



TOWN OF CHAPEL HILL

Town Council

Meeting Minutes - Final

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

Mayor Pam Hemminger
Mayor pro tem Karen Stegman
Council Member Jessica Anderson
Council Member Camille Berry
Council Member Tai Huynh

Council Member Paris Miller-Foushee
Council Member Michael Parker
Council Member Amy Ryan
Council Member Adam Searing

Wednesday, January 18, 2023

6:30 PM

Library Meeting Room B

Language Access Statement

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

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

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In-Person Meeting Notification

View the Meeting

- Public attendance is welcome.
- We will not live stream the event, but will provide the Post-Meeting Video
<https://www.townofchapelhill.org/councilvideo/>
- The Town of Chapel Hill wants to know more about who participates in its programs and processes, including Town Council meetings.
- Participate in a voluntary demographic survey
<https://www.townofchapelhill.org/demosurvey>.

Parking

- Parking is available at the Library lots. The Library is served by CL Route, D Route, and GoTriangle Routes of Chapel Hill Transit

Entry and COVID-19 Protocols

- Meeting Room B is to the right from the main entrance.
- Visitors and employees will self-screen. Do not enter if you have these symptoms:
Fever, chills, cough, sore throat, shortness of breath, loss of taste or smell,
headache, muscle pain

ROLL CALL

- Present:** 8 - Mayor Pam Hemminger, Mayor pro tem Karen Stegman, Council Member Jessica Anderson, Council Member Camille Berry, Council Member Tai Huynh, Council Member Michael Parker, Council Member Amy Ryan, and Council Member Adam Searing
- Excused:** 1 - Council Member Paris Miller-Foushee

OTHER ATTENDEES

Interim Town Manager Chris Blue, Deputy Town Manager Mary Jane Nirdlinger, Deputy Town Manager Loryn Clark, Town Attorney Ann Anderson, Assistant Planning Director Judy Johnson, Business Management Director Amy Oland, Principal Planner-Land Use Diedra McEntyre, Transit Development Manager Matt Cecil, Urban Designer Brian Petersen, Economic Development and Parking Services Director Dwight Bassett, Mayor's Assistant Jeanne Brown, Transit Director Brian Litchfield, Police Officer Steven Bradley, and Communications and Public Affairs Director/Town Clerk Sabrina Oliver.

OPENING

Mayor Hemminger opened the work session at 6:30 p.m. and reviewed the agenda. All Council members were present, with the exception of Council Member Miller-Foushee, who was absent/excused.

ANNOUNCEMENTS BY COUNCIL MEMBERS**0.01 Mayor Hemminger Regarding Public Information Meeting**[\[23-0053\]](#)

Mayor Hemminger announced that a public information meeting on the Public Roads Plan would be held at the Chapel Hill Public Library on January 19th from 6:30-8:30 pm. A public meeting on the Inclusive Playground and Splash Pad Feasibility Study would be held at the Public Library from 11:30 a.m. to 1:00 p.m., she said.

0.02 Mayor Hemminger Regarding Legislative Breakfast[\[23-0054\]](#)

Mayor Hemminger reminded Council members that their annual Legislative Breakfast would be held at the Public Library on January 24th from 8:30-10:00 a.m.

0.03 Council Member Huynh Regarding Former Mayor Howard Lee's Lifetime Achievement Award[\[23-0055\]](#)

Council Member Huynh pointed out that Chapel Hill resident Howard Lee had recently received a lifetime achievement award from the State of North Carolina for his work with mentoring young people, especially young men of color.

0.04 Mayor Hemminger Regarding Recognizing Congressman[\[23-0056\]](#)

Price

Mayor Hemminger said that staff was working on scheduling a time to recognize retiring U. S. Congressman David Price for his service to the community.

0.05 Council Member Berry Regarding the Swearing-In of Representative Foushee

[\[23-0057\]](#)

Council Member Berry recognized U. S. Congresswoman Valerie Foushee, who had recently been sworn in as the district's federal representative.

AGENDA ITEM(S)

1. Shaping Our Future - Transit Oriented Development and Land Use Management Ordinance (LUMO) Update.

[\[23-0038\]](#)

Principal Planner Deidra McEntyre began the staff's PowerPoint presentation on implementation strategies, site concepts, and next steps regarding the Town's transit-oriented development (TOD) process. She said that a consultant team working on the Land Use Management Ordinance (LUMO) code audit would return for an in-depth conversation with the Council on February 8, 2023.

Transit Planning Manager Caroline Dwyer addressed how the TOD initiative would be part of the Council's vision for several focus areas throughout Town. She noted that a Town "Shaping Our Future" initiative consisted of two elements: the TOD Strategy and Implementation Plan (which would be finalized in February 2022); and the LUMO audit and update.

Ms. Dwyer discussed components of those two processes and explained how they fit with other planning efforts, such as the Town's Complete Communities Framework (CCF) and Checklist. She said that staff had responded to Council feedback by clarifying, using consistent definitions, refining messaging and graphics, and providing additional information.

Christopher Hall said that the four aspects of TOD implementation were: affordable housing, equitable multimodal accessibility and mobility, economic development, and land use policies. He discussed implementation and programming recommendations, potential funding mechanisms, and zoning policies for affordable housing. He recommended economic development strategies that would facilitate equitable growth and development and said that he saw an opportunity for the Town to set standards that other towns would follow.

Council Member Parker proposed encouraging more co-development of market rate and affordable housing, as the Weavers Grove development had been doing. Mayor Hemminger and Mr. Hall discussed the potential for redeveloping and adding density to existing office buildings.

The Council pointed out the need for TOD destinations that residents want to go to, and Council Member Searing emphasized residents' desire for access to parks and greenspace. Council Member Parker said that investing in Cultural Arts, such as Downtown performance spaces, should be an explicit part of the Town's economic development strategy.

Mr. Hall said that TOD was intended to be more aggressive, to add more resources, and to encourage the use of a collection of sites through the corridor. In some ways, staff's recommendations could be applied Townwide, but they could also be very specific to the TOD corridor and focus areas, he said. He noted that improved bike and pedestrian connections would enable people to get to BRT stations across the corridor. However, the current recommendation was to concentrate those in the northern part of the corridor (primarily along Martin Luther King Jr. Boulevard) because of the number of low-to-moderate income residents living there, he said.

Mr. Hall noted that the staff and Council had previously discussed the need to adjust and refine the LUMO code in order to move toward the Town's TOD vision. That had reached a point where it needed to be brought in line with the Future Land Use Map (FLUM) and the CCF in order to move the zoning process forward, he said.

Ms. McEntyre said that staff was planning to bring short-term code revisions ("mile-markers") to the Council while revising the code. Staff members would return with Orion Planning on February 8th for a detailed discussion about what needed to be updated in the LUMO and would then bring a draft code report on February 15th, she said.

Ms. McEntyre said that a final draft code report was expected by the end of March and that the LUMO rewrite would kick off in April 2023. She said that staff's goal was to have a Council decision on how and what to include in the new LUMO by October 2023 in order to move forward with a preliminary draft that could start being tested in January 2024.

Mr. Hall explained that the first step in the LUMO rewrite would be to focus on priority use districts that would be needed to achieve the objectives set out in the TOD Plan and the CCF process. For example, to identify use districts that could be resolved and develop a set of recommendations around key issues such as uses, densities, setbacks, placement, massing, building types and typologies, he said.

Council Member Anderson said that making policy decisions in October seemed backwards to her, but Mr. Hall replied that policy directions had already been given and that staff would be presenting a way to work those into a set of zoning recommendations.

Council Member Anderson commented on the probable need for tradeoffs

and policy clarification. She ascertained from Ms. Dwyer that the Council's vote in February would only address whether to adopt a resolution to move the TOD Plan into the Comprehensive Plan.

Assistant Town Manager Mary Jane Nirdlinger said that the policy decision had been what the corridor should look like. That had led to the draft report, which would give Council members a chance to envision adopting the TOD Plan into the Comprehensive Plan, she said.

Ms. Dwyer pointed out that the final document would include an executive summary regarding station area concepts and recommendations for how to implement TOD in the North-South Bus Rapid Transit (N-S BRT) corridor. Staff would be asking the Council to recommend that the Comprehensive Plan be amended to incorporate the TOD Plan so that it could become a policy direction to which the Town is committed, she said.

Mayor Hemminger confirmed with Ms. Dwyer that the document, which would address only the NS-BRT corridor, could be extended to other areas of Town via the LUMO update or some other means. Ms. Dwyer said that less developed plans for US 15-501 and NC 54 would be included as an appendix.

Council Member Ryan ascertained from Ms. Dwyer that the TOD Plan would not include a standard requirement regarding densities per acre. Ms. Dwyer explained that zoning code categories would be in the LUMO. Staff would be showing the Council ranges, potentials and possibilities -- not options from which it must choose, she said. Council Member Ryan confirmed with Mr. Hall that examples in the report would apply various principles and policies that had been discussed in previous documents and during the Complete Communities engagement process.

Town Attorney Ann Anderson explained that amending the Town's Comprehensive Plan to include a TOD Plan would not change the parameters of what the Council could or could not do. It would be part of a large set of policy documents that guide Council actions regarding development, but it would not mandate anything in particular for the Council, she said.

Council Member Parker expressed disappointed over hearing that the LUMO rewrite would take two years and said that he wanted it to move forward more quickly. He and Council Member Anderson commented on how the Council should be thinking about key policy objectives much earlier than October 2023. He recommended that staff determine what it would take to complete the process within the current calendar year, or at least figure out how much progress could be made in that time.

Ms. McEntyre said that part of the February 8th conversation with Orion Planning would address that desire for a faster process. It would also

determine what work must be done before returning to Council with a full document that would be ready for adoption, she said.

Ms. Dwyer pointed out that the Council could consider having the resolution include expediting some components, and Mr. Hall said that the Council could start with deciding on which five TOD-use districts and their components were needed to realize the N-S BRT corridor. That would provide some guidance for other moderate-to-higher density districts in other focus areas, he said.

Council Member Berry confirmed with staff that the purpose of the February resolution would be to adopt a TOD implementation strategy and open a public hearing to start the process of amending the Comprehensive Plan to include the TOD Plan. She also confirmed that advancing the TOD Plan would not affect how the Council pursued the LUMO rewrite.

Council Member Ryan proposed breaking the document down into smaller pieces. She said that she wanted to see options and information on what decisions were being asked of the Council; realistic expectations for what rewriting the LUMO would involve; and information on what staff would be capable of doing.

Ms. McEntyre pointed out that staff had shown the Council many of the details in previous presentations. All the information was there, if needed, but staff was currently trying to focus the conversation and address any outstanding questions, she said.

Ms. Dwyer said that staff was merely asking the Council to adopt a policy commitment to implementing the TOD, which would ultimately be defined through the LUMO. Staff needed to provide the additional information for a potential FTA grant, which was more robust and detailed than what was needed to set a policy direction, she said.

Council Member Berry agreed that the material from staff needed to be further pared down. However, the Council was asking for far more information than it needed, she said, and she proposed voting on whatever small piece was critical to making the February decision.

Interim Town Manager Chis Blue commented that staff realized that their presentation contained an overwhelming amount of information. They would respond to Council comments about framing it better next time, while also meeting FTA grant requirements, he said.

Transit Development Manager Matt Cecil said that the next step would be to return on February 23rd to review the implementation strategy. However, staff would provide the Council with an opportunity to look at the entire process by February 1st, he said.

Mayor Hemminger commented on how staff had been asked to do a lot of work and had risen to the occasion. The Council appreciated the time and energy that they had put into it, she said, and she pointed out that some staff members had joined the Town in the middle of the process.

Mayor Hemminger said that the current LUMO framework was too complicated and convoluted and was not yielding the outcomes that the Town wanted. She understood the need for haste, but it would be up to the Town Manager and the Planning staff to determine the staff's capacity, she said.

This item was received as presented.

2. Update on Planning Systems Evaluation.

[\[23-0039\]](#)

Consultant Jennifer Keesmaat gave a PowerPoint presentation on a Planning Systems Expedited Approach and a Complete Community Checklist. She said that current Town processes had been a disincentive to investment but that the Town would be able to change that and re-inspire investment. She emphasized the need for a clear process and said that the CCF and the LUMO rewrite presented an opportunity to implement a revised process.

Ms. Keesmaat said that there was a need to eliminate duplication, make better use of staff expertise, and acknowledge that there would be no silver bullet. The goal was to put tools and processes in place that would lead to change, she said. She reviewed how principles that the Council had set forth were being followed.

Ms. Keesmaat's presentation highlighted the following two objectives: Reestablishing Planning Culture Expectations; Assessing the Role of Boards and Commissions to find Efficiencies. She said that the Town's current development review process consisted of small negotiations that were not connected to a larger vision. She pointed out that culture change would require clear roles and people executing those in a way that was consistent with the overall approach.

Ms. Keesmaat discussed the importance of reducing the timeline for approving development applications while also respecting the time and expertise of Town employees. She described a two-page checklist that would be used to ensure that CCF objectives were being met through the development review process.

Ms. Keesmaat presented a graphic that showed how a new planning system expedited process would work. She explained that the Council would have two critical roles -- approving a policy that gives direction to staff and approving a development application. The process would take Town boards and commissions out of development review and put them in

the policy area, she explained. She said that staff would add their assessment to the checklist and make recommendations to Council based on Council policies.

Ms. Keesmaat said that if staff deemed an application passing then it would go into a consolidated review process that, accompanied by the checklist, would go to the Planning Commission (PC) and the Community Design Commission (CDC) for one review each to confirm staff's analysis. Everything would need Council approval, but Council would typically not negotiate, she said.

Ms. Keesmaat said that consistency with Council-established policy would be critical, but she noted that those policies would be weighted differently project by project. In some ways, the hardest part would be that the Council would be asked to trust the professionals it hires to implement its policies, she said.

Ms. Keesmaat showed an example of what the two-page checklist would look like. She explained its elements and the rationale behind some of its questions. She expressed hope that the Council would approve the revised approach and checklist and pointed out that completing the LUMO update was critically important to the process.

Ms. Keesmaat recommended starting to make the checklist available to anyone who wanted to use it. She pointed out that it was already being used for a Longfellow pilot project in the Downtown area. However, some steps in that process had to be skipped because the LUMO had not been rewritten, she said.

Council Member Anderson and Ms. Keesmaat discussed the unusual extent to which the Council had been negotiating directly with developers over the years. They also talked about adding an opportunity for an applicant that had received a low score on some part of the checklist to meet with an advisory board to discuss it.

The Council confirmed with Ms. Keesmaat that almost any project that met all the checklist's green boxes would come before it. Town Attorney Ann Anderson pointed out, however, that the existing process, which was in the LUMO, did not include projects going to all the Town's boards and commissions. Planning Commission review was the only one required by state law, so the Council would not have to make any LUMO changes in order to change that aspect of the process, she said.

Attorney Ann Anderson commented that she would need to discuss nearly every aspect of the proposed process with the Council. She was struggling with how policy creation and rezoning were being discussed at the same time, she said.

She also discussed how the Council was hoping to have fewer development entitlement applications come before it. However, the current conditional zoning process would always be legislative and could not be turned into a "by right" one with a different review process, she said. Any rezoning would have to come before the Council, regardless of its size, she said.

Mayor pro tem Stegman and Ms. Keesmaat discussed how the Council would need to resist revisiting everything on the checklist, and Ms. Keesmaat pointed out that putting it on the Consent Agenda would be one way to approach that.

In response to questions from the Council about when and how the Longfellow pilot project had been decided, Ms. Keesmaat said that her team, Town staff, and others had decided early in December 2022 to try the process out there. They were currently working on a memo of understanding, which would come to the Council along with a concept plan in February or March 2023, she said.

Council Member Searing said that he felt disturbed by the Longfellow process, since the Council had not agreed to it, which meant that it included less constituent representation. He wanted to have input into where and when pilot projects were launched and an opportunity to represent his constituents in the process, he said. He pointed out that one of his constituents would be directly affected by the Longfellow project.

Ms. Keesmaat explained that the checklist was being used on the Longfellow project in order to test and refine the tool. Once the Council had given approval, the process would apply to all projects in the pipeline, one of which would be the Longfellow project, she said.

Attorney Anderson pointed out that NC law required that all re-zonings include public meetings. She said that Council public meetings on zoning, which included public comment, were the only ones that mattered and that they could not be cut out of the process. Mayor Hemminger pointed out that the LUMO required two public Council hearings for a rezoning, and Council Member Anderson said that the Council would continue to hold two.

Attorney Anderson noted the possibility of a perception, however, that holding public hearings at the proposed stage of the process would leave public comment out. Mayor Hemminger and Ms. Keesmaat proposed that an additional public hearing be inserted after staff's recommendations to Council. Attorney Anderson expressed concern about a staff "recommendation" being the presumptive decision, and Ms. Keesmaat proposed changing that to say staff "report" to Council.

Council Member Parker proposed that Ms. Keesmaat spend some time analyzing the Town's concept plan process as well, and he gave examples of what could be looked at. He asked her why CDC review had been included in the process, since that was not required by state law, and she said that it was just an additional layer of design review. The Council could remove that if they did not see value in including it, she said.

The Mayor and Council commented on issues that still needed to be addressed, such as community meetings with developers, Town boards that help set policy, having a powerful incentive plan, and having an iterative review over time. Ms. Keesmaat pointed out that the process would grow stronger when the Town's regulatory documents were clear.

This item was received as presented.

ADJOURNMENT

This meeting was adjourned at 9:39 p.m.