

**DRAFT SUMMARY MINUTES OF A BUSINESS MEETING
OF THE CHAPEL HILL TOWN COUNCIL
WEDNESDAY, OCTOBER 25, 2017, AT 7:00 PM**

Council Members Present: Mayor Pam Hemminger, Mayor pro tem Donna Bell, Council Member Jessica Anderson, Council Member George Cianciolo, Council Member Sally Greene, Council Member Ed Harrison, Council Member Nancy E. Oates, Council Member Maria T. Palmer, and Council Member Michael Parker.

Staff members present: Town Manager Roger L. Stancil, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Communications Manager Catherine Lazorko, Deputy Town Clerk Amy Harvey, Director of Planning and Development Services Ben Hitchings, Senior Planner Aaron Frank, Interim Operations Manager for Planning and Development Services Judy Johnson, Senior Planner Kay Pearlstein, Planner Kayla Seibel, Transportation Planning Manager Bergen Watterson, Fire Inspector Donnie Morrissey, Communications Specialist Mark Losey, Traffic Engineering Manager Kumar Neppalli, Police Officer Rick Fahrer, and Communications and Public Affairs Director and Town Clerk Sabrina Oliver.

OPENING

Mayor Hemminger called the meeting to order at 7:00 p.m. Noting that October was National Disability Awareness Month, she said that the Town wanted to acknowledge the talents and contributions of disabled individuals and confirm Town values of inclusiveness.

Mayor Hemminger noted that 81 third graders had recently visited the Town offices.

Mayor Hemminger described upcoming Halloween events and said that downtown streets would be closed for "Homegrown Halloween" on October 31st from 8:00-10:30 p.m. She also announced that the Town's Public Works Department had won a Transportation Management Plan award for installing trails and infrastructure throughout Town.

Mayor Hemminger pointed out that Item 2 had been removed from the agenda until the next Council meeting.

CONSENT

1. Approve all Consent Agenda Items. (R-1)
2. Call a Public Hearing to consider a text amendment, initiated by the Town Manager, expanding the use of conditional zoning, and referring the proposed text amendment to the Planning Commission. (R-2)

INFORMATION

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

Item was received as presented.

DISCUSSION

4. [Consider an Application for Special Use Permit Modification - Cedars at Meadowmont Healthcare Phase III, 101 Green Cedar Lane. \(Project #17-047\). \(R-3\)\(R-4\)](#)

Senior Planner Aaron Frank gave a brief PowerPoint presentation on a request to modify the special use permit (SUP) for The Cedars, located in Meadowmont. He reviewed the modification process, and said that the request had met the four findings of fact required for approval. Mr. Frank noted that the applicant had submitted a revised statement of justification for the request. He explained that the proposed changes included increases in allowable floor area, impervious surface, and an increase in the number of parking spaces for the DuBose Health Center. Mr. Frank recommended that the Council adopt Resolution 3 approving the SUP modification.

COUNCIL MEMBER MICHAEL PARKER MOVED, SECONDED BY MAYOR PRO TEM DONNA BELL, TO CLOSE THE PUBLIC HEARING. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0) .

COUNCIL MEMBER MICHAEL PARKER MOVED, SECONDED BY MAYOR PRO TEM DONNA BELL, TO ADOPT R-3. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0) .

[A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT MODIFICATION FOR CEDARS AT MEADOWMONT HEALTHCARE PHASE III AT 101 GREEN CEDAR LANE \(PROJECT #17-047\) \(2017-10-25/R-3\)](#)

5. [Consider an Application for Special Use Permit - Alpha Phi Sorority, 219 East Rosemary Street \(Project #16-085\). \(R-5\)\(R-6\)](#)

Senior Planner Kay Pearlstein opened the public hearing on a SUP proposal for a 7,750 square-foot addition to the Alpha Phi Sorority house, a two-parcel lot zoned R-6, and located in the Franklin Rosemary Historic District. She explained the proposal to expand one house and relocate the other, and said that the requested change pertained to the landscape plan. Ms. Pearlstein said that staff recommended the proposed changes to buffer widths, plantings, and encroachments, and that the Council adopt Resolution 5, which would approve those changes.

Council Member Oates confirmed that the smaller house would be moved from Friendly Lane to Johnson Street in the Pine Knolls neighborhood via an arrangement with EmPOWERment, Inc.

Landscape Architect Laura Moore described the proposed changes to landscaping, which she had

made in response to Council comments at an earlier meeting. The two changes included having shade trees "limbed" up to six feet from the ground, and keeping all shrubs underneath the sorority houses' windows, she said. Ms. Moore pointed out that she had changed the species of shrubs, and had slightly reduced the density. She provided a drawing of a cross-section view down Friendly Lane.

Council Member Oates verified with Josh Gurlitz, the developer, that the location of the porch had been changed after discussion with the Historic District Commission (HDC).

Mayor Hemminger asked about the material for sidewalks, and Mr. Gurlitz noted that the Council had requested Chapel Hill gravel rather than brick. He was comfortable with that change, but the HDC would need to approve it, he said.

Mayor Hemminger recommended proceeding with both materials. She said that both were currently on area sidewalks, and that she had heard that brick was safer.

COUNCIL MEMBER JESSICA ANDERSON MOVED, SECONDED BY MAYOR PRO TEM DONNA BELL, TO CLOSE THE PUBLIC HEARING AND ADOPT R-5. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0) .

[A RESOLUTION APPROVING AN APPLICATION FOR SPECIAL USE PERMIT FOR THE ALPHA PHI SORORITY, 219 EAST ROSEMARY STREET \(PROJECT #16-085\) \(2017-10-25/R-5\)](#)

PETITIONS FROM THE PUBLIC AND COUNCIL MEMBERS

- a. [Kidzu Regarding Co-locating a Parking Deck/Children's Museum on the Pritchard Park Property.](#)

Council Member Greene moved to receive and refer a petition from Kidzu Children's Museum to staff.

Council Member Oates inquired about the typical procedure for buying Town land.

Town Manager Roger Stancil replied that the Town Properties Task Force had recommended a set of guidelines for disposal of Town property. The Council had adopted those and the Town would follow them even though they had not yet been formalized, he said. Mr. Stancil proposed that he return to the Council with a recommendation regarding the Kidzu proposal.

Council Member Greene said she believed that the museum's board members thought they needed to take the current step to start a conversation with staff about the land. Then they would decide whether they actually wanted to pursue asking the Town's permission to use it, she said. Council Member Greene explained that the petition was asking staff to study whether the land would meet their needs or not.

Council Member Oates expressed concern about not having an open process, noting that others

might not realize that building on Pritchard Park is an option. Moreover, the petition was requesting staff time when it seemed to her that the applicant's time and money should be spent on deciding whether the land was something they want before making an offer, she said. Council Member Oates said that the American Legion Task Force, on which she served, was struggling with the Council's intent to sell land that could be used as park land when the community needed recreation space. The timing was off for entertaining the idea of selling more park, she said.

Council Member Anderson commented that she did not think the intent was to sell the land. It would be a partnership with the Town in which the Town would retain ownership, she said. Council Member Anderson said that she viewed Kidzu as being different from typical applicants because it provided something that was needed in the community. She compared it to the public library, and said that not supporting it could mean not getting it, which would be very sad for Chapel Hill.

Council Member Cianciolo pointed out that the Council was currently only considering referring the item to staff.

Council Member Greene moved to receive and refer the petition. She said that Kidzu board members had not been talked to about purchasing the land. They had asked to consult with staff about the property, and if it would meet their needs, she explained.

COUNCIL MEMBER SALLY GREENE MOVED, SECONDED BY COUNCIL MEMBER JESSICA ANDERSON, TO RECEIVE AND REFER THE PETITION. THE MOTION WAS ADOPTED BY A VOTE OF 8-1, WITH MAYOR PAM HEMMINGER, MAYOR PRO TEM DONNA BELL, COUNCIL MEMBER JESSICA ANDERSON, COUNCIL MEMBER GEORGE CIANCIOLO, COUNCIL MEMBER SALLY GREENE, COUNCIL MEMBER ED HARRISON, COUNCIL MEMBER MARIA T. PALMER, AND COUNCIL MEMBER MICHAEL PARKER VOTING AYE AND WITH COUNCIL MEMBER NANCY E. OATES VOTING NAY .

6. [Consider an Application for Special Use Permit Modification - Signature Health Care Expansion, 1602 East Franklin Street \(Project #16-120\). \(R-7\)\(R-8\)](#)

Ms. Pearlstein gave a brief PowerPoint presentation on the SUP modification request to expand Signature Health Care, a group care facility. She showed an area map and indicated the site on Elliott Road. She explained the request for a 9,600 square-foot addition to the facility and changes regarding vehicular and bicycle parking. Ms. Pearlstein noted that the property was one of the parcels that was exempt from the Blue Hill District form-based code even though they were situated in that district. She recommended approval of the SUP with adoption of Resolution 7.

COUNCIL MEMBER JESSICA ANDERSON MOVED, SECONDED BY MAYOR PRO TEM DONNA BELL, TO CLOSE THE PUBLIC HEARING AND ADOPT R-7. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0) .

A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT MODIFICATION FOR SIGNATURE HEALTH CARE OF CHAPEL HILL EXPANSION AT 1602 EAST FRANKLIN STREET (PROJECT #16-120) (2017-10-25/R-7)

7. Consider an Application for Special Use Permit Modification - Wegmans Grocery Store, 1810 Fordham Blvd (formerly 125 Old Durham Road) (Project #16-121). (R-9)(R-10)

Mr. Stancil said that a revised traffic plan that had been submitted would allow drivers to enter Wegmans' parking lot via a service road. That access would be for entering only, and the parking lot would be designed in a way that would point shoppers to exit via Old Durham-Chapel Hill (OD-CH) Road, he said. He added that the Town and the NC Department of Transportation (NC DOT) would monitor the effects on OD-CH Road, and that a stipulation in the SUP required the applicant to put up a \$150,000 bond for future traffic improvements. The Town had removed a five-year limitation, so those funds would be available whenever it was determined that traffic improvements were to be made, he said.

Mr. Stancil mentioned that the Town had had an additional public information meeting on October 24, 2017 to hear neighborhood traffic concerns. There had also been multiple conversations with the State Employees Credit Union (SECU), and UNC healthcare about the effect of Wegmans on their future development and on the entire area, he said. When those properties redevelop, there would have to be a revamping of the entire gateway into Chapel Hill, said Mr. Stancil. He stated that current solutions were for Wegmans, but that transportation improvements would grow as the area changed.

Council Member Harrison said that the October 24th meeting had been the first where people who live in the area had been able to raise that level of concern, and it ought to be a regular event.

Interim Operations Manager for Planning Judy Johnson gave a PowerPoint presentation regarding the 130,000 square-foot store, with 750 parking spaces, located on Fordham Boulevard. She provided additional information about the service road access, and repeated what Mr. Stancil had said about removing the five-year timeline regarding funds for one location. Ms. Johnson said that NCDOT and the Town would conduct traffic studies in the East Lakeview/Highway 15-501 area in spring 2018 to determine what needed to be done to meet warrants for a traffic signal, and other possible intersection improvements.

Ms. Johnson said that the service road access was the primary change since the public hearing. She showed how that would function, and outlined the benefits. She pointed out that the traffic consultant's analysis and answers to questions raised at the public hearing were included in the Council's information packets. She said that the applicant had agreed to increase the size of buffer trees. Staff was recommending approval of Resolution 9, and all of the modifications to regulations that had been discussed at public hearings except one regarding offsite signage, said Ms. Johnson.

Council Member Parker clarified with Ms. Johnson that staff had made a couple of editorial clarifications to Stipulations 12 and 19. Staff was recommending striking the last sentence in

Stipulation 19 regarding holding a payment for a maximum of five years, she explained.

Craig Scheffler, representing HNTB, discussed changes in the traffic analysis. In a PowerPoint presentation, he explained traffic changes since the original study, and discussed how recommended improvements had been updated to account for those. On an area map, he showed a new access option via the service road. He explained key elements of his analysis, and the rationale for doing traffic mitigation. The new access point would reduce traffic flow on Old Durham-Chapel Hill Road by 14 to 17 percent, Mr. Scheffler said.

Council Member Harrison asked about way-finding signage on Highway 15-501, and Ms. Johnson pointed out a stipulation for that to direct people leaving the site. However, staff did not believe that the Town could put specific signage on Highway 15-501, which was a NC DOT road, she said.

Council Member Oates asked what would prevent a driver from leaving Wegmans via the service road, and Mr. Scheffler replied that it would be a one-way/one lane entrance, with curves in the design and additional signs saying no right turn/no exit. He said that the goal was to have traffic flow be more efficient than it currently was.

Mr. Scheffler reviewed two sets of improvements, and explained how they were devised for the study. NC DOT and Town improvements primarily focused on bicycle and pedestrian movement along OD-CH Road, and the applicant would provide a median and other turn lane improvements, he said. Mr. Scheffler noted that there would also be improvements to intersections at Sage Road and at Eastowne and Lakeview Drives.

Council Member Parker said that residents had expressed concern about some of the side streets, and that he had not seen any of those intersections in the data. He asked Mr. Scheffler to address the impact on some of those smaller, auxiliary streets.

Mr. Scheffler replied that those side streets had not been included in the initial study area because the study had tried to account for where the majority of the traffic would go, and what intersections it was likely to use. Lakeview was a logical place to end the analysis, he said. However, after recently hearing citizens' concerns, some additional study of potential issues out there needed to happen, Mr. Scheffler acknowledged.

Justin Brown, an engineer with Pennoni Associates, said that the new service road access would resolve many of the concerns that had been discussed at the September public hearing. He gave a PowerPoint presentation showing three-dimensional views of the site. The applicant had agreed to integrate two electric vehicle charging stations if the transportation management plan warranted those, he said. Mr. Brown said the applicant also agreed to plant three-inch, rather than two-inch, caliper trees. Roof run-off would go into a cistern to be used for irrigation, he said.

Mr. Brown said that maintaining the clock tower was part of the agreement, and that Wegmans had agreed to overlaying pavement on Lakeview Drive. In response to concerns about customers pushing shopping carts across Old Durham-Chapel Hill Road, Mr. Brown said that customer

service representatives would be available to load groceries into cars at the front of Wegmans' store.

Mayor Hemminger clarified with Mr. Brown that the lot across the road would predominately be for employee parking, and that employees would be encouraged to park there.

Mr. Brown played a video showing a virtual drive through the site.

Council Member Anderson asked if the 175-space employee/alternative parking lot would ever be completely full, and Mr. Brown replied that the only possible times would be during shift changes.

Council Member Greene asked why the applicant was reluctant to identify the lot as being for employee parking, and Mr. Brown replied that it would never be completely filled with only employees' cars.

Council Member Greene asked about the possibility that employees would not find spaces, and Mr. Brown said that was why Wegmans had requested 750 spaces.

Mayor Hemminger commented that patrons would be more likely to park in the lot that was closer to the store.

Doris Smith, an Old Durham Road resident, said that she had not seen the revised plans before the previous evening. The project had been moving fast, and she would like to see the Planning Department take a few more weeks to work through issues that the public had expressed, she said. Ms. Smith cautioned against rushing to judgement, and said that more time might lead to a solution that would be friendlier to those who live in the neighborhood.

Developer Scott Radway, speaking on behalf of Cooper Square, showed a diagram of how the townhouses there would be affected by having Wegmans directly across the street. He said that widening Highway Durham-Chapel Hill Road would eliminate a brick wall and landscaping that had protected the townhouses. Mr. Radway argued for a better vegetative buffer, better facade or elevation, and a sidewalk on Cooper Street. He requested a performance agreement regarding the driveway to the service area. Mr. Radway asked for a \$30,000 irrevocable letter of credit in case the NC DOT did not provide enough funds to actually do the needed improvements on Cooper Square.

Lynn Kane, an area resident, said that Wegmans would be an asset to the area, and that she was encouraged to hear about the road improvements. Mr. Radway's request sounded reasonable, she said, adding that Cooper Square deserved some privacy.

Katie Loovis, representing the Chapel Hill-Carrboro Chamber of Commerce, praised the thoughtful process through which traffic concerns had been addressed. She said that Chamber members enthusiastically supported having a Wegmans in Town, and encouraged the Council to approve the resolution.

Leslie Bowman, a Cooper Square resident, expressed concern about the "employee" parking lot, stating that one of the exits lined up with the driveway to her condominium. She wondered how difficult it would be to turn left out of her driveway, she said.

Mayor Hemminger told Ms. Bowman that the applicant would respond to her question during later comments.

Linda Convissor, a White Oak Drive resident, pointed out that the traffic study had not included her dead-end street just east of Lake View Drive. She said that two non-residential uses on White Oak Drive had already caused conflicts with traffic. The residents on White Oak Drive supported Wegmans, but were concerned about its unintended consequences, she said. Ms. Convissor asked for a stipulation requiring traffic counts over the next year. She also requested that the applicant be required to address any safety or level of service mitigation that might be needed.

Adam Smith, an arborist, said that a three-caliper tree would have an initial "pop" but a two-caliper tree would be a third bigger in five years. He also said that most people drive over the speed limit on Old Durham-Chapel Hill Road, where there were blind driveways. The Town had not tried to control that in the way that it had controlled speed on Weaver Dairy Road and more traffic would add to the difficulties, he said.

Council Member Palmer confirmed with Mayor Hemminger that the Council had asked the applicant to change the tree caliper size. She wondered if the Council should backtrack on that point, she said.

Mayor Hemminger asked the applicant to respond regarding the Cooper Square issues.

Mr. Brown displayed images of the area as it currently existed, and said that Wegmans was proposing 33 trees, 119 shrubs and 17 canopy trees in the buffer area. With regard to the left turn out, there already was a significant amount of traffic associated with Performance Auto, he pointed out, noting that there was only one point of ingress and egress from the Performance employees' parking lot. Mr. Brown explained that Wegmans was proposing a secondary ingress/egress from that lot out to the traffic circle.

Mayor Hemminger asked about sidewalks along Cooper Street, and Mr. Brown pointed out that putting sidewalks in would mean cutting down all of the crepe myrtles along that frontage.

Council Member Oates asked about the number of delivery trucks, and what their schedule would be.

Steve Leaty, representing Wegman's Food Markets, replied that there would typically be three to five delivery trucks per day in addition to vendor trucks. Deliveries would happen only during normal business hours, he said.

Council Member Oates confirmed with Mr. Leaty that all LED directional lighting would be dimmed at night, and controlled on site with no spillover.

Mayor pro tem Bell mentioned that it was she who had requested the larger caliper trees, and said that she would welcome further conversation about that. The Council was interested in having healthy trees, and changing the caliper would not be a game changer for her, she said. Mayor pro tem Bell shared her positive experience of having a developer in her neighborhood communicate with residents, and volunteer to screen new houses next to where she lives.

Council Member Greene verified that no one knew if an offer of state-acquired land to Cooper Square had been settled. She noted the difficulty of reacting to Mr. Radway's request when the Council did not know how much funding the state was willing to provide.

Mr. Radway replied that the state's offer had been based on an appraisal from 18 months prior when the design for that area had not been completed. He listed several elements that were still unknown, but said that the wall and all the vegetation would definitely be taken down. Mr. Radway estimated the cost of restoring that area at \$125,000. He acknowledged that Wegmans had not created the problem, but said that it had become "the visible agent of activity across the street." He pointed out that it would be 15 years before the trees would look the same again, and that residents of Cooper Square would be subjected to Wegmans and NC DOT construction for 18-24 months.

Council Member Greene confirmed with Mr. Radway that the request for \$35,000 from Wegmans was based on a guess of what the final settlement from the state would be, and how much would be needed for replacements. Mr. Radway said that the proposal was for a \$35,000 letter of credit that would be available for 24 months, in case it was needed.

Council Member Oates clarified with Mr. Radway that the NC DOT's right-of-way acquisition would be for adding bike lanes, widening the road for safety, and reinstalling a six- to eight-foot sidewalk. Constructing that would require taking away the screening wall, and most of the vegetation, Mr. Radway said.

Council Member Oates confirmed that the estimated cost of replacement would run significantly higher than what the state was proposing.

Council Member Harrison pointed out that the issue was not solely due to the Wegmans development. He had requested changes because the road was not safe for bikers, and the NC DOT had taken since 1993 to get it done, he said. Council Member Harrison explained that the project was intended to "civilize the road", and said that he was glad to see it finally moving ahead.

Council Member Anderson confirmed with Ms. Johnson that the \$150,000 estimate for future traffic mitigation had been based on the estimated cost of installing a signal at the intersection of Lakeview and Old Durham Roads. She also confirmed with Ms. Johnson that the amount was the most it would cost, and that any cost-saving measures would lead to extra funds.

Council Member Anderson asked if that \$150,000 needed to be modified for other potential uses,

and Traffic Engineering Manager Kumar Neppalli replied he was not sure if the Town had any measures, other than a traffic circle, that would cost \$500,000 to \$750,000, and need to include state funding. If there were in the future, then the remaining funds from the \$150,000 could be transferred to the state, he said.

Council Member Anderson asked about Ms. Convissor's suggestion to do a traffic study for White Oak Drive at three and 12 months.

Mr. Stancil replied that the intent from the start had been that the Town and the NC DOT would do those studies and monitor traffic. The Town would have a continuing interest in monitoring traffic for multiple reasons, he pointed out.

Council Member Parker asked what the remedies would be if monitoring found that problems existed. He recommended reviewing the language in Stipulation 19 because it stated that the \$150,000 could only be spent at the intersection. If improvements were needed at other places, would that money be sufficient to cover it, he asked. Council Member Parker also asked if staff was confident that there were feasible mitigations.

Mr. Stancil pointed out that the \$150,000 had been based on a consultant's study of traffic generated by Wegmans. It had been included before the Town added the service road modification, which should reduce traffic by 14 to 17 percent, he said. Mr. Stancil said it was difficult to determine what the mitigations might be. There would be other changes, and Wegmans would not be responsible for all of the traffic changes in that area, he said.

Council Member Parker asked if a stipulation was needed to require Wegmans to participate, financially and otherwise, if/when there was a bigger solution that included the SECU property.

Mr. Stancil replied that there was a required cross-connection between those two properties. Any developer of the SECU property would have to assume the cost of resulting traffic changes, he said.

Council Member Palmer verified with Ms. Johnson that Stipulation 19 was trying to distinguish that Wegmans would be allowed to have generic way-finding signs, but could not install off-site signage.

Chuck Edwards, district engineer at NC DOT, explained that, by statute, the opportunities for way-finding signs on state highways were limited. Perhaps the Town could consider a logo signing program, he said, adding that generic signs for large shopping centers were installed as a service for drivers.

Council Member Oates asked to see a map of the area, and confirmed that White Oak and Lakeview were dead end streets, while Cooper and Bluefield had connections to Legion Road. She said that being able to enter via the service road would reduce stress on OD-CH Road. She appreciated the applicant's flexibility regarding tree size, she said. Council Member Oates acknowledged that there would be difficulties during construction, and impacts after Wegmans was built. But being within walking distance of a Wegmans would ultimately raise

the value of neighboring property, she said.

Council Member Greene asked Council members for their thoughts regarding Mr. Radway's proposal.

Council Member Parker replied that he was sympathetic to the concerns, but felt that it would be asking Wegmans to pay for something that NC DOT was doing.

Mayor pro tem Bell said that she did not feel there needed to be a stipulation asking people to be good neighbors. However, she would appreciate it if the two were able to work something out during the process, she said. The berm and vegetation would be changed, but coming up with an amount did not seem right since there was not an established settlement between the NC DOT and Cooper Square, said Mayor pro tem Bell.

Town Attorney Ralph Karpinos explained that, according to law, just compensation must be made when private property is taken for public use. The decision about how much money the state would be obligated to compensate Cooper Square would be settled through the courts, if not by agreement, he said. It was not up to somebody on the other side of the street to fill the gap, Mr. Karpinos said.

Mr. Stancil added, in reply to Council Member Bell's comments regarding vegetation, that staff could facilitate a discussion between Cooper Square residents and the applicant. All of those affected could engage with the Town's landscape architect and others, to discuss how to mitigate the situation, he said.

Council Member Anderson said she was glad about the new ingress through the service road. The Town did need to worry about the impact of Wegmans, and make sure that safeguards were in place, and that enough money was set aside for traffic mitigation, she said.

Council Member Cianciolo said he was very pleased with the changes regarding ingress. There was no doubt that the development would impact traffic, but the Town tried to balance impacts with benefits of economic development, he said. It was the Town's responsibility, not the applicant's, to address any unforeseen problems in the future, he said.

Council Member Harrison said he was glad that traffic counts would be done on Old Durham-Chapel Hill Road, which was a major cut-through that was frightening for anyone not encased in a motor vehicle. He said that the Town must be committed to paying attention to that road, because Wegmans would make it a major corridor. Council Member Harrison said he was willing to support the resolution, but thought it was the last time that such a single-use, commercial project should go on that corridor.

Mayor Hemminger said that she had been very concerned about traffic, but saw the project as an opportunity to fix a failing intersection at Scarlett Drive. She predicted that the corridor would develop, and that one side would be fixed through this project, and the other side would be fixed eventually. There would be unintended effects, but the Town was committed to making it work,

she said.

The Council agreed to have the applicant work out the tree caliper issue with Mr. Stancil and the Town arborist.

COUNCIL MEMBER MICHAEL PARKER MOVED, SECONDED BY COUNCIL MEMBER MARIA T. PALMER, TO CLOSE THE PUBLIC HEARING AND ADOPT R-9 AS AMENDED. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0) .

[A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT MODIFICATION FOR THE WEGMANS GROCERY STORE AT 1810 FORDHAM BOULEVARD \(PROJECT #16-121\) \(2017-10-25/R-9\) as Amended \(PDF\)](#)

8. [Receive an Update on the Draft 2045 Metropolitan Transportation Plan and Provide Comments to the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization.](#)

Transportation Planner Kayla Seibel gave a PowerPoint presentation on the Metropolitan Planning Organization's (MPO) draft 2045 Metropolitan Transit Plan (MTP), which anticipated future travel demand and prioritized projects. These included highway, transit, bicycle and pedestrian projects for Chapel Hill. She described a regional, long-range transit plan that had received technical assistance from the Triangle J. Council of Governments. The MTP must be updated every four years, she said.

Ms. Seibel reviewed the process since Feb 2016, and said that the MPO board would consider adoption of the 2045 MTP in January 2018. She showed the study area, and said that the plan included Town highway projects that were being carried forward from the previous MTP. These were: an interchange upgrade at NC 86 and Interstate 40; a Eubanks Road widening project; modernization of Homestead Road; an extension of Purefoy Road; an interchange improvement at NC 86 and Highway 15-501; modernization of Mt. Carmel Church Road and Fordham Boulevard in Chapel Hill; an interchange upgrade at NC 54 and Highway 15-501; and Legion Road, Elliott Road and Marriot Way extension projects.

Ms. Seibel listed the following transit projects: expanded bus service; North-South bus rapid transit; Durham-Orange light rail; and the light rail extension. She said that the MPO had identified \$225 million for bicycle and pedestrian projects, and displayed a graphic showing how projects were submitted for funding and prioritized. Ms. Seibel said that the plan was out for public comment, and that the Durham-Chapel Hill-Carrboro MPO would consider adoption in January.

Council Member Anderson asked that information on the MPO website be linked to the Town's website, and that updates be sent to the Council.

Council Member Oates pointed out that improvements to the Fordham Boulevard/Manning Drive intersection had not been mentioned in the presentation.

Ms. Seibel replied that staff had requested that that intersection not be marked on the 2045 plan.

When improvements were determined for Fordham Boulevard, that intersection would likely be looked at, but the Town did not want to lock into an interchange at the current time, she said.

Council Member Parker, the Council alternate to the MPO, characterized the plan as "sort of backward-looking" in some ways. Even though the MTP goes out to 2045, there was no planning for autonomous driver-less vehicles other than a mere appendix to the document that they hoped to put in the 2050 plan, he pointed out. Council Member Parker said that the MTP continued to fundamentally be oriented toward highway roads. He was disappointed at the lack of vision regarding public transportation and mass transit opportunities, he said.

Council Member Parker listed several other concerns, and said that periodic discussions about "superstreeting" Fordham Boulevard conflicted with many of the things that the Town was trying to achieve on that road. Overall, the MTP was an interesting vision, but it was a flawed document, he said. Council Member Parker said that he had hoped the Town's vision for 2045 would be more robust in terms of various transportation options accommodating new technologies.

Ms. Seibel replied that NC DOT had been undertaking a feasibility study to look at different alternatives for Highway 15-501. For the 2045 MTP, they had deliberately refrained from locking into a superstreet, a widening, or an interchange on that highway, she said. In addition, Strategic Transportation Investment Law required that financial plans be realistic, and that was the reason why the MTP did not include as many transit projects as the Town had hoped, she explained.

9. [Consider Adopting the Mobility and Connectivity Plan as a Component of the Chapel Hill 2020 Comprehensive Plan. \(R-11\)](#)

Transportation Planning Manager Bergen Watterson presented the final draft of the proposed Mobility and Connectivity Plan. She noted that it was the end of a public process that had begun in mid-2016, with a pedestrian focus, and had later integrated suggestions from the bike and greenways plans. It had become an overarching Town plan that includes transit elements and ADA accessibility components, she said. Ms. Watterson said that a consultant had looked at existing Town plans, as well as future bus rapid transit and light rail plans. She described a robust public outreach effort, and said that many of the plan's recommendations had been based on public input.

Ms. Watterson said that the plan's primary goal was to achieve a 35 percent walk/bike/transit mode share by 2025, noting that there already had been a 27 percent mode share in 2015. She elaborated on each of the plan's four objectives: to develop an integrated system, to remove barriers, to reduce stress, and to offer attractive options. She provided details on the plan's main recommendation categories: transform corridors into complete streets that are bike and pedestrian friendly; develop a system of off-road bike and pedestrian corridors; have programs and policies that are aimed at institutionalizing bike and pedestrian friendliness; address the Blue Hill sub-area with a mini mobility and connectivity plan.

Ms. Watterson pointed out that the consultant had provided tables containing details for the

infrastructure recommendations, cost estimates, and potential funding sources. She said that the plan contained a top 20 project priority list, and that the hope was that implementation would enable everybody in Town to get around safely, efficiently, and happily. Ms. Watterson said that three advisory boards had provided comments and recommendations for action. Staff recommended approval of Resolution 11, which would adopt the plan as a component of the Chapel Hill 2020 Comprehensive Plan.

Council Member Anderson confirmed with Ms. Watterson that all of the recommendations from the Transportation Board and Planning Commission had been provided early enough to be implemented. Others would be addressed in the LUMO rewrite, Ms. Watterson said. The Parks and Recreation Board had not met quorum the night they were supposed to look at the plan, she explained.

Council Member Anderson confirmed with Ms. Watterson that the plan was on the Town website, with short- and long-term recommendations. She asked if there were any projects on which the Town would definitely move forward, and Ms. Watterson said that a bike and pedestrian bridge had scored fairly well in the state prioritization process. The Town also had bond funding that might be able to assign to other projects, she said. Ms. Watterson said that staff would work with management to come up with a more specific implementation schedule if/when the plan was adopted.

Council Member Greene asked about additional staffing, and Ms. Watterson replied that hiring an ADA coordinator would be discussed with upper management, and that a later ADA transition plan would include specific strategies and recommendations.

Council Member Oates asked why the hawk signal -- which she characterized it as a light to nowhere, that would put people at risk -- was still in the plan.

Ms. Watterson replied that the signal had been recommended. If it became something that the Town wanted to implement, it would need to be studied so that the safest solution possible would be installed, she said. Ms. Watterson added that NC DOT had had similar concerns, so the idea was to not consider the hawk signal until the trail had been extended or there was a sidewalk on the campus side of Highway 15-501. There was a lot of work to do before something like that would be implemented, Ms. Watterson said.

Council Member Oates mentioned that Durham light rail seemed to have been totally ignored in the plan. She asked at what point a "quiet zone" would be addressed.

Ms. Watterson replied that that issue would be addressed as plans with GoTriangle became more solid. The Town was aware of that concern, and it was on the list of things that GoTriangle was considering, she said.

Council Member Oates confirmed that accepting the current plan would not shut out that concern.

Council Member Greene commented that the hawk signal was not a signal to nowhere. It would

link a future connector from the gate of Merritt's Mill up Fordham Boulevard to Otey Road and down the other side in a future trail or non-motorized pathway into campus, she said. She pointed out that her neighborhood of Morgan Creek had wanted that as a safe way to cross Fordham Boulevard. However, it would not be just for them, but was a key missing piece, she said. Council Member Greene advocated for pushing forward on the hawk signal as quickly as possible.

Council Member Harrison characterized the Mobility and Connectivity Plan as a "mighty document", and noted that there had never been a pedestrian plan before the bond issue was passed. He said that the GoTriangle project had millions of dollars of sidewalk improvements in it. Local staff had the right to ask GoTriangle for an inventory of projects that were in there, he pointed out. Council Member Harrison asked if there was a timeline for implementation analysis of the plan.

Mr. Stancil replied that it had to tie into a strategic plan, capital budget, and so forth. The Town's next step would be to integrate all those planning processes together, he said.

Council Member Harrison said that implementing the entire plan would cost billions, and that the NC DOT did not fund stand-alone projects. He expressed hope that that policy would change, noting that there was only a small amount of funding compared to demand.

Council Member Greene pointed out that the plan recommended a tunnel under the Oteys intersection, at an estimated cost of \$600,000. She asked staff to justify that compared to installing a hawk signal.

Ms. Watterson replied that the tunnel would be the ideal solution and the hawk signal would be a shorter term remedy.

Council Member Greene expressed concern about an un-achievable tunnel being in the plan when there had been discussion of a hawk signal. She wanted to underscore the push for a hawk signal, she said.

John Rees, a Chapel Hill resident, characterized the plan as very ambitious and comprehensive. It should not be viewed as a short-term plan, but as a framework for looking ahead for decades, he said. The very high mode share showed there was unfulfilled need that could be closed out by a continuous effort, he said. Mr. Rees said that he fully endorsed the plan and hoped the Town would adopt it.

Council Member Parker praised the "great piece of work", and noted that it included a tremendous amount of public input. He said it was "good work done the right way", and he particularly appreciated having a measurable goal. He hoped that the Town would even surpass the goal of 35 percent mode share, he said, and requested that the Town prepare an annual report card.

Ms. Watterson replied that one of the program policy recommendations was to establish a set of performance measures to track and report on.

Council Member Palmer pointed out that boards and commissions had spent much time on the plan, and that staff had incorporated most of those recommendations. She expressed regret that the Parks and Recreation Commission had not had a quorum to vote. All of its members had studied a portion, and had reported back with incredible detail, she said. Council Member Palmer praised the high level of detail in the plan, and said she hoped the Council would unanimously support it.

Council Member Cianciolo agreed that it was a great plan with ambitious and worthwhile goals. He asked if it described what kind of outreach there would be going forward. The key would be to have the public understand it, and that would take some selling, he said.

Ms. Watterson replied that the suggestion was a good one for when they develop an implementation strategy with upper management.

Consultant Todd Delk said that key points for selling the plan would include the performance measures in the annual report, and programs that could come out of the TMP.

Mayor Hemminger said that she was a firm believer in having a strategic plan that spans generations. Such plans enable the Town to pick and choose different sections as opportunities arise for grants and for working with the NC DOT and developers. The plan would give the Town an opportunity to look at connections strategically, she said. Mayor Hemminger thanked Ms. Watterson for putting a massive amount of data together and coming up with an impressive plan.

COUNCIL MEMBER JESSICA ANDERSON MOVED, SECONDED BY COUNCIL MEMBER MARIA T. PALMER, TO ADOPT R-11. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0) .

[A RESOLUTION TO ADOPT THE CHAPEL HILL MOBILITY AND CONNECTIVITY PLAN AS A COMPONENT OF THE CHAPEL HILL 2020 COMPREHENSIVE PLAN \(2017-10-25/R-11\) \(PDF\)](#)

[CONCEPT PLAN REVIEWS](#)

10. [Concept Plan: Rosemary East, Mixed-Use Development, 157 E Rosemary Street \(Project # 16-077\). \(R-12\)](#)

Ms. Pearlstein gave a PowerPoint presentation on the Rosemary East, Mixed-Use Development concept plan. She explained that the site was in the Town Center-2 zoning district, and she described the surrounding properties. She said that the concept was for a 40,150 square-foot, five-story building with 20 underground parking spaces. The building would house retail, office, and residential space, including 17 dwelling units, two of which would be affordable, she said.

Ms. Pearlstein reviewed existing conditions at the site, showed a site plan, and explained how the

building would be stepped back on each side. The applicant would need a modification to accommodate for edges of the building that exceed its envelope, she said.

Ms. Pearlstein described the location in Downtown Focus Area 1 of the Chapel Hill 2020 Comprehensive Plan, and reviewed requirements associated with that. She said that the Community Design Commission (CDC) had reviewed an earlier concept plan for a larger building in October 2016. She reviewed comments from that CDC meeting, and said that the applicant had since revised its application. The revised application had reduced the height from eight to five stories, had reduced the number of dwelling units, and had reduced the square footage by 18,503 square feet, she said. The Housing Advisory Board had reviewed the most recent submittal, she said.

Ms. Pearlstein noted that the Phi Mu Sorority had stated opposition to the plan, arguing that it did not comply with TC-2 zoning. In addition, the property manager at the Daily Tar Heel building had expressed concern about possible parking spillover, she said. She said that staff recommended adoption of Resolution 10, which would transmit the evening's comments to the applicant.

Council Member Greene pointed out that the applicant had not been present to make a presentation at the HAB meeting.

Ms. Pearlstein replied that the applicant lived in California, and had not been able to come.

Council Member Oates asked what the applicant would need to give up to comply with TC-2.

Ms. Pearlstein said that staff had not calculated that since the project was only in the concept plan stage. She estimated, however, that they would need to eliminate about 6,000 square feet from the current plan.

David Ripperton, the applicant with Paliouras Enterprises, gave a PowerPoint presentation with an aerial view of the site, and details of the concept. He said that the development program called for rezoning to TC-3. He outlined the proposed function of each story, and explained the need for modifications. Mr. Ripperton said that the proposed mix of uses would serve the local neighborhood. He discussed impervious surface, landscaping, screening, elevations, and setbacks, and raised the idea of installing historic medallions on the facade.

Mr. Ripperton said that he would be happy to meet with the Phi Mu Sorority to discuss any and all things. He described a lifestyle where occupants would not want to have a car, and said that incentives for walking, biking and bus use could be included in the plan.

Le Ann Brown, an attorney representing the Gamma Lambda Chapter of Phi Mu Sorority, outlined the sorority's concerns about the project's design, and impact on their property. She pointed out that the Town had decided that TC-2 was the appropriate zone for the area, and she reviewed the circumstances that would allow a zoning change. Ms. Brown said that she had heard nothing in the applicant's presentation that commended the need for a rezoning or suggested that TC-2 zoning was no longer correct.

Monica McCarty, speaking for Gamma Lambda Chapter of Phi Mu Sorority, reminded Council members that the Phi Mu House had been recognized by Preservation Chapel Hill as a historically and architecturally significant structure. In a PowerPoint presentation, she reviewed the history of the house, and explained that 42 young women and a house director currently lived there during nine months of the year. She said that the sorority was not opposed to development that complied with the current TC-2 zoning and that respected the adjacent historic residential district.

Ms. McCarty argued that the proposed concept was inappropriate for the area. The building would be 12 times larger than the current one, and would exceed the TC-2 zoning allowance by 39 percent, she said. Ms. McCarty repeated CDC comments that supported her argument. She said that a request for TC-3-C zoning was unprecedented, and was unjustifiable for property in that location. She gave several reasons for that argument, which included regulations in the West Rosemary Development Guide.

Ms. McCarty described how the development, as currently conceptualized, could impact Phi Mu through a loss of privacy, traffic, and security concerns. Placing medallions of historical figures on the building's facade would not make Rosemary East compatible with the Franklin Rosemary Historic District, she said. Ms. McCarty requested that the Council require the applicant to present plans that are compliant with TC-2 zoning, and that respect Neighborhood Conservation District regulations regarding height and setbacks.

Dan Hatley, representing The Daily Tar Heel, expressed concerns about insufficient parking for intended occupants, and traffic congestion. He pointed out that having only one entrance/exit would feed the building's traffic directly onto the eastern part of Rosemary Street.

Tom Poole, representing The Daily Tar Heel, said that the proposed building did not take likely future development of surrounding properties into account. Such a structure, with windows on all sides, would have a negative impact on neighbors' development, he said. Mr. Poole asked that the Town require any redevelopment on East Rosemary Street to have a substantial set-back, or fewer windows. He also raised the issue of construction impact, such as spillover and noise, and said that such costs should not be borne solely by neighbors. He asked the Council to set construction limits to reduce the nuisance inflicted on neighbors.

William Camp, a Boundary Street resident, said that the concept plan was not at all reasonable. There can be some good reasons to change zoning, but the bar should be very high, he said. Mr. Camp stated that TC-2 was too generous, as well, when it was up against residential property, and the Historic District. The current proposal was too high and too big, he said, adding that the Town was being "slow walked" to gradually change its character. Mr. Camp encouraged the Council to categorically state that it will not change the zoning.

Woody Coley, an East Franklin Street resident, said that he lives in a place with windows that looks into other windows that look back at his windows, but nobody took the time to do that. For the most part, Chapel Hill had changed its personality in a positive way, he

said. Having residents who park inside the property would increase the tax base, and improve the Town, Mr. Coley said, and advised the Council to at least continue the conversation.

Council Member Cianciolo said that he had not yet heard anything that would lead him to think that rezoning was warranted. The massing was a concern, he said. He agreed with the last speaker about encouraging projects that could ensure the vitality of the area, he said. Council Member Cianciolo remarked that the applicant had shown that there could be a big mass there. He did not find a lot to get interested in, he said.

Council Member Oates asked the applicant about the median area income that he was considering for the affordable unit occupants, and Mr. Ripperton agreed to return with an answer. She said that the Town would want a guarantee that the affordable units would have on-site parking. She confirmed that the 20 parking spaces would be sold separately to the offices or the residents. Council Member Oates mentioned the Town's parking problems, and expressed concern that the applicant was thinking that overflow could be absorbed.

Council Member Parker commented on the size of the building, and said he did not find the elevations compelling. It seemed like three buildings stuck together, he said. He agreed that 20 parking spaces was inadequate, but said that thinking about allowing developers to buy spaces in an expanded Wallace Deck made sense, and would help pay for parking expansion. Council Member Parker said that he had not heard any compelling reason why TC-3-C would be a more appropriate zone. He told Mr. Ripperton that he would probably get a better reception if he would optimize his building within the constraints of TC-2 zoning.

Mr. Ripperton stated that he had tried for a year and a half to get a response about buying parking spaces. He said that having three affordable units would enable him to get essentially the same square footage without rezoning. He realized he needed to talk with the neighbors and was open to doing so, he said, adding that he did not want to give up on the project. He wanted to build something that would be acceptable and compatible and that people would be proud of, Mr. Ripperton said.

Council Member Palmer pointed out that construction would always be disruptive. She said that it was difficult to justify rezoning for no reason other than to allow someone to build more. If the applicant were to maximize the use of the parcel in the existing zoning, she would be supportive of including all of the uses he had proposed, she said. Council Member Palmer said she thought neighbors would be excited about having some of the nice businesses mentioned in the concept plan. She pointed out that the Town needed affordable office and commercial space, as well as, affordable housing. The parking did not worry her, Council Member Palmer said, noting that the developer could advertise for people who do not want cars.

Council Member Greene agreed with others that there was no compelling case for changing the zoning. Ms. McCarty's presentation had effectively shown the overwhelming scale on the small piece of property, she said, adding that she agreed that historic medallions would not be an appropriate response to upsetting the adjacent historic district. The Town had a non-profit historic preservation organization that had deliberative processes for deciding which houses would receive medallions, she explained. The applicant could put them up, but that should not

be a point in favor for the project, said Council Member Greene.

Mayor pro tem Bell said that there did not seem to be enough parking included in the plan. She pointed out that the Town had not been successful with un-bundling parking. Since she lived in the area being discussed, she knew that buffers were very important, she said. Mayor pro tem Bell said that she did not feel compelled one way or the other about the building's height.

Council Member Harrison commented on the Town's need for standards regarding what the applicant should show during a concept plan review. He could not tell much about the site at all, he said. For example, plans do not show that it is next to a sorority that has been at the location for many years, or that it is next to the Daily Tar Heel building, he said. Council Member Harrison recommended that the Council receive the kind of information that it got from Ms. Brown and Ms. McCarthy in its materials. That information had confirmed that even the reduced size would be almost 40 percent larger than the maximum allowed under TC-2, he said. Council Member Harrison said that he was not convinced that there was a case for rezoning beyond TC-2, and he could not support a rezoning.

Council Member Anderson said that the project needed more parking, that massing was a problem, and that the project did not warrant a rezoning. The strongest part of the Phi Mu's presentation pertained to how large the building was compared to the lot size, she said.

Council Member Oates confirmed with Mr. Ripperton that the club house would be for tenants and the public. She liked the mix of proposed uses but would like to see the building scaled back to TC-2, she said.

Mayor Hemminger commented on downtown parking issues, and said that finding spaces to lease would be a problem until the Town could create more. She pointed out that the applicant had not met with the neighbors or the HDC to learn about Town values, and she asked Mr. Ripperton to do so before ever coming back with another concept plan. She expressed support for the first floor being an activated space, and said she liked the mix of office with residential. However, the building would be too massive for the space, and the amount of traffic coming and going in that particular area of Rosemary Street would be too difficult, Mayor Hemminger said.

Mr. Ripperton replied that he had met with the neighbors to the east twice. He had offered to meet with Ms. McCarty as well, but she had refused as long as he intended to ask for a rezoning, he said. Mr. Ripperton said that he had also sent plans to the tenant to the west, who had essentially replied that he would oppose the plan.

Mayor Hemminger replied that those responses had given Mr. Ripperton a pretty good synopsis of what would happen if he asked for rezoning. She pointed out that he had just heard the same comments from the Council. Mayor Hemminger told Phi Mu as well that it was imperative for them to have a discussion with the applicant before he submitted another concept plan, even if they do not like the plan.

COUNCIL MEMBER MICHAEL PARKER MOVED, SECONDED BY MAYOR PRO TEM DONNA BELL, TO ADOPT R-12. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0)

[A RESOLUTION TRANSMITTING COUNCIL COMMENTS ON A CONCEPT PLAN FOR ROSEMARY EAST, MIXED-USE DEVELOPMENT, 157 E. ROSEMARY STREET \(2017-10-25/R-12\)](#)

The meeting was adjourned at 11:39 p.m.