



TOWN OF CHAPEL HILL

Planning Commission

Meeting Minutes

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

Elizabeth Losos
Wesley McMahon
Chuck Mills
Jonathan Mitchel

John Rees
Louie Rivers
Stephen Whitlow

Tuesday, October 4, 2022

7:00 PM

Virtual Meeting

Language Access Statement

For interpretation or translation services, call 919-969-5105.

ဘာသာပြန်ဆိုခြင်းနှင့် စကားပြန်ခြင်းအတွက်၊ (၉၁၉) ၉၆၉-၅၁၀၅ ကိုဖုန်းခေါ်ပါ။

Para servicios de interpretación o traducción, llame al 919-969-5105.

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919-969-5105.

Virtual Meeting Notification

Board members will attend and participate in this meeting remotely, through internet access, and will not physically attend. The Town will not provide a physical location for viewing the meeting.

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

Register for this webinar:

https://us02web.zoom.us/webinar/register/WN_vLAFkBp2THiKGRAGFLVQaw

After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 834 8910 0446

Opening

Roll Call

Staff Liaison: Jacob Hunt

Council Liaison: Camille Berry

Present 6 - Wesley McMahon, Chuck Mills, Jonathan Mitchell, John Rees, Louie Rivers, and Stephen Whitlow

Absent 1 - Elizabeth Losos

Secretary reads procedures into the record

Approval of Agenda

A motion was made by Rees to approve the agenda with the addition of a discussion on future Planning Commission member interviews. The agenda was approved without objection.

Announcements

Petitions

Approval of Minutes

1. September 20, 2022 Meeting Minutes [\[22-0722\]](#)

A motion was made by McMahon to approve the minutes with the addition of the Commission's written comments as attachments. The minutes were approved 6-0.

Old Business

New Business

2. LUMO Text Amendment: Affordable Housing Development Review [\[22-0723\]](#)

A motion was made by John Rees, seconded by Stephen Whitlow, to forward a recommendation of approval to the Town Council for Resolution A and Ordinance A with the following additional comments as supplements to their recommendation.

On October 4, 2022, the Planning Commission voted unanimously (6-0) to recommend to the Council approval of two separate LUMO text amendments proposed by Town staff, titled "Affordable Housing Development Review" and "Housing Regulations and Housing Choices for a Complete Community," subject to the comments below. The comments are intended for both staff and the Council. They include only substantive comments bearing on the amendments themselves; they do not cover certain comments conveyed to staff regarding how the amendments are described or positioned for the public (although we urge staff to consider those as well.) The ordering of comments below reflects the sequence of our discussion and not necessarily the relative importance.

Affordable Housing Development Review

1. The eligibility criteria should clarify the treatment of “hybrid” projects involving both rental and for-sale components, as needed. (This comment is based on the staff summary of the proposal. The language used in the actual amendment might clarify the treatment already.) In particular, hybrid proposals could be required to satisfy the eligibility criteria for rental units and for-sale units in proportion to the mix of units proposed (i.e., pro-rata).
2. The list of permitted non-residential uses may be too narrow, both in terms of categories and magnitude. The policy justification for limiting non-residential uses to a discrete list of uses seems questionable, as does the justification for calibrating the limit at 15% (vs. some other figure below 50%). Generally the Town has struggled to attract commercial uses.
3. We urge removal of parking minimums.
4. The Council should carefully consider the definition of “minor modification.” In particular, the Council should consider whether the proposal appropriately balances developers’ need for flexibility with the Council’s need for certainty and predictability. (For example, the current proposal treats as minor modifications, requiring only administrative approval, a 20% change in total floor area, and a 100ft. shift in building location. Do these provisions provide the Council assurance that the final project will be reasonably close to what it approved?)
5. The proposed expedited review process should include, at regular intervals, public reporting sufficient to allow any interested parties (Councilmembers, advisory board members, private citizens) to understand what is happening and provide input through existing channels (e.g., comments at regularly scheduled public meetings, emails to officials, private meetings, etc.). In this way, the staff consultation process should be transparent to the public.

**3. Land Use Management Ordinance (LUMO) Text Amendment:
Housing Regulations and Housing Choices for a Complete
Community**

[\[22-0724\]](#)

A motion was made by Wesley McMahan, seconded by Louie Rivers, to forward a recommendation of approval to the Town Council for Resolution A and Ordinance A with the following additional comments as supplements to their recommendation.

On October 4, 2022, the Planning Commission voted unanimously (6-0) to recommend to the Council approval of two separate LUMO text amendments proposed by Town staff, titled “Affordable Housing Development Review” and

“Housing Regulations and Housing Choices for a Complete Community,” subject to the comments below. The comments are intended for both staff and the Council. They include only substantive comments bearing on the amendments themselves; they do not cover certain comments conveyed to staff regarding how the amendments are described or positioned for the public (although we urge staff to consider those as well.) The ordering of comments below reflects the sequence of our discussion and not necessarily the relative importance.

Housing Regulations and Housing Choices for Complete Communities

1. The Planning Commission discussed whether drawing the line at fourplex (vs. higher) goes far enough. Some members wondered why the Town should impose any constraint on density within a building envelope that complies with the “form” requirements, or what approach should be used to calibrate such a constraint. Another member urged caution, noting that numerous other cities and states in North America have drawn the line at fourplex (or triplex), which may reflect both practical and political factors that we have not fully explored. The Planning Commission did not reach a resolution of this issue but wishes to flag it for the Council’s consideration. To be clear, the Planning Commission supports the current proposal, which is an important step forward.
2. It is not clear why the NCDs should be categorically exempt from this proposal. We understand that special considerations may apply in some cases. One idea would be to use a special exception/variance process to address the question of density within the NCDs.
3. In the future, the impact of the existing minimum lot size requirement should be studied.
4. We urge removal of parking minimums.
5. Rather than totally excluding rear-loaded garage spots and driveways from parking maximums, which could result in six parking spots per townhouse, we urge staff and the Council to consider applying a discount factor to rear-loaded garage spots and driveways (e.g., such spots count 50% toward the maximum).
6. In the context of the Town’s desire to incentivize rear-loaded townhouses, the Planning Commission discussed the impact of fire code requirements for minimum alley widths. Members noted that adding a rear alley seems to make townhouses no less safe, from a fire perspective, than having no alley. Meanwhile, configuring alleys for convenient access by fire equipment results in more impervious surface (and sometimes fewer housing units), somewhat diminishing the benefits of rear-loaded townhouses. We would like to see future dialogue between the Fire Marshall and the Town to promote

appropriate balancing of safety and other objectives.

7. In the future, impediments to broader adoption of ADUs (which are currently allowed) should be studied.

Reports

4. Parkline East Village Coordination Report

[\[22-0725\]](#)

The Parkline East Village Report was postponed until the October 11th meeting.

Adjournment

Next Meeting - October 18, 2022

approved.

Order of Consideration of Agenda Items:

1. *Staff Presentation*
2. *Applicant's Presentation*
3. *Public Comment*
4. *Board Discussion*
5. *Motion*
6. *Restatement of Motion by Chair*
7. *Vote*
8. *Announcement of Vote by Chair*

Public Charge: The Advisory Body pledges its respect to the public. The Body asks the public to conduct themselves in a respectful, courteous manner, both with the Body and with fellow members of the public. Should any member of the Body or any member of the public fail to observe this charge at any time, the Chair will ask the offending person to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the Chair will recess the meeting until a genuine commitment to this public charge is observed.

Unless otherwise noted, please contact the Planning Department at 919-968-2728; planning@townofchapelhill.org for more information on the above referenced applications.

See the Advisory Boards page <http://www.townofchapelhill.org/boards> for background information on this Board.

Note

