGES TO SECTION 3.11 REGARDING MASSING AND PERMEABILITY IN THE BLUE HILL DISTRICT

STAFF REPORT

TOWN OF CHAPEL HILL PLANNING DEPARTMENT
Judy Johnson, Interim Director
Corey Liles, Principal Planner

PROJECT LOCATION	REGULAR MEETING DATE	REQUESTED BY
Blue Hill Form District	February 19, 2020	Town of Chapel Hill
ITEM OVERVIEW <p>This text amendment would update existing standards for massing in the Blue Hill District, in response to a petition received by Council on March 14th, 2018¹. Proposed modifications to Section 3.11 of the Land Use Management Ordinance include:</p> <ol style="list-style-type: none"> 1. Adding Maximum Building Dimensions (measured along street frontage and perpendicular to streets) 2. Adding Minimum Separation between buildings, with criteria to make this inviting space 3. Including options for small townhome and stacked townhome projects that do not include commercial space 4. Reducing the number of parking spaces by 50% spaces for mixed use projects 5. Allowing standalone parking decks to be located closer to the sidewalk, if thoughtfully designed 6. Not requiring smaller upper-story floor plates for 4-story buildings 		
UPDATES SINCE PUBLIC HEARING (held on January 8, 2020 ²) <ul style="list-style-type: none"> • Vehicular drives are allowed in a building separation area, but they do not count towards meeting the minimum separation width between buildings unless properly designed as a 'shared space' with pedestrians. • Limiting the range of townhome projects that are exempted from commercial space requirements – only achievable if (i) the project has no more than 60 units and (ii) at least half of the units are less than 1800 sq ft. • Limiting the locations where standalone parking decks can have a reduced street setback through a Design Alternative – not available along Type A frontages. 		
TOWN MANAGER'S RECOMMENDATION <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:</p> <ol style="list-style-type: none"> 1) close the public hearing; 2) adopt the Resolution of Consistency with the Comprehensive Plan; and 3) enact Ordinance A to amend Section 3.11 of the Land Use Management Ordinance 		
ADDITIONAL CONTEXT <ul style="list-style-type: none"> • The objectives of new massing standards include increasing pedestrian connections, increasing visual permeability, and reducing the visual impact of taller buildings. • The recommendations are based on economic analysis done by Noell Consulting, primary urban design evaluation done by Civitech, Inc., and an additional assessment by the Town's urban designer. • The current work on Blue Hill Massing builds on a text amendment adopted on June 27, 2018³ that encourages recreation space to be integrated into the public realm. 	PROCESS <ol style="list-style-type: none"> 1 Receive and Refer Council Petition 2 Recreation Space Amendment 3 Research Additional Potential Standards 4 Council Work Session 5 Economic Analysis and Further Research 6 Advisory Board Review 7 Council Public Hearing 8 Consider Action on Text Amendment 	
FISCAL IMPACT/RESOURCES <p>Tony Sease of Civitech, Inc., has served as an urban design consultant for massing study, under a contract with the Town of Chapel Hill not to exceed \$27,010.</p> <p>Noell Consulting Group completed a market analysis in support of the study, under a contract with the Town for \$12,000.</p>		

¹ <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=3378092&GUID=CF613ECB-AE0E-4A16-8801-9292A08A4231>

² <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=4293232&GUID=359944EB-24ED-41F0-A471-867F9DF6E9AB>

³ <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=3537544&GUID=633504CC-12D7-458A-8158-8CDEF868585F>

ATTACHMENTS	<div>1. Draft Staff Presentation</div> <div>2. Technical Report</div> <div>3. Resolution of Consistency with the Comprehensive Plan</div> <div>4. Ordinance A (Enacting the Text Amendment)</div> <div>5. Resolution B (Denying the Text Amendment)</div> <div>6. Town of Chapel Hill Urban Designer Review</div> <div>7. Community Design Commission Comments</div> <div>8. Planning Commission Recommendation</div>
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DRAFT

Council Meeting February 19, 2020

Council Petition Interests

As Submitted March 14, 2018

1. Increase **non-residential development** with density bonuses or other mechanisms
2. Identify strategies for providing more **affordable housing**
3. Address building size and massing concerns to improve **place-making and permeability**

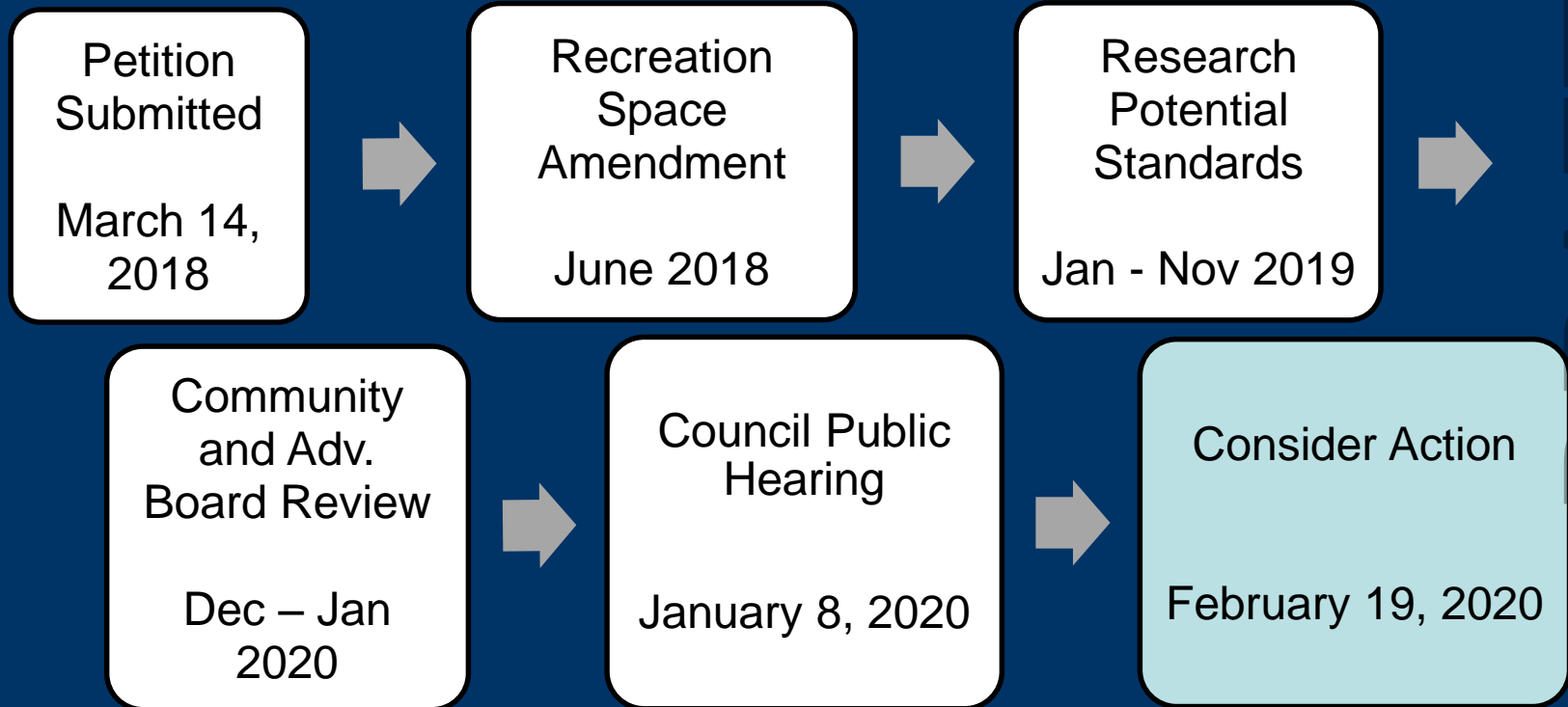
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Staff Recommendation

- Close the public hearing
- Adopt the Resolution of Consistency with the Comprehensive Plan
- Enact Ordinance A to amend LUMO Section 3.11

DRAFT

LUMO Text Amendment Process



Stakeholder Engagement

- Public Information Meeting
- Community Design Commission
- Planning Commission
- Town Council

DRAFT

Recommended Text Amendments

Core Package

- Maximum building dimensions
- Minimum building separation and pedestrian connectivity

Standalone Additions

- Exempt townhomes from minimum nonresidential
- Reduce on-site parking for mixed use
- Structured parking setback reduction
- Allow larger upper floor plate on 4-story buildings

DRAFT

Recommended Text Amendments

Core Package

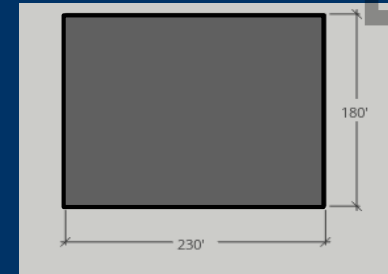
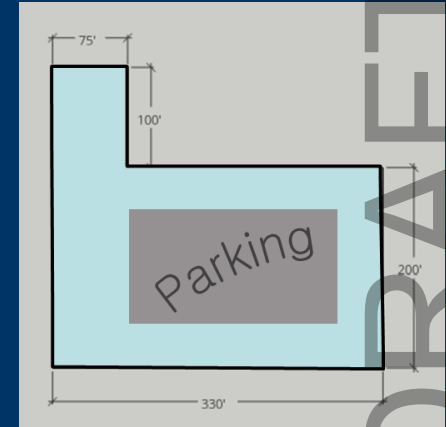
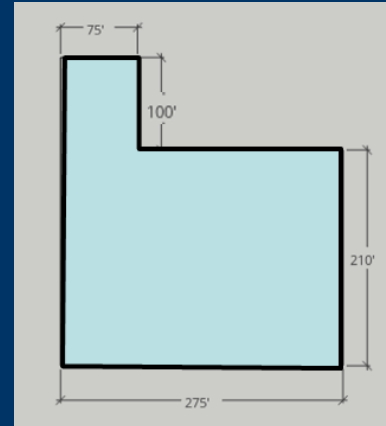
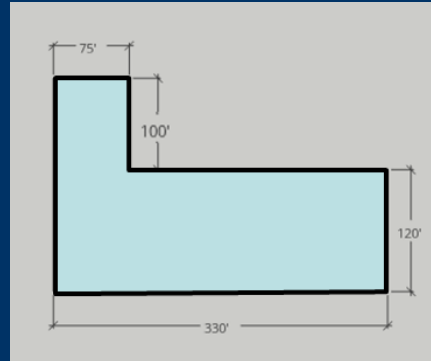
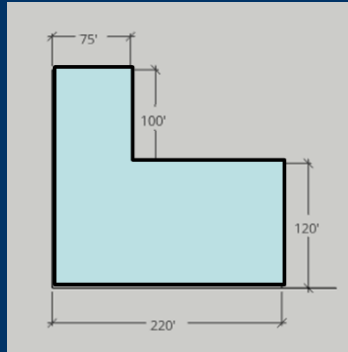
- Maximum building dimensions
- Minimum building separation and pedestrian connectivity

DRAFT

Maximum Building Dimensions¹¹⁷

Framework addressing varying conditions

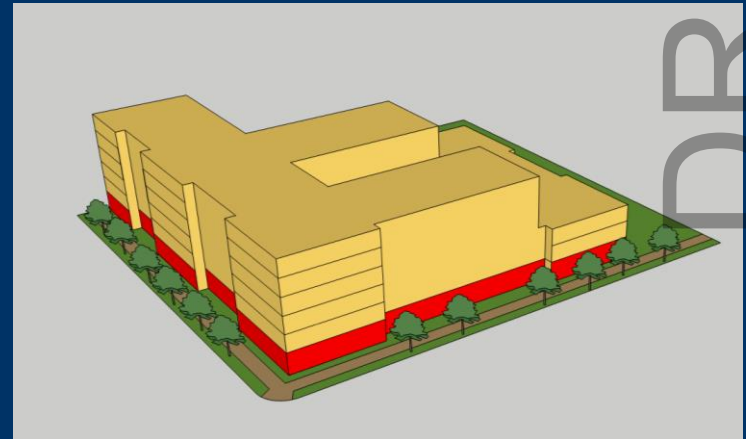
- Dimensions vary based on subdistrict, and whether wrapping structured parking
- Maximum width and depth for main building
- Max width and depth for a secondary wing
- Minimum 30' separation



Design Considerations and Impact

- Secondary wing is extension of depth (can't be added to width) and must have public realm frontage
- Width applies along primary street frontage
- 5% admin adjustment possible for special site circumstances

IMPACT: *Contributes to greater visual permeability and smaller building masses*



DRAFT

Building Separation and Pedestrian Connectivity

Spaces between maximum building dimensions are required as activated pedestrian routes

UPDATE: Vehicular drives are allowed with design constraints, or in addition to pedestrian routes

IMPACT: *Unbuilt area is functional, not 'leftover'; expands opportunities for publicly accessible space*



Design Considerations

- New standards negate the need for Building Pass-through requirements (improvement over tunnel design)
- Reviewed by CDC under Design Guidelines for visual interest
- Creates secondary routes as part of a hierarchy of pedestrian connections in Blue Hill

DRAFT

Recommended Text Amendments

Standalone Additions

- Exempt townhomes from minimum nonresidential
- Reduce on-site parking for mixed use
- Structured parking setback reduction
- Allow larger upper floor plate on 4-story buildings

DRAFT

Encourage Housing Variety

Townhomes and Stacked Townhomes (2 units stacked) not subject to 10% commercial floor area requirement

UPDATE: Allowed only for projects of:

- (i) 60 units or less
- (ii) At least half of units < 1800 sq ft

IMPACT: Supports 'Missing Middle' range of housing options, and incremental redevelopment



Mixed Use Parking Reduction

Allow 50% parking reduction for projects with at least 25% residential and 25% commercial

IMPACT: *Less emphasis on vehicles, less built area devoted to parking*



Support Standalone Parking Decks

Allow a CDC Design Alternative to reduce the structured parking setback for all levels of a deck

UPDATE: Type A frontages not eligible (more pedestrian-oriented)

IMPACT: *Provides greater flexibility for parking locations; Possible reductions in building scale*

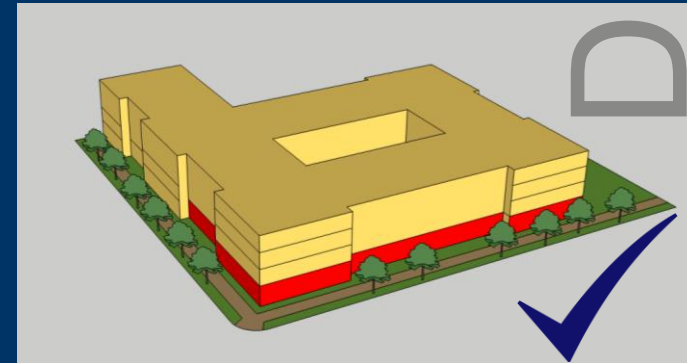
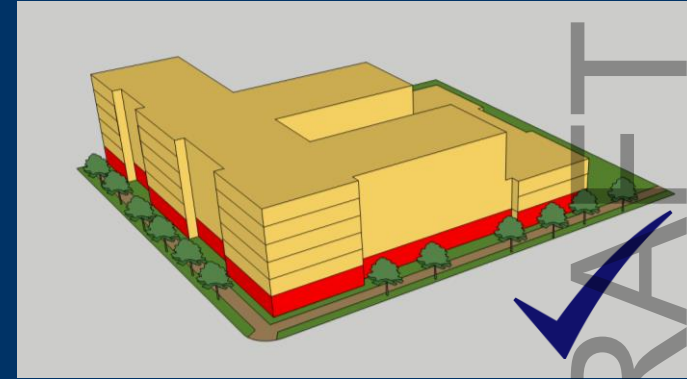


Encourage Four-Story Buildings

Allow 4-story buildings to have a full floor plate on all floors

5-to-7-story buildings still follow current 70% maximum floor plate standard

IMPACT: Encourages buildings with lower heights



Advisory Board Feedback

Community Design Commission

- Supportive overall of the direction, but **Building Size Reductions** could go further to better address petition
- Support for **Townhomes and Stacked Townhomes** changes
- **Building Separation** should be at least 30'
- Mixed opinions on **Supporting Standalone Decks** and **Encouraging 4-story Buildings**

Planning Commission

- January 7, 2020
- ✓ Recommended Consistency w/ Comp Plan
- ✓ Recommended in favor of text amendments

DRAFT

Progress on Petition Interests

DRAFT

1. More non-residential development
 - ✓ (2018) New requirement for non-residential component in residential projects
2. Strategies for more affordable housing
 - ✓ Housing staff have determined strategies and will look for opportunities to advance them
3. Address building size and massing concerns
 - ✓ (2018) Update to recreation space standards
 - ✓ Current text amendment proposal

Staff Recommendation

- Close the public hearing
- Adopt the Resolution of Consistency with the Comprehensive Plan
- Enact Ordinance A to amend LUMO Section 3.11

DRAFT

TECHNICAL REPORT

Council Meeting – 02/19/2020



LUMO TEXT AMENDMENT FOR BLUE HILL MASSING STANDARDS

The following Technical Report describes proposed modifications to the Form District Regulations in order to increase visual and pedestrian permeability in the Blue Hill District, in response to a petition from Council members. The modifications constitute a proposed Text Amendment to Section 3.11 of LUMO.

BACKGROUND

May 12, 2014	Ephesus-Fordham (Blue Hill) Form-Based Code adopted
March 14, 2018	Council received a petition regarding potential changes to the Form District Regulations, addressing several topics including building massing concerns
June 27, 2018	Council updated Form District Regulations for recreation space in a way intended to make such space provide more relief to building mass. Council provided direction to continue studying additional strategies
June 5, 2019	Council Work Session to discuss potential approaches on how to regulate building mass
Sept – Oct 2019	Introduction and discussion with the Community Design Commission and Planning Commission
November 1, 2019	Council Committee on Economic Sustainability to consider development finance considerations of new massing standards
January 7, 2020	Public Information Meeting
January 7, 2020	Planning Commission Meeting
January 8, 2020	Council Public Hearing to hear the proposed amendments and receive public comments
January 28, 2020	Community Design Commission Meeting

NEXT STEPS

February 19, 2020	Council has the opportunity to take action on the proposed amendments
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TECHNICAL REPORT

Council Meeting – 02/19/2020

UPDATES TO DRAFT ORDINANCE SINCE JANUARY 8, 2020 COUNCIL PUBLIC HEARING

Based on feedback received from Council, the Planning Commission, and the Community Design Commission, planning staff has revised the proposed text amendments before you tonight in the following ways:

- Clarification that vehicular drives are allowed in a building separation area, but that they do not count towards meeting the minimum separation width between buildings unless properly designed and approved by the Town Manager as a 'shared space' for vehicles and pedestrians.
- Limiting the range of townhome and stacked townhome projects that are exempted from commercial space requirements – only achievable if (i) the project has no more than 60 units and (ii) at least half of the units are less than 1800 sq. ft.
- Limiting the locations where standalone parking decks can have a reduced street setback through a Design Alternative – not available along Type A frontages, which are intended to be the most pedestrian-oriented.

ADDITIONAL RESPONSES TO COUNCIL FEEDBACK FROM THE PUBLIC HEARING

Building Separation Area Design: Both the project consultant and the Town's Urban Designer consider the proposed widths to be appropriate for the intent of the District and adequate to avoid a sense of too much enclosure. The CDC will review the facades of adjacent buildings using the Blue Hill Design Guidelines to ensure sufficient landscape character and façade visual interest, with a particular focus on the building's first floor. These corridors will replace and improve upon the framework for building pass-throughs (which can be 12' wide and only 1 story tall). They will continue to be secondary routes as part of a hierarchy of pedestrian connections throughout sites in the District.

Townhome Expected Price Points: Noell Consulting Group performed a market analysis that identified several feasible product types in the Blue Hill District. Typical starting sales price for these townhome types ranges from \$300,000 to \$700,000. The proposed unit size limit (see section B-2 of the table) would encourage development of townhomes priced on the lower side of this range. This could expand the variety of for-sale housing price points in Chapel Hill as a whole.

Stacked Townhome Definition: Stacked townhomes consist of two units stacked on top of each other, with a series of stacked units then arranged in a row. Each unit is typically two stories and has its own entrance at street level. This housing configuration is common in many urban areas.

Increased Commercial Space Threshold: Council suggested increasing the commercial space requirement for Multifamily Living projects to balance the proposed exemption for townhomes that would allow residential-only projects. Staff believes that further study of market dynamics is needed before recommending any increase in the commercial space percentages. The intent of the current percentages is to set an amount that maintains the development feasibility of a multifamily project.

Secondary Wing Measurement Criteria: The proposed ordinance states that "a secondary wing shall be appended to the rear of the building to create an extension of the building's depth. The wing may not be configured to increase the maximum building width." This prevents a scenario where the secondary wing is used to increase a building dimension beyond 330 ft.

TECHNICAL REPORT

Council Meeting – 02/19/2020

SUMMARY OF PROPOSED CHANGES

Based upon the review and feedback received to date, the proposed updates to the Form District Regulations can be broken down into the following general categories:

- A. Massing and Building Separation (Core standards): Standards that relate directly to building mass by limiting the horizontal dimensions and creating public space between buildings
 1. Establish a framework maximum dimensions for buildings and structured parking in various contexts
 2. Establish a minimum separation between buildings, with such area serving a pedestrian connectivity function for the public.
- B. Options for Additional Changes: Standards that indirectly support positive outcomes for building mass and/or accomplish other objectives for the Blue Hill District based on Council interest.
 1. Exempt four-story buildings from having to reduce the area of the upper floor
 2. Improve feasibility of developing a townhome or stacked townhomes project
 3. Expand options for reducing the number of required parking spaces
 4. Allow parking structures closer to the street, when they are thoughtfully designed

TECHNICAL REPORT

Council Meeting – 02/19/2020

TABLE OF PROPOSED CHANGES

TODAY'S REGULATIONS	PROPOSED CORE STANDARDS	IMPROVEMENT AREA
<p>A-1. Building Mass</p> <ul style="list-style-type: none"> • Maximum Upper Story Floor Area: starting at the 4th floor, upper stories are limited to an average of 70% and maximum of 80% of the 3rd story floor plate area • Possible Upper Floor Area bonus for projects where more than 10% of square footage is non-residential • Mass Variation: Required along street frontages through either a 10' stepback above the 3rd floor or a 80' maximum module length 	<p>A-1. Building Mass</p> <p>All existing regulations, and in addition:</p> <ul style="list-style-type: none"> • Building Width and Depth: Maximum dimensions before a separation between buildings is required. Range of dimensions tailored to zoning subdistrict and parking configuration: <ul style="list-style-type: none"> ○ 330' x 200' with wrapped parking ○ Applicant choice of 330' x 120' or 275' x 210' without wrapped parking ○ 220' x 120' in the WR-3 Subdistrict • Secondary Wings: Maximum dimension of 75' x 100' allowed for each situation above, as a way to allow building extensions while limiting the overall footprint. Wings must adjoin public realm area (side streets, greenways, amenity space, etc) • Structured Parking Width and Depth: Maximum dimensions of 230' x 180' • Administrative Adjustment: 5% increase of dimensions allowed for unusual site configuration or other special circumstances 	<p>Limits the size of a building footprint while providing flexibility for varying site configurations, land uses, and parking approaches</p>
<p>A-2. Building Separation</p> <ul style="list-style-type: none"> • Not explicitly required • Building Pass-throughs: 12' separation required every 330' for the lower one-two stories only; can be covered by built space 	<p>A-2. Building Separation</p> <ul style="list-style-type: none"> • Minimum Separation: Required between buildings / groups of buildings once the maximum width / depth is met <ul style="list-style-type: none"> ○ 20' in the WR-3 Subdistrict ○ 30' in other Subdistricts • Pedestrian Connection: 8' sidewalk required in separation area, connecting from one side of the site to the other • May count as Outdoor Amenity Space • Building Articulation: Balconies, awnings, overhead walkways, etc. are allowed to jut into separation area • Vehicular Functions: Alleys and service drives allowed between buildings, but not counted as part of minimum separation width • Design Guidelines: applied by CDC to ensure space is active and inviting • Building Pass-throughs: 'Tunnel' design no longer an option - buildings must now be fully separated • Administrative Adjustment and Design Alternative: Flexibility allowed for special circumstances, equivalent to what was previously used for Building Pass-throughs 	<p>Providing visual and pedestrian permeability around and between buildings</p> <p>Ensuring such space is reasonably inviting and functional for the public</p>

TECHNICAL REPORT

Council Meeting – 02/19/2020

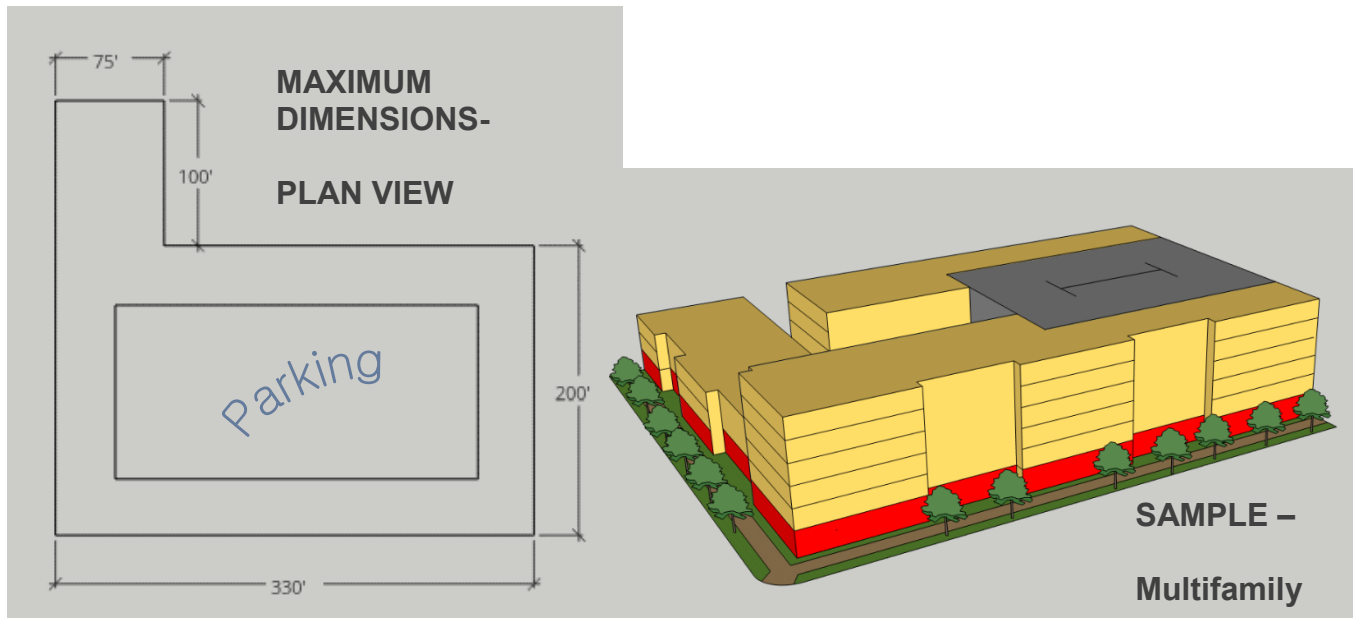
TODAY'S REGULATIONS	OPTIONS FOR ADDITIONAL CHANGES	IMPROVEMENT AREA
<u>B-1. Maximum Floor Plate</u> <ul style="list-style-type: none"> Fourth Floor and above: Limited based on floor plate area of third floor <ul style="list-style-type: none"> 70% average area over all upper floors 80% maximum area for any single floor 	<u>B-1. Maximum Floor Plate</u> <p>Same as previous, except:</p> <ul style="list-style-type: none"> Maximum/Average upper floor area based on ground floor Four-story buildings can have a full floor plate for the fourth floor (the floor plate limits apply at fourth floor and above for buildings five stories or greater) 	<p>Encouraging four-story buildings in zones that allow up to five or seven stories</p>
<u>B-2. Townhomes</u> <ul style="list-style-type: none"> Nonresidential Requirement: All residential projects in WX- Subdistricts must include a nonresidential use Minimum 10% of building floor area or 15% of site floor area 	<u>B-2. Townhomes</u> <ul style="list-style-type: none"> Attached Living: Townhomes/rowhouses not required to include a nonresidential use if <ul style="list-style-type: none"> (i) the project is ≤ 60 units and (ii) at least half of the units are < 1800 sq. ft. Stacked Townhomes: A project with no more than two units vertically stacked can have the same nonresidential use exemption if meeting above conditions Other Multifamily Living: Nonresidential use still required 	<p>Encourage housing types that are generally smaller in scale, not currently represented in the District, and could serve a 'missing middle' function for affordability</p>
<u>B-3. Parking Reductions</u> <ul style="list-style-type: none"> Reduction in number of spaces (varying amounts) allowed with: <ul style="list-style-type: none"> Motorcycle/scooter parking Transportation Management Plan Services for the elderly or handicapped Off-site shared parking Analysis of use(s) showing lower demand 	<u>B-3. Parking Reductions</u> <p>All existing options, and in addition:</p> <ul style="list-style-type: none"> Mixed Use Reduction: Allow a 50% reduction in required parking spaces for projects that are at least 25% residential and 25% non-residential (same as MU-V District) 	<p>Reduce the amount of site area and structure area needed for parking, which can produce positive outcomes for building mass</p> <p>Encourage individual projects to have an integrated mixture of uses</p>
<u>B-4. Structured Parking Setback</u> <ul style="list-style-type: none"> Street Setback: 30' behind front of building Design Alternative: Allow smaller setback for second and third levels (podium parking with ground floor use) 	<u>B-4. Structured Parking Setback</u> <ul style="list-style-type: none"> Design Alternative: Allow setbacks to be less than 30' behind building façade for all levels Not available along Type A Frontages Clarification that a parking structure can only count towards build-to percentage for the frontage if it has an active ground floor use 	<p>Improving the feasibility of a standalone parking deck, disconnected from buildings, where it can produce a positive outcome for building mass</p>

TECHNICAL REPORT

Council Meeting – 02/19/2020

VISUAL IMPACTS OF THE PROPOSED BUILDING DIMENSIONS FRAMEWORK

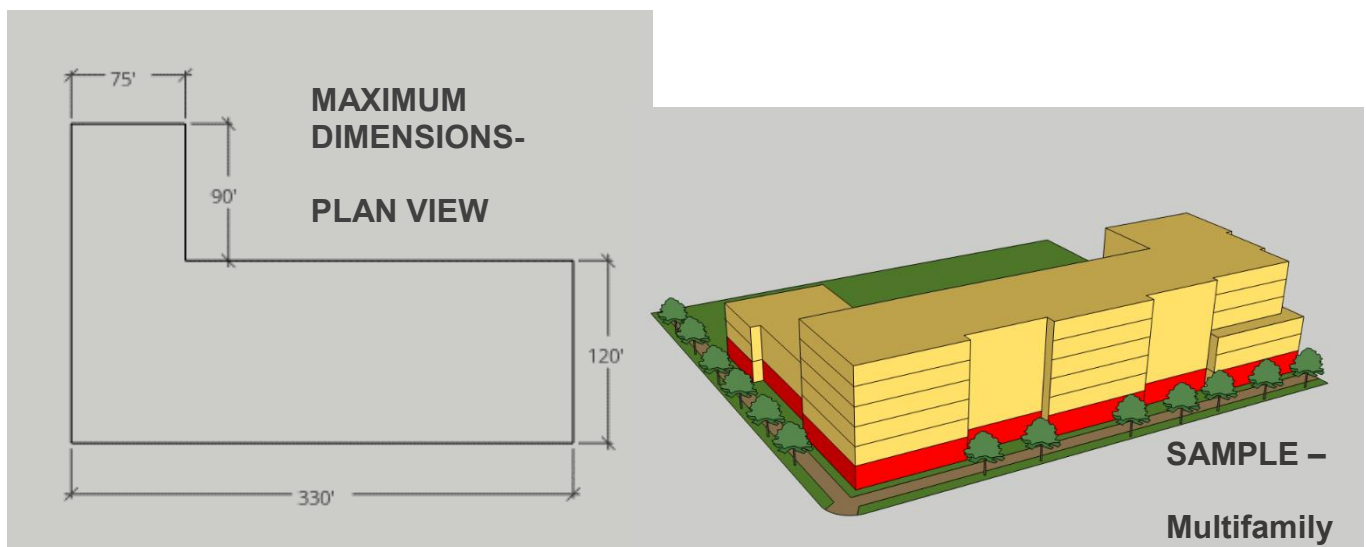
I. Wrapped Parking, WX-5/WX-7/WR-7 Subdistricts



- ❖ Parking deck must be wrapped by building on at least 2 sides
- ❖ Accommodates larger multifamily configurations (wrapped deck is less common for office or hotel)

II. Standalone Building, WX-5/WX-7/WR-7 Subdistricts

Option 1: Greater Width, Less Depth

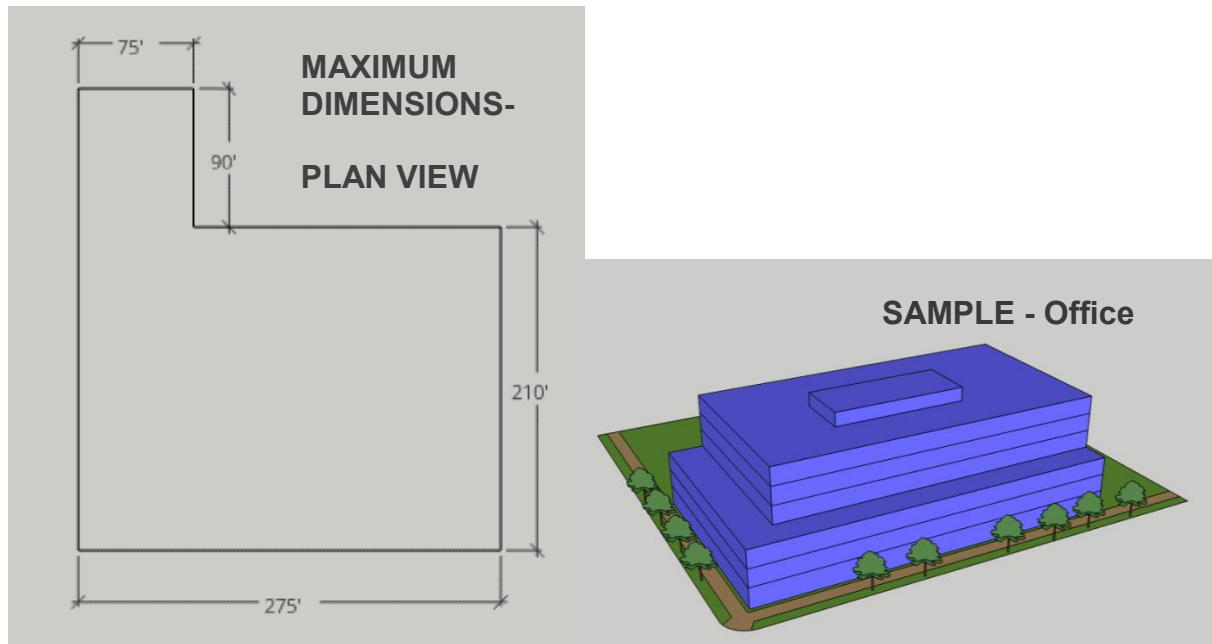


- ❖ Option for applicant when building is disconnected from parking
- ❖ Accommodates smaller multifamily configurations
- ❖ Accommodates smaller office and hotel typical footprints

TECHNICAL REPORT

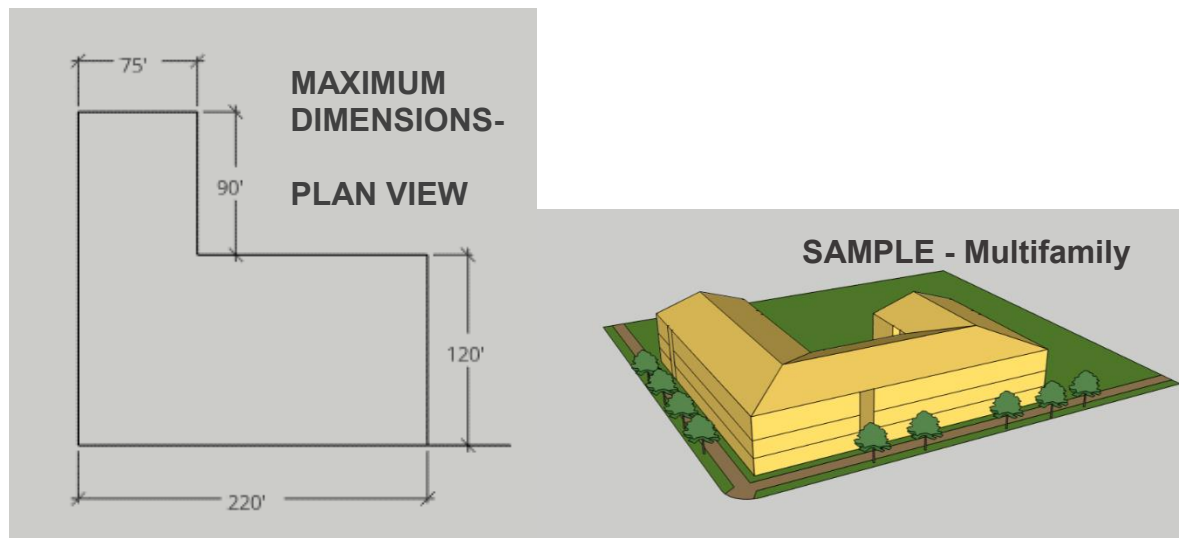
Council Meeting – 02/19/2020

Option 2: Less Width, Greater Width



- ❖ Option for applicant when building is disconnected from parking
- ❖ Accommodates courtyard multifamily configurations
- ❖ Accommodates larger office and hotel typical footprints

III. Standalone Building, WR-3 Subdistrict

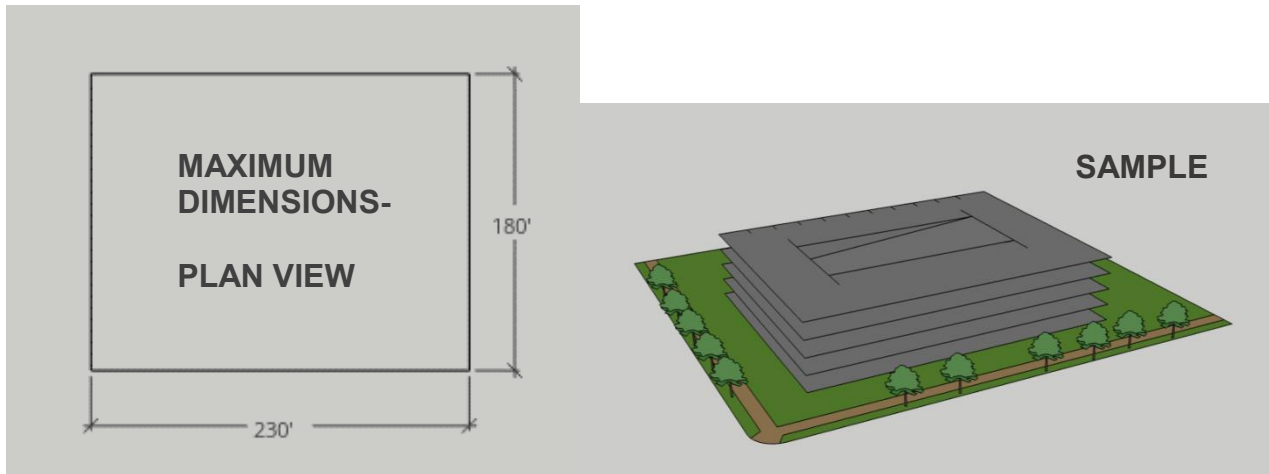


- ❖ Accommodates smaller garden-style multifamily configurations

TECHNICAL REPORT

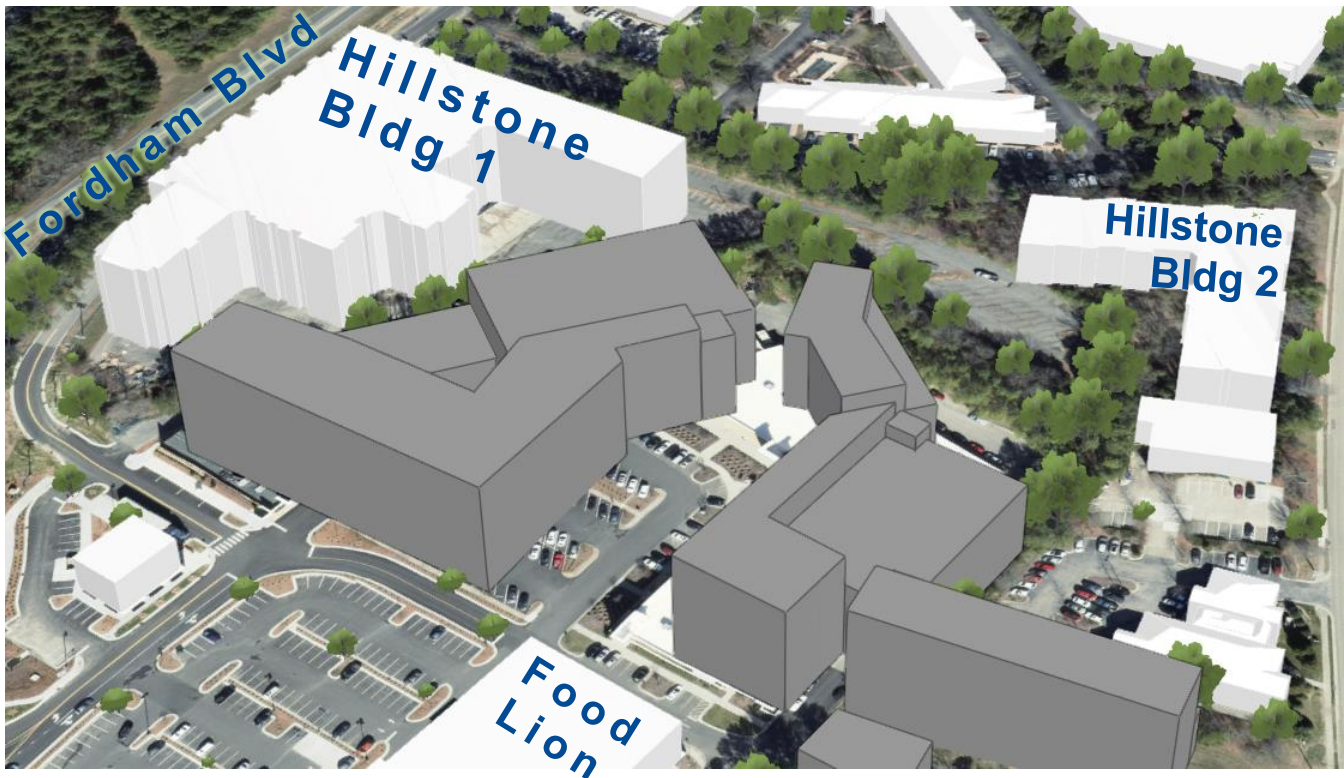
Council Meeting – 02/19/2020

IV. Parking Structures



- ❖ Applies to any parking deck, whether wrapped or standalone / disconnected

3D Model Study – Ram's Plaza



- ❖ Existing Buildings (white) compared to Potential Buildings under proposed Framework (gray)
- ❖ Maximum Building Dimensions in combination with other Form-Based Code standards and with site conditions

TECHNICAL REPORT

Council Meeting – 02/19/2020

ZONING AMENDMENT FINDINGS OF FACT

Based on the comments and information submitted, the Council will consider whether it can make one or more of the three required findings (listed below A-C) for enactment of a Land Use Management Ordinance Text Amendment.

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:

- A.** To correct a manifest error in the chapter; or
- B.** Because of changed or changing conditions in a particular area or in the jurisdiction generally; or
- C.** To achieve the purposes of the Comprehensive Plan.

Staff provides below an evaluation of the proposed text amendment 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.

A. To correct a manifest error in the chapter

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.

B. Because of changed or changing conditions in a particular area or in the jurisdiction generally

Arguments in Support:	Five years after adoption of the Form-Based Code, the community now has a better understanding of the types of building design that the Blue Hill District encourages, and the associated impacts on the public realm Stakeholders have expressed concern over whether the large buildings frequently proposed and constructed in the District are achieving a human scale design that contributes to a walkable environment
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 proposed zoning amendment responds to changed and changing conditions in the area.

TECHNICAL REPORT

Council Meeting – 02/19/2020

C. To achieve the purposes of the Comprehensive Plan

Arguments in Support:	<p>Staff believes that the proposed text amendment would contribute to the following elements of the Comprehensive Plan:</p> <ul style="list-style-type: none"> ▪ Family-friendly, accessible exterior and interior places throughout the town for a variety of active uses (Goal <i>A Place for Everyone</i> 1) ▪ Promote a safe, vibrant, and connected (physical and person) community (Goal <i>Community Prosperity and Engagement</i> 3) ▪ A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 comprehensive plan (Goal <i>Good Places New Spaces</i> 3) ▪ Open and accessible common spaces for community gathering, cultural uses, and community development (Goal <i>Good Places New Spaces</i> 7) ▪ Future land use, form, and density that strengthen the community, social equity, economic prosperity, and natural environment (Goal <i>Good Places, New Spaces</i> 8)
Arguments in Opposition:	To date no arguments in opposition have been submitted or identified by staff.

Staff Response: We believe, based on the information entered into the record to date, that the proposed zoning amendment achieves the purposes of the Comprehensive Plan.

RESOLUTION OF CONSISTENCY**A RESOLUTION FINDING THAT THE PROPOSED AMENDMENTS TO SECTION 3.11 OF THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE TO UPDATE STANDARDS FOR BUILDING MASSING AND PERMEABILITY IN THE BLUE HILL DISTRICT ARE CONSISTENT WITH THE COMPREHENSIVE PLAN (2020-02-19/R-7)**

WHEREAS, on March 14, 2018, Council members petitioned the full Council to consider solutions for the Blue Hill District that would address several community interests, one of these being building size and massing concerns; and

WHEREAS, the Council of the Town of Chapel Hill has considered the Town-initiated proposal to amend the Land Use Management Ordinance to update standards for building massing and permeability in the Blue Hill District, in response to one of the petition interests; and

WHEREAS, upon consideration the Council finds that the amendments, if enacted, are reasonable and in the public's interest and are warranted to achieve the purposes of the Comprehensive Plan, as explained by, but not limited to, the following goals of the Comprehensive Plan:

- Family-friendly, accessible exterior and interior places throughout the town for a variety of active uses (Goal A Place for Everyone.1)
- Promote a safe, vibrant, and connected (physical and person) community (Goal Community Prosperity and Engagement.3)
- A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 comprehensive plan (Goal Good Places New Spaces.3)
- Open and accessible common spaces for community gathering, cultural uses, and community development (Goal Good Places New Spaces.7)
- Future land use, form, and density that strengthen the community, social equity, economic prosperity, and natural environment (Goal Good Places New Spaces.8)

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds the proposed zoning text amendments to be reasonable and consistent with the Town Comprehensive Plan.

This the 19th day of February, 2020.

ORDINANCE A

(Enacting the Land Use Management Ordinance Text Amendment)

AN ORDINANCE AMENDING SECTION 3.11 OF THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE TO UPDATE STANDARDS FOR BUILDING MASSING AND PERMEABILITY IN THE BLUE HILL DISTRICT (2020-02-19/O-1)

WHEREAS, on May 12, 2014, the Town Council amended the Land Use Management Ordinance to establish Form District Regulations for the Ephesus Church Road/Fordham Boulevard area of Chapel Hill, now identified as the Blue Hill District; and

WHEREAS, on March 14, 2018, Council members petitioned the full Council to consider solutions for the Blue Hill District that would address several community interests, one of these being building size and massing concerns; and

WHEREAS, on January 7, 2019, the Planning Commission considered Land Use Management Ordinance text amendments on building size, massing, and permeability, and forwarded a recommendation to the Public Hearing before the Council; and

WHEREAS, the Council of the Town of Chapel Hill has considered the Town-initiated proposal to amend the Land Use Management Ordinance to update standards for building massing and permeability in the Blue Hill District, in response to one of the petition interests; and

WHEREAS, the Council finds that reinvestment in properties in the Blue Hill District is appropriate and especially significant based on the findings of the Ephesus Church-Fordham Small Area Plan; and

WHEREAS, upon consideration the Council finds that the ordinance is warranted because of changed or changing conditions in the area or in the jurisdiction generally; and

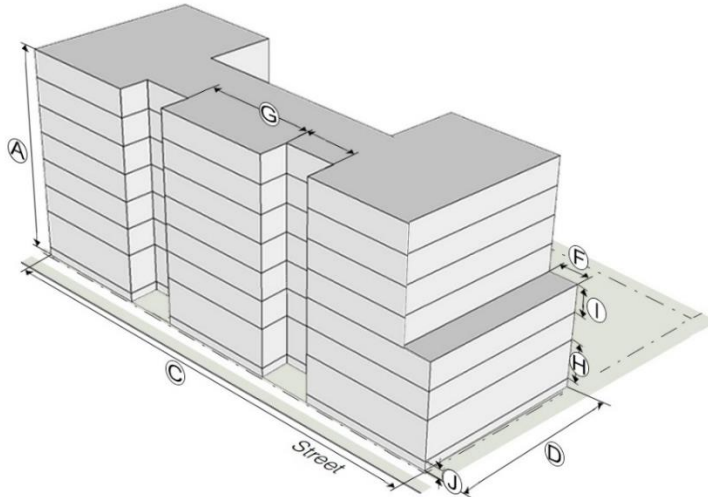
WHEREAS, the Council further finds that the ordinance is reasonable and in the public's interest and is warranted to achieve the purposes of the Comprehensive Plan, as explained by, but not limited to, the following goals of the Comprehensive Plan:

- Family-friendly, accessible exterior and interior places throughout the town for a variety of active uses (Goal A Place for Everyone.1)
- Promote a safe, vibrant, and connected (physical and person) community (Goal Community Prosperity and Engagement.3)
- A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 comprehensive plan (Goal Good Places New Spaces.3)
- Open and accessible common spaces for community gathering, cultural uses, and community development (Goal Good Places New Spaces.7)
- Future land use, form, and density that strengthen the community, social equity, economic prosperity, and natural environment (Goal Good Places New Spaces.8)

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council amends Section 3.11. – Blue Hill Form District of the Land Use Management Ordinance, Appendix A of the Town Code, as follows:

SECTION 1

Section 3.11.2.3 Walkable Residential (WR-3 and WR-7) Subsection 3. Mass is hereby revised to read as follows:



“

[The diagram above is revised so that labels correspond with items A, C, D, F, G, H, I and J in the associated table, as revised (note that no labels are provided for B and E)]

Building Height				
Ⓐ	Building height (max)			
	- WR-7		7 stories, not to exceed 90'	
	- WR-3		3 stories, not to exceed 45'	
Ⓑ	Building height for principal structures (min)		2 stories*	
Building Footprint and Aggregation				
	<u>Building Configuration</u>	<u>Width (max) Ⓒ</u>	<u>Depth (max) Ⓓ</u>	<u>Separation (min)**</u>
	<u>WR-7, Wrapped Parking</u>			
	- <u>Main Building</u>	<u>330'</u>	<u>200'</u>	<u>30'</u>
	- <u>Secondary Wing</u>	<u>75'</u>	<u>100'</u>	
	<u>WR-7, Wider and Shallower</u>			
	- <u>Main Building</u>	<u>330'</u>	<u>120'</u>	<u>30'</u>
	- <u>Secondary Wing</u>	<u>75'</u>	<u>100'</u>	
	<u>WR-7, Narrower and Deeper</u>			
	- <u>Main Building</u>	<u>275'</u>	<u>210'</u>	<u>30'</u>
	- <u>Secondary Wing</u>	<u>75'</u>	<u>100'</u>	
	<u>WR-3, All Buildings</u>			
	- <u>Main Building</u>	<u>220'</u>	<u>130'</u>	<u>20'</u>
	- <u>Secondary Wing</u>	<u>75'</u>	<u>100'</u>	
	<u>Structured Parking</u>	<u>230'</u>	<u>180'</u>	<u>30'</u>

Mass Variation		
CE	Average floor plate area (max as percent of ground story floor plate area) above 3 rd floor	
	- Second and Third stories	Not Applicable
	- Fourth story	100% for a 4 story building; Otherwise, 80%
	- Fifth story and above	70%; max of 80% for any one story
	- 3 story buildings or less	
	- 4 story buildings or greater	70% of floor plate area of third floor, with no floor plate exceeding 80% of third floor area
	Buildings 4 stories or greater shall meet either the step back or module offset standard below	
DF	Building step back above 2 nd or 3 rd floor (min)	10' step back above 2 nd or 3 rd floor
EG	Module offset	
	- Module width (max)	80'
	- Depth of offset (min)	6'
	- Width of offset (min)	12'
Story Height		
EH	Ground story height, floor to ceiling (min)	9'
GI	Upper story height, floor to ceiling (min)	9'
HJ Ground Floor Elevation		
	Ground floor elevation (min/max)	2'/4'

*The second story shall be at least 2/3rds the floor area of the first story.

****Separation is required when aggregate multiple buildings placed in proximity would otherwise exceed the Width and Depth criteria. See also Pedestrian Connectivity."**

SECTION 2

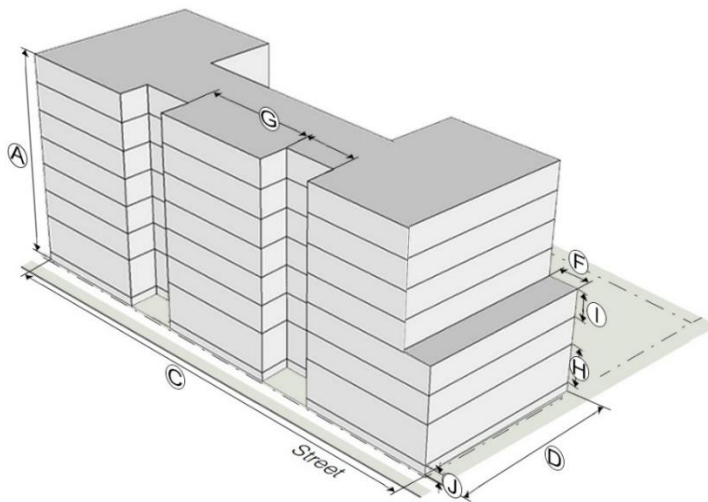
Section 3.11.2.3 Walkable Residential (WR-3 and WR-7) Subsection 4. Form is hereby revised to read as follows:

“[No change to diagram]

Transparency		
Ⓐ	Ground story (min)	20%
Ⓑ	Upper story (min)	20%
Ⓒ	Blank wall distance (max)	50'
Pedestrian Access		
Ⓓ	Principal entrance facing the public realm	Required
Ⓔ	Principal entrance spacing along street-facing facade (max)	50'
Ⓕ	Building pass-throughs <u>Pedestrian Connectivity</u>	330' <u>350'</u> maximum spacing
	Width (min)	12'
	Height (min)	Equal to the height of the adjacent first floor ceiling
Ⓖ Building Elements Permitted		
	Front porch, stoop	
	Balcony	
	Forecourt”	

SECTION 3

Section 3.11.2.4. Walkable Mixed Use (WX-5 and WX-7), Subsection 3. Mass is hereby revised to read as follows:



”

[The diagram above is revised so that labels correspond with items A, C, D, F, G, H, I and J in the associated table, as revised (note that no labels are provided for B and E)]

Building Height				
Ⓐ	Building height (max)			
	- WX-7	7 stories, not to exceed 90'		
	- WX-5	5 stories, not to exceed 60'		
Ⓑ	Building height for principal structures (min)		2 stories*	
Building Footprint and Aggregation				
	<u>Building Configuration</u>	<u>Width (max) Ⓒ</u>	<u>Depth (max) Ⓓ</u>	<u>Separation (min)**</u>
	<u>WR-7, Wrapped Parking</u>			
	- <u>Main Building</u>	<u>330'</u>	<u>200'</u>	<u>30'</u>
	- <u>Secondary Wing</u>	<u>75'</u>	<u>100'</u>	
	<u>WR-7, Wider and Shallower</u>			
	- <u>Main Building</u>	<u>330'</u>	<u>120'</u>	<u>30'</u>
	- <u>Secondary Wing</u>	<u>75'</u>	<u>100'</u>	
	<u>WR-7, Narrower and Deeper</u>			
	- <u>Main Building</u>	<u>275'</u>	<u>210'</u>	<u>30'</u>
	- <u>Secondary Wing</u>	<u>75'</u>	<u>100'</u>	
	<u>Structured Parking</u>	<u>230'</u>	<u>180'</u>	<u>30'</u>
Mass Variation				
Ⓒ	Average floor plate area (max <u>as percent of ground story floor plate area</u>) above 3 rd floor			
	<u>- Second and Third stories</u>		<u>Not applicable</u>	
	<u>- Fourth story</u>		<u>100% for a 4 story building; Otherwise, 80%</u>	
	<u>- Fifth story and above</u>		<u>70%; max of 80% for any one story ***</u>	
	—3 story buildings or less			
	—4 story buildings or greater		70% of floor plate area of third floor, with no floor plate exceeding 80% of third floor area**	
	Buildings 4 stories or greater shall meet either the step back or module offset standard below			
Ⓓ	Building step back above 2 nd or 3 rd floor (min)		10' step back above 2 nd or 3 rd floor	
Ⓔ	Module offset			
	- Average module width (max)		80'	
	- Depth of offset (min)		6'	
	-Width of offset (min)		12'	

Story Height		
Ⓕ	Ground story height, floor to ceiling (min)	
	- Residential	9'
	- Nonresidential	13'
Ⓖ	Upper story height, floor to ceiling (min)	9'
Ⓗ Ground Floor Elevation		
	- Residential (min/max)	2'/4'
	- Nonresidential (min/max)	0'/2'

*The second story shall be at least 2/3rds the floor area of the first story

****Separation is required when aggregate multiple buildings placed in proximity would otherwise exceed the Width and Depth criteria. See also Pedestrian Connectivity.**

****Greater floor plate area is permitted above the 3rd floor for a building that includes non-residential uses, subject to provision of a 20' building setback, as described in Section 3.11.2.7.T."

SECTION 4

Section 3.11.2.4. Walkable Mixed Use (WX-5 and WX-7), Subsection 4. Form is hereby revised to read as follows:

"[No change to diagram]

Transparency		
Ⓐ	Ground story (min)	
	- Residential	20%
	- Nonresidential	60%
Ⓑ	Upper story (min)	20%
Ⓒ	Blank wall distance (max)	
	- Residential	50'
	- Nonresidential	30'
Pedestrian Access		
Ⓓ	Principal entrance facing the public realm	Required
Ⓔ	Principal entrance spacing along street-facing facade (max)	
	- Residential	50'
	- Nonresidential	100'
Ⓕ	Building pass-throughs Pedestrian Connectivity	330' 350' maximum spacing
	Width (min)	12'
	Height (min)	Equal to the height of the adjacent first floor ceiling

Ⓒ Building Elements Permitted		
	Front porch, stoop	
	Balcony	
	Awning/canopy	
	Gallery	
	Forecourt"	

SECTION 5

Section 3.11.2.5. Frontages, Subsection TYPE B FRONTAGE Parking Location is hereby revised in the chart to read as follows:

"Parking Location
Surface parking: 2 bays maximum permitted between building and street
Structured or covered parking: 30' minimum behind front building façade for all floors. A smaller setback may be permitted for the first through third floors with a design alternative."

SECTION 6

Section 3.11.2.5. Frontages, Subsection TYPE E FRONTAGE Parking Location is hereby revised in the chart to read as follows:

"Parking Location
Surface parking: Not permitted in the Build-to-Zone
Structured or covered parking: 30' minimum behind front building façade for all floors. <u>A smaller setback may be permitted with a design alternative."</u>

SECTION 7

Section 3.11.2.7. Measurements and Exceptions, Subsection F. Outdoor Amenity Space, subsection 4e. is hereby revised to read as follows:

- "e. Where pedestrian pass-throughs are provided **connectivity requirements are met through spaces between buildings**, they may qualify as outdoor amenity space if they are unobstructed above by any building elements and meet all other **any portions meeting all** requirements of this section **3.11.2.7.F.4 may qualify as outdoor amenity space**. A building element used for shade purposes such as a pergola or canopy, which allows partial views to the sky, may be considered as unobstructed above."

SECTION 8

Section 3.11.2.7. Measurements and Exceptions, Subsection I. Build-to Requirements is hereby revised to insert a new subsection 5. as follows:

- "5. Structured parking may count towards meeting the build-to requirement only where ground story conditioned space is provided for at least the first thirty (30) feet of the structured parking measured inward from the interior wall of a street-facing façade.**

SECTION 9

Section 3.11.2.7. Measurements and Exceptions, Subsection S. Building Pass-Throughs is hereby retitled and revised to read as follows:

S. Pedestrian Connectivity *Building pass-throughs.*

1. **Publicly accessible routes shall be provided to meet the minimum spacing requirements, and should be provided in coordination with Building Separation as defined in section 3.11.2.7.U.2.** Building pass-throughs shall be a minimum height equal to the first floor ceiling height of the adjacent building, except under any of the following circumstances:
 - a. Life safety service is required;
 - b. The height of the adjacent building is four stories or greater, in which case the pass-through shall be a minimum height equal to the second floor ceiling; or
 - c. The length of the building pass-through is greater than 50', in which case the pass-through shall be a minimum height equal to the second floor ceiling.
2. Building pass-throughs **Pedestrian connectivity** shall **include a sidewalk with a minimum width of 12' 8' and a minimum 8' clear zone, connecting to a streetscape sidewalk on at least one end and allowing pedestrians to move from one side of a building or lot to another. Where not terminating at another existing sidewalk, an easement may be required to accommodate future connectivity.**, except when the adjacent building is 4 stories or greater or when the length of the pass-through is greater than 50'. In such cases, the building pass-through shall be a greater width, with consideration of the following criteria:
 - a. The width of the pass-through should be in proportion to the height of the pass-through and in proportion to the associated building;
 - b. The pass-through should have prominent entrances;
 - c. The pass-through should be a safe and enjoyable public passage; and
 - d. The scale of the pass-through should invite use by pedestrians.
3. Variation to the dimensional requirements of a building pass-through may be granted through a design alternative, provided that varied massing, higher façade transparency, increased lighting, furnishings, and/or building entrances are incorporated to make the pass-through an inviting space.
34. *Design Considerations.*
 - a. Building pass-throughs **Pedestrian routes serving to meet Pedestrian Connectivity requirements** shall be adequately lit as per Section 3.11.4.5. (Site Lighting), with 0.5 (min) and 15.0 (max) foot candles at any point.
 - b. **Building elements and structures used for shade purposes may be provided within the minimum required space between buildings, so long as pedestrian access is maintained.**
 - c. **Unenclosed overhead walkways may be provided to connect one building to another or to structured parking, so long as the walkway maintains a**

clear height above the pedestrian through access of at least twelve feet.
~~Building pass-throughs shall serve as a publically accessible passage between or through buildings that allows pedestrians to move from one side of a building to another, through a privately owned or publically dedicated area.~~

45. Pedestrian Connectivity ~~Pass-Through Spacing.~~

- a. The maximum ~~building pass-through~~ **pedestrian connectivity** spacing may be increased by five percent (5%) through an administrative adjustment where one or more of the following applies:
 - i. Proposed to protect sensitive natural areas or save healthy existing trees;
 - ii. Required to protect natural conditions, such as watercourses, riparian buffers, natural rock formations or topography;
 - iii. Required based on some unusual aspect of the development site or the proposed development that is not shared by landowners generally within the Blue Hill District (e.g., unusual lot size or configuration);
 - iv. Required due to the presence of existing utilities or other easements; or
 - v. Proposed because there are no other options for ingress and egress.

vi. Where an administrative adjustment to building size has been granted for maximum building width or depth in a corresponding location.

- b. Where the Community Design Commission makes a finding that a proposed design alternative for ~~building pass-through~~ **pedestrian connectivity** will provide access that at a minimum meets the purpose or intent of Section 3.11.2.1.B and where one or more of the site constraints listed below applies, the Community Design Commission may approve an alternatively designed ~~building pass-through~~ **pedestrian connectivity spacing** up to the maximum allowable block length as part of a Certificate of Appropriateness:
 - i. Proposed to protect sensitive natural areas or save healthy existing trees;
 - ii. Required to protect natural conditions, such as watercourses, riparian buffers, natural rock formations or topography;
 - iii. Required based on some unusual aspect of the development site or the proposed development that is not shared by landowners generally within the Blue Hill District (e.g., unusual lot size or configuration); or
 - iv. Required due to the presence of existing utilities or other easements.
- v. Based on design considerations associated with the provision of public space in excess of the minimum requirements, and/or in support of a walkable public realm."**

SECTION 10

Section 3.11.2.7. Measurements and Exceptions, Subsection T. Mass Variation, subsection 1. is hereby revised to read as follows:

- "1. *Upper Story Floor Plate Area.* The maximum upper story floor plate area shall be based on the **conditioned floor** area measured for the ~~third~~ **ground** story and applies at the fourth story and above. Where multiple stories are subject to the floor plate area requirement, both an average upper story and maximum upper story floor plate area apply.
 - a. *Bonus.* An upper story bonus is permitted for a building or a site that includes a non-residential use as listed in the Permitted Use Table under 3.11.3.4. Where non-residential square footage is required under Section 3.11.3.5.A.4, the bonus

described in this subsection is only available for square footage that exceeds the minimum required. For each square foot of non-residential use provided, the floor plate area of an upper story may increase by one (1) square foot in excess of the average upper story and maximum upper story floor plate, subject to provision of a 20' building step back in accordance with Section 3.11.2.7.T.2.b."

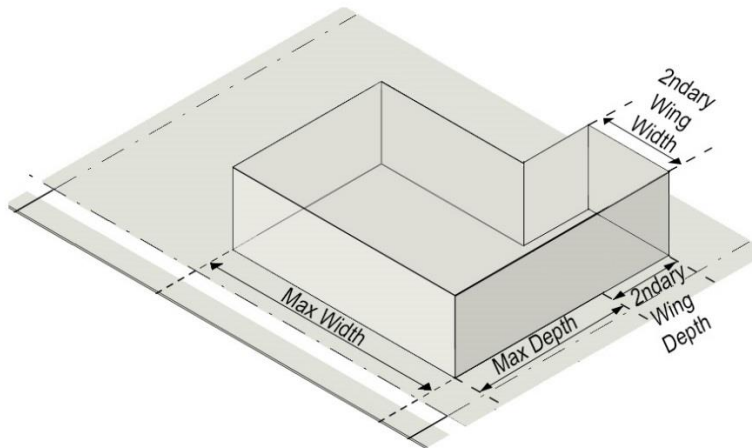
SECTION 11

Section 3.11.2.7. Measurements and Exceptions is hereby revised to insert a new Subsection U as follows:

"U. Building Footprint, Width, and Depth.

1. Maximum Building Dimensions

- a. Maximum building width and secondary wing width are measured parallel to the primary frontage for each site.**
- b. Maximum building depth and secondary wing depth are measured perpendicular to the primary frontage for each site, and apply to side facades. A building and wing must adjoin portions of the public realm for the full measurement of their depth.**
- c. A secondary wing, if included, shall be appended to the rear of the building to create an extension of the building's depth. The wing may not be configured to increase the maximum building width. The depth of the wing shall be measured starting at the point where the building footprint exceeds the baseline maximum depth.**



- d. A Wrapped Parking Configuration is one where the building is integrated with structured parking and where the building fully screens at least two sides of the parking structure from view as follows:**
 - i. the building shall fully screen the side along the primary frontage.**
 - ii. where the site has additional frontages, the building shall fully screen at least one other side along a frontage.**
 - iii. if the above are not met, the footprint must meet the standards of a different Building Configuration.**
- e. The maximum dimensions for Structured Parking are applicable to any configuration of structured parking, including standalone, wrapped, and**

podium configurations, except that the dimensions are not applicable to portions of the structured parking below grade.

f. The maximum building width and/or depth may be increased by five percent (5%) through an administrative adjustment where one or more of the following applies:

- i. Based on some unusual aspect of the development site or the proposed development that is not shared by landowners generally within the Blue Hill district (e.g., unusual lot size, configuration, or surrounding parcelization patterns);**
- ii. Based on design considerations due to existing or proposed utilities or easements;**
- iii. Based on design considerations for the accommodation of life safety, ingress or egress requirements.**
- iv. Based on design considerations associated with the provision of public space in excess of the minimum requirements, and/or in support of a walkable public realm.**

2. Building Separation

- a. Multiple buildings may be constructed on a lot provided that each building or aggregation of buildings meets the maximum building dimensions.**
- b. Where required, the minimum separation between two buildings on a lot shall be the distance between building facades measured parallel to the street frontage.**
- c. Unbuilt area used to meet building separation requirements shall be configured for Pedestrian Connectivity as defined in section 3.11.2.7.S.**
- d. Service drives and vehicular access may be provided between buildings. The roadway width shall not count towards meeting the minimum building separation unless the Town Manager determines that it functions effectively as shared pedestrian-vehicular space.**
- e. Multiple buildings arranged such that their combined width and/or depth does not exceed the maximum applicable dimensions shall not be subject to Building Separation requirements."**

SECTION 12

Section 3.11.3.5. Use Categories, Subsection A. Residential Uses, subsection 4. is hereby revised to read as follows:

- "4. *Limited Use.* **Unless exempted below,** ~~r~~Residential uses in the ~~WX-5 and WX-7~~ ~~subdistricts~~ **Limited Use category** 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 minimums defined below **in items a. or b.** 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.
- c. **Exemption for Townhouses and Stacked Townhouses. A non-residential use is not required in an application for Attached Living or Multifamily Living that is limited to meet the following conditions:**
 - i. **no more than two residential units are stacked vertically at any single location;**
 - ii. **the application in total is for sixty units or less; and**
 - iii. **at least one-half of the residential units has less than 1,800 square feet of floor area."**

SECTION 13

Section 3.11.4.1. Parking and Access Standards, Subsection C. Required Parking, subsection 1. is hereby revised to read as follows:

"1. *Reductions*.

- a. A reduction of up to twenty (20) percent of the minimum number of required vehicular parking spaces may be permitted through the granting of an alternative ratio by the town manager if, based on substantial evidence, the manager finds that compliance with the full minimum off-street vehicular parking space requirements of this section would not be required by the applicant's proposed use. This reduction applies to bicycle parking spaces as well, provided that the ratio between Class A and Class B spaces remains the same as the requirement in this section.
- b. A total reduction of up to forty (40) percent of the minimum number of required vehicular and bicycle parking spaces may be permitted for projects serving the elderly or handicapped, following a positive recommendation from the planning director and approval of the town manager.
- c. Motorcycle and scooter parking may substitute for required parking spaces. Existing parking may be converted to take advantage of this provision.
 - i. Motorcycle and scooter parking may substitute for up to five (5) vehicle spaces or five (5) percent of the required parking spaces, whichever is less. For every two (2) motorcycle or scooter parking spaces provided, the vehicle parking space requirement is reduced by one (1) space.
 - ii. Motorcycle and scooter parking spaces must be identified or designated through the use of signage or pavement markings.
- d. A reduction of up to twenty (20) percent of the minimum parking requirements may be achieved by providing a transportation management plan subject to approval by the town manager or subject to approval by the town council if the proposed use requires town council approval. The transportation management plan shall identify efforts to promote the use of alternate modes of transportation and may include required parking and/or payment to the Town of

Chapel Hill Parking Fund in accord with Chapter 11A of the Chapel Hill Code of Ordinances for a portion of the required spaces.

e. A reduction of up to fifty (50) percent of the minimum number of required vehicular parking spaces is permitted if the mix of uses within a proposed development contains at least twenty-five (25) percent of the floor area devoted to Residential uses and at least twenty-five (25) percent of the floor area devoted to Commercial uses.

ef. A reduction of the number of required spaces may be achieved through a shared parking analysis certified by a professional engineer and subject to approval by the town manager. Such an analysis may include, where appropriate, considerations of peak hour usage, mode split, internal capture, remote parking as defined in this section, transportation demand management, and other approved parking management strategies.

fg. Nothing in this section precludes an applicant from pursuing Shared Parking as outlined in Section 5.9.3."

SECTION 14

Section 3.11.4.7. Administration of Form Districts, Subsection D. Certificate of Appropriateness, subsection 1b. is hereby revised to read as follows:

"b. For purposes of this Section 3.11, "exterior architectural features" shall include the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the following: kind and texture of the building material, type and style of all windows and doors, orientation and treatment of building entrances, building elements as described in Section 3.11.2.6, type and style of light fixtures, quality of associated streetscape environment, quality **and activation** of ~~building pass-throughs~~ **pedestrian connectivity routes**, quality and activation of associated outdoor amenity spaces, screening of associated vehicular and services areas, cohesive design aesthetic for all buildings and structures on the site, and appropriate transitions to surrounding development.

Accessory utility features further includes the screening of transformers and cabinet structures, as well as the appearance of visible stormwater control measures at grade. Review should give consideration toward the hierarchy of street-facing facades as they relate to the different frontage types. For development along streets with Type C Frontage requirements, the Community Design Commission shall review and approve certificates of appropriateness consistent with 3.11.4.2.C.2.a."

SECTION 15

Section 3.11.4.8.B Defined Terms is hereby revised to insert and remove the following definitions in appropriate alphabetical order:

"Building depth means the largest total dimension of a building footprint measured perpendicular to the primary frontage.

Building width means the largest total dimension of a building footprint measured parallel to the primary frontage.

~~Building Pass through means a publically accessible passage between or through buildings that allows, at a minimum, pedestrians and bicyclists to move from one (1) side of building to another through a privately owned or publically dedicated area. A building pass through includes but is not limited to a through street, an alley, a bicycle and pedestrian pass-through, trail, greenway or other similar passage; vehicles may be allowed as desired by the applicant.~~

Pedestrian Connectivity means a publically accessible route between buildings that allows pedestrians to move from one (1) side of a building or lot to another through a privately owned or publicly dedicated area. The route must connect to or allow future connection to other such routes, sidewalks, greenways, or thoroughfares. Pedestrian connectivity may include a through-street or alley, and may be designed as a trail, greenway or other similar passage. Vehicular use may be allowed as desired by the applicant, provided that the design of the pedestrian route prioritizes pedestrian movements.

SECTION 16

This ordinance shall be effective upon enactment.

This the 19th day of February, 2020.

RESOLUTION B

(Denying the Land Use Management Ordinance Text Amendment)

A RESOLUTION DENYING A PROPOSAL TO AMEND SECTION 3.11 OF THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE TO UPDATE STANDARDS FOR BUILDING MASSING AND PERMEABILITY IN THE BLUE HILL DISTRICT (2020-02-19/R-8)

WHEREAS, on March 14, 2018, Council members petitioned the full Council to consider solutions for the Blue Hill District that would address several community interests, one of these being building size and massing concerns; and

WHEREAS, the Council of the Town of Chapel Hill has considered the Town-initiated proposal to amend the Land Use Management Ordinance to update standards for building massing and permeability in the Blue Hill District, in response to one of the petition interests, 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 Town-initiated proposal to amend the Land Use Management Ordinance to update standards for building massing and permeability in the Blue Hill District.

This the 19th day of February, 2020.



February 13, 2020

Review: Changes to Blue Hill Massing and Permeability

Reviewed by: Brian Peterson, AIA, Urban Designer, Town of Chapel Hill

This memorandum serves as a review of the proposed changes to Section 3.11 of the Land Use Management Ordinance regarding massing and permeability in the Blue Hill District. The review is based upon the Staff Technical Report prepared for the Council Regular Meeting on 02-19-20.

Objectives

The stated objectives of the new massing standards include increasing pedestrian connections, increasing visual permeability, and reducing the visual impact of taller buildings. These concerns will form the basis for the following comments. Based upon my review, I feel that the proposed changes will indeed improve the Form-Based Code in achieving these objectives.

A-1 Building Mass

1. Building Width and Depth: the proposed dimensions allow for the accommodation of typical planning and layout modules for residential, office, and parking configurations, allowing for flexibility in potential uses that can be accommodated in the footprints. The limitations in the size of building footprints will have the effect of making it more difficult to design large monolithic singular buildings especially for residential uses. Allowance for the secondary wings will encourage building massing units to project out from the main form which can help reduce the scale of larger buildings.
2. 330'x200' with wrapped parking-when this building is shown for visual impact on page 6 of the report it is noted that the parking deck must be wrapped on at least 2 sides. Suggest language to clarify that for a building at a street corner, the two street fronting sides must be wrapped.

Planning Staff Response: Agree. This suggestion is consistent with other elements of the Text Amendment. Staff will update the ordinance to specify this requirement.

3. 275'x210' without wrapped parking-this footprint has considerable depth at 210'. The plan dimensions would adequately accommodate larger office, hotel or courtyard apartment buildings, but consideration should be given as to whether the additional wing should be allowed here.

Planning Staff Response: One purpose of the wings is to allow multifamily buildings to yield a sufficient number of units for development viability, as determined by the economic analysis. Staff would therefore recommend that the secondary wing still be allowed for each configuration. However, we can add a stipulation that the wing must have public realm

frontage (ie adjoining a street, greenway, or amenity space). This would expand the opportunity for buildings in the District to frame and shape public space.

4. Secondary Wings- the building wings as proposed have a number of advantages. They allow extensions to the floor plan without adding depth to the entire floor plate. They also create an “L” shaped building mass, which begins to define an outdoor space, and paired with other similar “L”s and “U” shaped buildings, create a series of outdoor courtyards positively defining outdoor rooms.

5. The wings appear to be a natural way to expand buildings in the future. Is future expansion considered as part of the code?

Planning Staff Response: While we have not previously contemplated this, the proposed framework should be able to accommodate opportunities for future building expansion. The secondary wing standard would lead to building additions / adjoining buildings having smaller footprints than the main building, providing a variation in mass and scale.

6. Corner Lots-text states the ability to use the larger dimension along *both* streets. Suggest revising to say *either* for clarification.

Planning Staff Response: Agree. The intent of this provision is for the larger dimension to be measured along only one street, the primary frontage. Staff will update the ordinance to provide this clarification.

A-2 Building Separation

7. The building separation standard is a substantial improvement on the current pass-through requirements, which can result in a tunnel like space with minimal value in building separation. Under these proposed standards, the maximum dimension of a building separation, in terms of height of the space to width, would be a space 30’ wide and about 90’ tall: that is a 3:1 proportioned space and while at the upper end, is considered within an acceptable range in terms of best practices of urban design.

8. Pedestrian Connection-suggest adding a note that the 8’ sidewalk required within the separation area be directly connected to the sidewalk along the street frontage and to pedestrian paths/sidewalks to the interior of the block.

Planning Staff Response: Agree. Staff will update the ordinance to ensure that connectivity with other sidewalks is clearly specified.

9. Building Articulation: within the building separation area, the ground floor is most important in creating a welcoming pedestrian experience. Should the word “allowed” be revised to “encouraged” or “required”?

Planning Staff Response: Agree that balconies, awnings, and other articulation methods should be encouraged. As a way to encourage these elements, the proposed ordinance allows them to extend into the required building separation area (with the separation distance still being measured between the main facades). The ordinance would also update

the CDC's review charge to include evaluating the design quality of the spaces between buildings.

10. Vehicular Functions-suggest that any drives within the separation areas, be designed as "Woonerfs" or plaza-like spaces where pedestrians, bikes, and vehicles share the space. The alley or street dimension would still not count as part of the minimum separation width.

Planning Staff Response: Agree that 'woonerf's and shared spaces would contribute to the walkability of the District. Staff recommends that at this time, conventional vehicular-oriented drives still be allowed (with a separate 8' sidewalk) for service and emergency access purposes. Shared streets could be a topic for further study and potential future revision, upon determining roadway design criteria that function effectively for both pedestrians and emergency vehicle access.

B-2 Townhouses

11. The revised requirements for townhouses can potentially enhance the opportunity for "missing middle" units in the district. For townhouse projects that exceed conditions (I) & (ii), should live/work be considered an acceptable non-residential use?

Planning Staff Response: Live/work units would be permitted in the WX-5 and WX-7 Subdistricts (where both residential and commercial uses are allowed). Staff's interpretation is that the commercial/office component of the unit would be a non-residential use that could count towards the required minimum in a residential project.

B-4 Structured Parking Setback

12. For corner sites where a Type A frontage is on one side and a differing frontage type is along the other it is suggested that any exposed parking structure along the Type B or C frontage should be located a minimum distance (30') away from the corner.

Planning Staff Response: Current standards require a Type A frontage treatment to continue for 75 feet around a street corner when the intersecting street has a less restrictive frontage. This would prevent an exposed parking structure in proximity a Type A street.

SUMMARY OF BLUE HILL MASSING REVIEW COMMUNITY DESIGN COMMISSION

January 28th, 2020

The Community Design Commission conducted a review of the updated proposed standards for the Blue Hill Form Based Code on January 28th, 2020. The commission agreed on several points which are captured in the first portion below. Individual comments are noted in the latter portion.

Commission Consensus

- While the Commission was supportive of maximum building dimensions, they thought the proposed standards were not going far enough in addressing Council's concerns that buildings are simply too big.
- The Commission agreed that including townhomes and stacked townhomes as a building typology in Blue Hill (without requiring a commercial component) was a positive.
- The Commission was supportive that building separation be held at a minimum of 30'.
- The Commission agreed that reducing parking structure setbacks and allowing stand-alone parking decks are options that could be included, but there were varying opinions on the desirability of those options. The Commission reiterated that their review of the screening and architectural quality of all sides of decks is important.

Individual Comments

- Clear pedestrian connections from every project to surrounding sites and destinations needed to be addressed.
- There were mixed opinions on allowing a full top floor plate for four-story buildings. This could encourage 4-story buildings but remove an opportunity for mass variation.
- Building separation areas should be beneficial to the public with usable spaces and engaging site features, and perhaps should be wider than 30'.
- Design Guidelines should be revisited to determine if new standards are needed for building separation spaces and how those facades are reviewed.
- Encouragement for the use of greenery on the facades of parking decks, including structured supports as interesting architectural features.
- Standalone parking decks could lead to shared parking opportunities.
- Ground floor active use of parking decks is important, and there should be connections within decks to retail uses.

SUMMARY OF BLUE HILL MASSING REVIEW COMMUNITY DESIGN COMMISSION

- Examine parking requirements overall to see if they should be reduced and/or dictated by the market.
- Consider increasing the requirement for Outdoor Amenity Space above 6% as a way to reduce the massing of buildings.
- Limiting the square footage of townhomes may be unnecessary.
- Consider keeping the existing building pass-through rules as an option, but require them to be wider.
- There is still a need for an overall plan of connected green spaces and pedestrian ways throughout the District.

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 BLUE HILL MASSING STANDARDS TEXT AMENDMENT

January 7, 2020

Recommendation: **Approval** ☒ **Approval with Conditions** ☐ **Denial** ☐

Motion: Neal Bench moved and Melissa McCullough seconded a motion to recommend that the Council find the text amendment consistent with the Comprehensive Plan.

Vote: 7 – 1

Yeas: John Rees (Chair), Louie Rivers (Vice-Chair), Neal Bench, Michael Everhart, Melissa McCullough, Whit Rummel, Buffie Webber

Nays: Stephen Whitlow

- Reason for Nay: Cited too many unknowns, and that there should be a broader scope for addressing what is needed in the Blue Hill District.

Recommendation: **Approval** ☐ **Approval with Conditions** ☒ **Denial** ☐

Motion: Melissa McCullough moved and Neal Bench seconded a motion to recommend that the Council approve Ordinance A as presented, with a condition to encourage a variety of housing types, especially the missing middle, and to drop the 10% commercial requirement if necessary to achieve those housing types.

Vote: 7 – 1

Yeas: John Rees (Chair), Louie Rivers (Vice-Chair), Neal Bench, Michael Everhart, Melissa McCullough, Whit Rummel, Buffie Webber

Nays: Stephen Whitlow

- Reason for Nay: Cited too many unknowns, and that there should be a broader scope for addressing what is needed in the Blue Hill District.

Prepared by: John Rees, Chair
Michael Sudol, Planner II



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 10., **File #:** [20-0131], **Version:** 1

Meeting Date: 2/19/2020

Consider a Land Use Management Ordinance Text Amendment - Proposed Changes to Section Articles 3 and 4 Pertaining to Conditional Zoning.

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: Kari Grace, Senior Planner

- a. Introduction and revised recommendation
- b. Recommendation of the Planning Commission
- c. Comments from the public
- d. Comments and questions from the Mayor and Town Council
- e. Motion to adjourn the Public 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 close the public hearing regarding the Land Use Management Ordinance text amendment, adopt the Resolution of Consistency, and enact Ordinance A.



CONSIDER A LAND USE MANAGEMENT ORDINANCE TEXT AMENDMENT – PROPOSED CHANGES TO ARTICLES 3 AND 4 PERTAINING TO CONDITIONAL ZONING

STAFF REPORT

TOWN OF CHAPEL HILL PLANNING DEPARTMENT

Judy Johnson, Interim Director

Alisa Duffey Rogers, Land Use Management Ordinance Project Manager

Kari Grace, Senior Planner

AMENDMENT REQUEST

Amend portions of Articles 3 and 4 of the Land Use Management Ordinance (LUMO) to 1) allow additional uses as part of conditional zoning and 2) make changes to concept plans related to conditional zoning requests.

DATE

February 19, 2020

TOWN MANAGER'S REPORT AND RECOMMENDATION

I have reviewed and discussed the key issues with Town staff. Based on the information in the record to date, I believe the Council could consider the factors required to approve the Ordinance and should close the public hearing regarding the Land Use Management Ordinance text amendment. Of the three factors for consideration listed below in the Process section, changing conditions and achieving purposes of the Comprehensive Plan are most applicable as the proposed text amendment provides expanded use of conditional zoning as a regulatory tool, which is growing in use across the state and would offer a legislative option for considering multifamily development.

Because the proposed text amendment is consistent with the Comprehensive Plan, I recommend that the Council adopt the Resolution of Consistency and enact Ordinance A.

UPDATES SINCE THE PUBLIC HEARING

Based on discussion and feedback from the [November 13, 2019](#)¹ public hearing, staff held an additional public information meeting. The extra meeting reached additional residents and provided clarification of the proposed changes to attendees.

PROCESS

The Council must consider the following **three factors** for enactment of the Land Use Management Ordinance Text Amendment:

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.

DECISION POINTS

- The proposed changes to the Ordinance are to provide consistency regarding Concept Plans and to allow multifamily developments with more than seven dwelling units on a lot as conditional zoning applications.
- The Planning Commission recommended that the Council enact the proposed amendments.

CONSISTENCY WITH COMPREHENSIVE PLAN

The proposed text amendment promotes the following Chapel Hill 2020 Comprehensive Plan goals:

- A range of housing options for current and future residents (A Place For Everyone.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)
- 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)

¹ <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=4224797&GUID=C02528D7-22ED-4F40-BABA-1DEA164BEC8F&Options=&Search=>

TEXT AMENDMENT OVERVIEW

On November 29, 2017, the Council [adopted amendments](#)² to the zoning amendment procedures and conditional district text of the LUMO to allow conditional zoning. On May 1, 2019, the Council [adopted an administrative procedural change](#)³ to the conditional zoning procedures to allow concurrent consideration of land use plan amendments proposed alongside conditional zoning applications.

Current concept plan procedures for conditional zoning are inconsistent with concept plan procedures for special use permits. At the time of concept plan, applicants may not know whether they will submit future applications as a special use permit or conditional zoning. Different concept plan thresholds create confusion for both the applicant and the community. The proposed text amendment seeks to make the thresholds for both application types the same.

Additionally, there is currently limited opportunity for an application path that would allow multifamily development over seven dwelling units on a lot without a special use permit. The proposed text amendment would allow such multifamily development with an approved conditional zoning in the Residential-6-Conditional Zoning (R-6-CZ) district.

ATTACHMENTS

1. Text Amendment Summary
2. Draft Staff Presentation
3. Resolution of Consistency (for proposed Land Use Management Ordinance amendment)
4. Ordinance A (Enactment of Land Use Management Text Amendment Proposal)
5. Resolution B (Deny Land Use Management Text Amendment Proposal)
6. Planning Commission Recommendation

² https://library.municode.com/nc/chapel_hill/ordinances/code_of_ordinances?nodeId=886103

³ <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=3931188&GUID=F1CD29B8-F6D3-4DC6-8573-EFFD72309476>



PROPOSED CHANGES: TEXT AMENDMENTS TO THE LAND USE MANAGEMENT ORDINANCE ARTICLES 3 AND 4 REGARDING CONDITIONAL ZONING

The following is a summary of the proposed text amendments to revise concept plan procedures, allow additional uses as part of Conditional Zoning, and clarify other development application processes regarding the Conditional Zoning process as detailed below.

1. Section 3.7.2 Use Matrix

- Adds "CZ" in the Use Matrix table for the multifamily over seven dwelling units use in the Residential-6 (R-6) zoning district
- Allows multifamily development with more than seven dwelling units in a Residential-6-Conditional Zoning (R-6-CZ) district, which requires approval through conditional zoning

2. Section 4.3.1 Applicability

- Changes to Concept Plan thresholds for Conditional Zoning
- Provides consistency for all Concept Plan submittals

3. Section 4.6.3 Classification of Subdivision

- Changes to include conditional zoning applications in reference to prior approvals
- Provides consistency in referencing prior approvals

4. Section 4.6.4.1. Procedures for Approval of Minor Subdivisions

- Changes to include conditional zoning applications in reference to prior approvals
- Provides consistency in referencing prior approvals

5. Section 4.6.4.2 Procedures for approval of minor subdivisions—Planning commission review

- Changes to include conditional zoning applications in reference to prior approvals
- Provides consistency in referencing prior approvals

6. 4.7.1. Applicability

- Changes to include conditional zoning applications in reference to prior approvals
- Provides consistency in referencing prior approvals

7. Section 4.9. - Zoning compliance permit

- Changes to include conditional zoning applications in reference to prior approvals
- Provides consistency in referencing prior approvals



Land Use Management Ordinance Text Amendment: Conditional Zoning

Town Council Meeting
February 19, 2020

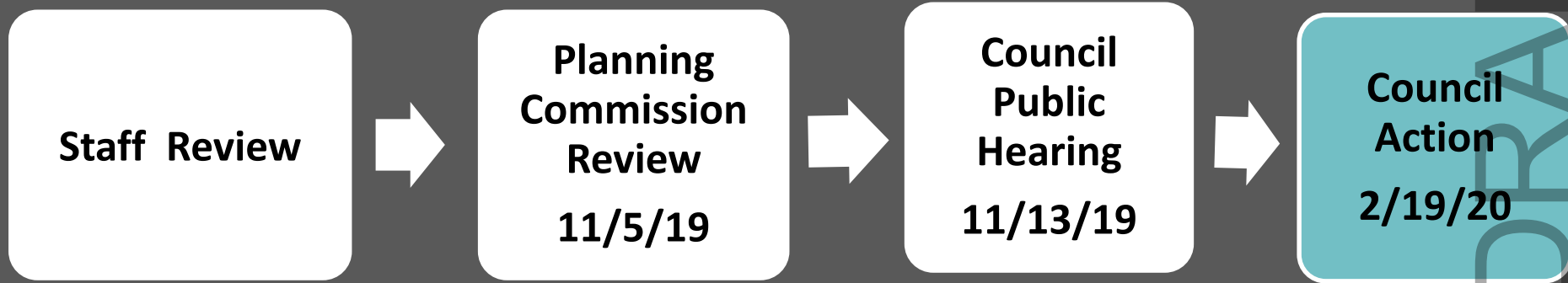
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RECOMMENDATION

- Close public hearing
- Adopt Resolution of Consistency
- Enact Ordinance A

DRAFT

Text Amendment Process



Conditional Zoning Text Amendment Background

November 2017: Conditional zoning added to LUMO

Eligible districts: R-5, R-6, HR-X, TC-1, TC-2, TC-3, CC, N.C., OI-3, OI-2, OI-1, and MU-V

DRAFT

Conditional Zoning Background

Conditional Zoning: a legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment

- Creates a new, parallel zoning district
- Conditions are mutually agreed to by applicant and Town
- Accompanying site plan

Conditional Zoning Background | Notification & Participation

- Notifications same as conventional rezoning and special use permits
 - Mailed notices to 1000' of property, newspaper, website, property sign
- Public Information Meeting, Advisory Board Meetings, Council Meetings

DRAFT

Conditional Zoning Background

Conditional Zoning	Special Use Permit
Legislative	Quasi-judicial
Discretionary	Findings of fact
Communication outside of public hearing allowed	No ex-parte communication
Anyone	Parties with standing or witnesses
Fact or opinion based information	Fact-based evidence only

DRAFT

Conditional Zoning | Decision Points

Winter 2020

- Provide consistency for Concept Plans
- Allow multi-family development over 7 dwelling units as conditional zoning applications

DRAFT

Conditional Zoning Text Amendment Background

Current multifamily over 7 units approval paths:

Commercial and office districts 20/40 Rule →	Special Use Permit
Planned Development →	
Conditional Use Zoning →	
Some office/institutional districts	Site Plan
Development Agreement	

DRAFT

Path for multifamily development through Conditional Zoning

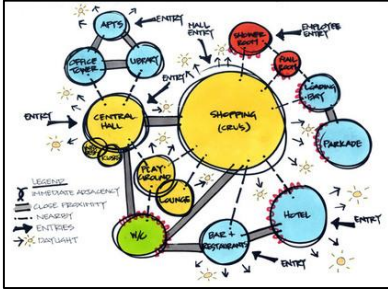
Conditional Zoning Text Amendment | *Section 3.7.2 Use Matrix*

- Multifamily developments with >7 dwelling units generally require SUP
- Proposed amendment adds “CZ” to the R-6 district in the use table
- Would allow use as a principal use in an R-6-CZ district without requiring SUP

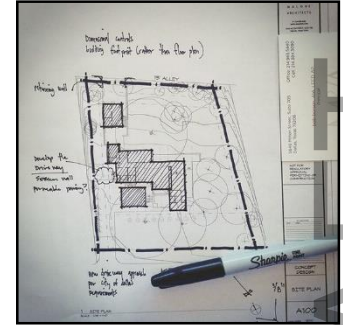
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-
- Zoning Overlay Districts**
- Districts**
- Legend:**
- RT
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 - RM
 - RM-1A
 - RM-1B
 - RM-2A
 - RM-2B
 - RM-3
 - RM-3.5
 - RM-4
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Conditional Zoning Amendment | *Section 4.3.1 Concept Plan Review Applicability*



Concept Plans



- Concept plans – initial sketch, preliminary feedback
- Reviewed by Community Design Commission
- All concept plans for conditional zoning (except LI-CZD) reviewed by Council

Conditional Zoning Amendment | *Section 4.3.1 Concept Plan Review Applicability*

- Different review thresholds contribute to confusion
- Proposed amendment would make thresholds consistent for all types of development approvals
- All conditional zoning requests reviewed and decided by Council

DRAFT

Conditional Zoning Amendment

- Housekeeping of LUMO
- Reference to conditional zoning as approval process in other development application procedure sections:
 - Subdivision
 - Site Plan
 - Zoning Compliance Permit

DRAFT

RECOMMENDATION

- Close public hearing
- Adopt Resolution of Consistency
- Enact Ordinance A

DRAFT

RESOLUTION OF CONSISTENCY

(Enacting the Land Use Management Ordinance Text Amendment)

A RESOLUTION REGARDING AMENDING ARTICLES 3 AND 4 OF THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE RELATED TO CONDITIONAL ZONING AND CONSISTENCY WITH THE CHAPEL HILL 2020 COMPREHENSIVE PLAN (2020-02-19/R-9)

WHEREAS, the Planning Commission reviewed the text amendment to Articles 3 and 4 on November 5, 2019 and recommended that the Council enact the text amendment at its meeting on February 19, 2020; and

WHEREAS, the Council of the Town of Chapel Hill has considered the proposed text amendment to the Land Use Management Ordinance (LUMO) Articles 3 and 4 related to the conditional zoning, 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 (A Place For Everyone.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)
- A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 comprehensive plan (Good Places, New Spaces.3)

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds the proposed text amendment to be reasonable and consistent with the Town Comprehensive Plan.

This the 19th day of February, 2020.

KEY:

"—" Not Permitted;

"S" Permitted as a special use;

"A" Permitted as an accessory use; In LI-CZD refer to Article 6 of this appendix for standards applicable to accessory uses labeled as "AY".

"P" In OI-3, OI-4, LI-CZD and MH: Permitted as a principal use;

"CZ" Permitted as a principal use in a parallel Conditional Zoning District;

"Y" In LI-CZD, permitted under additional prescribed standards in section 6.22

"Z" In LI-CZD, permitted when the town council approves this use as a part of a conditional zoning district rezoning application. Additional prescribed standards in [section 6.22](#) apply to a use labeled as "YZ".

Section 2. Section 4.3.1 Applicability, subsections a. and b.1. are hereby revised to read as follows:

"(a) Proposals subject to review by community design commission.

This section applies to any:

- (1) Special use permit or a special use permit modification; or
- (2) Master land use plan or a master land use plan modification; or
- (3) Major subdivisions; or
- (4) Conditional zoning, except for the light-industrial conditional zoning district (LI-CZD).

(b) Proposals subject to additional review by town council.

- (1) ~~All conditional zoning applications except for the light industrial conditional zoning district (LI-CZD), and Those~~ applications listed in subsection 4.3.1.(a) that meets any of the minimum thresholds established in subsections (1) or (2), below, shall require town council review as provided in section 4.3.2, below, in addition to community design commission review."

[No changes to table in b.1.]

Section 3. Section 4.6.3 Classification of Subdivision, subsection a. is hereby revised to read as follows:

"(a) Minor subdivision—Administrative review.

- (1) The minor subdivision—administrative review approval process is a one-step procedure involving town manager approval of a final plat. A "minor subdivision—administrative review" includes any subdivision pursuant to an approved zoning compliance permit for a two-family or multifamily townhouse development, an approved special use permit for a planned development, **an approved conditional zoning,** or an approved commercial subdivision."

Section 4. Section 4.6.4.1. Procedures for Approval of Minor Subdivisions—Administrative Review, subsection b.1. paragraph 1 is hereby revised to read as follows:

"(b) Action on application.

- (1) When he/she accepts an application, the town manager shall evaluate the plat for compliance with all applicable regulations, including any applicable conditions of an approved zoning compliance permit, special use permit, **or conditional zoning.**

He/she shall take action on an application based solely on his/her findings as to compliance with applicable regulations and conditions. He/she shall:"

Section 5. Section 4.6.4.2 Procedures for approval of minor subdivisions—Planning commission review, subsection b.(1) paragraph 1 is hereby revised to read as follows:

"(b) Action on application.

- (1) When he/she accepts an application, the town manager shall evaluate the plat for compliance with all applicable regulations, including any applicable conditions of an approved zoning compliance permit, special use permit, **or conditional zoning.** The town manager shall forward his/her report to the planning commission with a recommendation."

Section 6. Section 4.7.1. Applicability subsection d. is hereby revised to read as follows:

*"(d) Any development pursuant to an approved certificate of appropriateness, **conditional zoning,** or special use permit including special use permits that are no longer necessary and have therefore been abandoned, provided the town manager finds that no modifications are proposed to the plans and conditions in the area have not changed significantly;"*

Section 7. Section 4.9. - Zoning compliance permit, subsections 4.9.2. b. paragraph 1 and e.1. are hereby revised to read as follows:

"(b) Action on the application. The town manager shall take final action on the application. Final action on an application shall be based solely on findings as to compliance with all applicable provisions of this chapter, including all applicable conditions of an approved special use permit, **conditional zoning,** major or minor subdivision, site plan review, or certificate of appropriateness, and shall be one of the following:"

"(e) Modification of zoning compliance permits.

- (1) The town manager may approve a modification of zoning compliance permit for changes to plans approved under site plan review, special use permit, **conditional zoning,** major or minor subdivision, as long as such changes continue to comply with the approving action and all other applicable requirements. The town manager shall not have the authority to approve a modification for any substantial changes to plans approved under site plan review unless such changes are specifically required by a condition of approval."

Section 8. This ordinance shall be effective upon enactment.

This the 19th day of February, 2020.

RESOLUTION B

(Denying the Land Use Management Ordinance Text Amendment Proposal)

**A RESOLUTION DENYING AMENDING THE LAND USE MANAGEMENT ORDINANCE
ARTICLES 3 AND 4 RELATED TO CONDITIONAL ZONING (2020-02-19/R-10)**

WHEREAS, the Planning Commission reviewed the draft text amendment to amend the Land Use Management Ordinance on November 5, 2019 and recommended that the Council enact the text amendment at its meeting on February 19, 2020; and

WHEREAS, the Council of the Town of Chapel Hill has considered the proposal to amend the Land Use Management Ordinance related to conditional zoning, 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 finds the proposed Land Use Management Text Amendment to be unreasonable, not in the public interest, and inconsistent with the Town's Comprehensive Plan.

This the 19th day of February, 2020.

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 LAND USE MANAGEMENT ORDINANCE TEXT AMENDMENT REGARDING CONDITIONAL ZONING

November 5, 2019

Resolution of Consistency:

Recommendation: Approval ☒ Approval with Conditions ☐ Denial ☐

Motion: Michael Everhart moved and Whit Rummel seconded a motion to find that the Land Use Management Ordinance Text Amendment regarding Conditional Zoning is consistent with the Chapel Hill 2020 Comprehensive Plan.

Vote: 8-0

Yeas: John Rees (Chair), Neal Bench, Michael Everhart, Melissa McCullough, Louie Rivers, Whit Rummel, Buffie Webber, Stephen Whitlow

Nays:

Ordinance A:

Recommendation: Approval ☒ Approval with Conditions ☐ Denial ☐

Motion: Melissa McCullough moved and Michael Everhart seconded a motion to recommend that the Council approve the Land Use Management Ordinance Text Amendment regarding Conditional Zoning.

Vote: 8-0

Yeas: John Rees (Chair), Neal Bench, Michael Everhart, Melissa McCullough, Louie Rivers, Whit Rummel, Buffie Webber, Stephen Whitlow

Nays:

Prepared by: Michael Sudol, Planner II