

PLANNING COMMISSION

The charge of the Planning Commission is to assist the Council in achieving the Town's Comprehensive Plan for orderly growth and development by analyzing, evaluating, and recommending responsible town policies, ordinances, and planning standards that manage land use and involving the community in long-range planning.

RECOMMENDATION FOR THE CONDITIONAL ZONING APPLICATION FOR 150 EAST ROSEMARY STREET

October 5, 2021

Resolution A, Resolution of Consistency

Recommendation to Council: Approval Approval with Conditions Denial

Motion: Commissioner Rees moved and Commissioner Baxter seconded to recommend Town Council adopt Resolution A, Resolution of Consistency

Vote: 8-0

Ayes: Chair Michael Everhart, Vice Chair James Baxter, Neal Bench, Jon Mitchell, John Rees, Stephen Whitlow, Elizabeth Losos, Louie Rivers,

Nays:

Ordinance A

Recommendation to Council: Approval Approval with Conditions Denial

Motion: Commissioner Bench moved and Commissioner Rees seconded to recommend Town Council enact Ordinance A, approving the development with the following conditions:

- Design and build the highly visible 8th floor (mechanical floor) of the building for both aesthetics and function. Consider alternate claddings and façade treatments and consider rooftop utilities such as a PV array or rainwater collection. Consider relocating the refuse facility into the loading area in the alley.
- Applaud the applicant's Gold LEED intentions but encourage the applicant to pursue Platinum LEED certification instead.
- Engage with the Towns Urban Designer to pursue strategies for first floor activation and to prevent blank or covered window facades.
- Provide a ratio of wall mounted bicycle parking to at-grade bicycle parking that addresses the increased use of (heavier) e-bicycles.
- The weather protected space created by the 2nd level overhang on E. Rosemary Street must incorporate bicycle parking.

- Plan Murals and Public Art to enhance the structure, including on the alley frontage.
- Provide electric car charging stations or at least provide conduit for future connection.
- Consider the need for bicycle infrastructure around the site:
 - Bike are needed to reach Bike/Ped goals of Chapel Hill, the building has 150 bike spaces proposed with no bike lanes to access the property.
 - Provide traffic calming measures along the entire E. Rosemary renovation.
 - Install a raised intersection at the E. Rosemary / Henderson St. intersection.
- Increase the numbers of shade trees so the public will use the outdoor spaces, particularly in the public green.

Vote: 8-0

Ayes: Chair Michael Everhart, Vice Chair James Baxter, Neal Bench, Jon Mitchell, John Rees, Stephen Whitlow, Elizabeth Losos, Louie Rivers,

Nays:

Prepared by: Michael Everhart, Chair, Planning Commission
Judy Johnson, Assistant Planning Director, Staff Liaison to Planning Commission

COMMUNITY DESIGN COMMISSION

The charge of the Community Design Commission is to assist the Council in guiding the Town's vision on aesthetics, character, and function to focus community growth through advice, advocacy and implementation of the Council's policies and review of proposed development in key areas of the community.

RECOMMENDATION FOR CONDITIONAL ZONING PERMIT AT 150 E ROSEMARY ST

September 28, 2021

Recommendation: Approval Approval with Conditions Denial

Motion: John Weis moved and Susan Lyons seconded a motion to recommend approval of the project presented by the applicant, with the following conditions:

1. That the applicant rethink the approach to waste disposal (e.g. other locations for the dumpster or solutions not requiring a dumpster).
2. That architectural treatment of the exhaust fans and other upper-level mechanical equipment be subject to CDC review and approval at the Final Plans stage.

Vote: 6-0

Yeas: Susana Dancy
Ted Hoskins
Scott Levitan
Susan Lyons
Megan Patnaik
John Weis

Nays: None

Prepared by: Corey Liles, Principal Planner

ENVIRONMENTAL STEWARDSHIP ADVISORY BOARD

The charge of the environmental stewardship advisory board will be to assist the Chapel Hill Town Council in strengthening environmentally responsible practices that protect, promote and nurture our community and the natural world through advice and program support.

RECOMMENDATION FOR CONDITIONAL ZONING DISTRICT FOR 150 E. ROSEMARY ST.

September 23, 2021

Recommendation to Council: Approval Approval with Special Considerations
Denial

Motion: Julie Gras-Najjar moved and Bruce Sinclair seconded a motion to recommend that the Council approve the conditional zoning district for the 150 E Rosemary Street development application, with the following special considerations:

Vote: 7-0

Aye: Chair Maripat Metcalf, Vice-chair Adrienne Tucker, Julie Gras-Najjar, E. Thomas Henkel, Julie McClintock, Bruce Sinclair, and Lucy Vanderkamp

Nay:

Special Considerations:

1. Use biofuel instead of natural gas for heating the building
2. Incorporate plans for using fresh air and other ventilation throughout the building
3. Use rainwater capture for rainwater reuse in the building for nonpotable water needs

Prepared by: Maripat Metcalf, Chair, Environmental Stewardship Advisory Board
Adrienne Tucker, Vice-Chair, Environmental Stewardship Advisory Board
John Richardson, Community Resilience Officer, Staff Liaison to ESAB

TRANSPORTATION AND CONNECTIVITY ADVISORY BOARD

To assist the Chapel Hill Town Council in creating an inclusive connected community by recommending, advocating and planning for comprehensive, safe, effective and sustainable multi-modal transportation and connectivity

RECOMMENDATION

150 East Rosemary

(Project # 21-018)

September 28, 2021

Recommendation: **Approved** **Approval with Conditions** **Denied**

Motion: Susanne Kjemtrup-Lovelace moved, and Rudy Juliano seconded, to recommend approval of the conditional zoning application with the following conditions:

- The applicant evaluate the siting and pavement marking for bike parking to facilitate safe passage of cyclists to spots, including splitting bicycle parking across levels to place bicycle parking closer to entrances
- The applicant provide at least 3% of the spaces on site as electric vehicle charging spaces, with at least one ADA accessible space with electric vehicle charging.
- The applicant ensure that at least 20% of vehicle parking spaces are 'EV-Ready' to support future electric vehicle charging stations
- The applicant provide a form of delineation for the crosswalk carrying Post Office Alley across NCNB Alley, including signage to ensure pedestrian safety by slowing vehicle traffic on NCNB Alley.

Vote: 9-0

Ayes: Heather Brutz, Nikki Abija, Mary Breeden, Brian Hageman, Katie Huge, Rudy Juliano, Susanne Kjemtrup-Lovelace, Denise Matthews, Alvaro Villagran

Nays:

Prepared by:
Josh Mayo, Transportation Planner I

HISTORIC DISTRICT COMMISSION

To promote, enhance, and preserve the character of the Chapel Hill Historic District.

RECOMMENDATION
150 E. Rosemary Street
Conditional Zoning
(PROJECT #21-018)
October 13, 2021

The Historic District Commission only reviewed that portion of the project within the Franklin-Rosemary Historic District that was within their purview. The scope of their review was limited to the park area on the eastern section of the property; the Commission did not review the building design.

Recommendation: **Approved** **Approval with Conditions** **Denied**

Motion: Murphy moved and Lascelles seconded to approve the proposed Conditional Zoning at 150 E. Rosemary with the stipulations memorialized in Chair Schwartz's memo to the Council dated September 19, 2021.

Vote: 7 - 2

Ayes: Sean Murphy, Josh Gurlitz, Anne Perl de Pal, Polly Van de Velde, Nancy McCormick, Duncan Lascelles

Nays: Chris Berndt, David Schwartz

Reasons for Nay Votes:

- The current way of restricting comments is too narrow for the importance of the project before the community.

Prepared by: David Schwartz, Chair, Historic District Commission; Anya Grahn, Planning Staff

To: Mayor and Town Council

From: David Schwartz, Chair, Historic District Commission

Date: September 19, 2021

At the Historic District Commission meeting of September 14, 2021, the Commission as a body asked me to convey to you some of their concerns about the Certificate of Appropriateness application for a public park/plaza at 150 E. Rosemary. The Commission approved the Certificate of Appropriateness application. Vote: 5-1. We were given to understand that, according to state law, the larger project of which the plaza is a part cannot go forward without the plaza component first receiving a COA. The approval included two conditions: 1) Public artwork, to be determined by the applicant and the Town, shall be placed on the trash enclosure gates; 2) The project shall use the Town Standards for streetlights. The applicant was amenable to both conditions.

However, the HDC also voted to recommend to the Council that 1) the Council undertake a public process for design of the park plaza; and 2) if any changes are made to the design of the plaza based on its conditional zoning approval, the modified design be brought to the HDC for an amendment to the Certificate of Appropriateness. Vote: 5-1.

Some commissioners felt it was premature and/or confusing for the HDC to be reviewing this project at this stage because 1) the design of the adjacent office building has not been finalized and it is hard to evaluate the design of the plaza without knowing what context the adjacent structure will provide; 2) the Town, as owner of the site, is officially the applicant and yet the Town seems not to have played any role in the application process that we could discern; 3) related to #2, approval of the design for any public park, and especially one occupying such a prominent central downtown location, should involve a public process and review by Town Parks and Rec staff, the Parks and Rec advisory board as well as other advisory boards (e.g., planning, cultural arts), and the public at large. It's not clear whether the application the HDC reviewed has undergone review by any of these other stakeholders.

We understand that the park plaza will be included in the applicant's conditional zoning application to be submitted. In the normal course of a Conditional Use review, in which part or all of the site is within one of the Historic Districts, the HDC would act in place of the CDC. The HDC would then review the Concept Plan prior to the Conditional Use submittal and make preliminary comments. We did see an earlier version of this town park as part of our concept plan review of the entire project (including the office building) in December 2020, but staff advised the commission at that meeting to refrain from commenting on any proposed landscaping and to wait instead for the COA application.

In addition to these concerns about process, Commission members expressed concerns about the substance of the proposed design, including

- 1) The site of the proposed plaza occupies a transition zone between downtown and the historic Franklin-Rosemary residential district. The function of the plaza as a gateway from one area to the other should figure more prominently in the design.

- 2) Several commissioners expressed concern about the inaccessibility of much of the plaza to those in wheelchairs, pushing strollers, with mobility limitations, etc. The proposed park design may not meet ADA accessibility standards.

3) At our initial review of this project on July 20, Commission members suggested considering other models for small downtown parks with a green component, including the lawn in front of Weaver Street Market and the church park at the corner of Franklin and Columbia. The applicant did respond by adding a few larger shade trees.