



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

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

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**Wednesday, April 18, 2018**

**7:00 PM**

**RM 110 | Council Chamber**

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#### Roll Call

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

#### Other Attendees

Town Manager Roger L. Stancil, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Planning and Development Services Director Ben Hitchings, Planning Manager Phil Mason, Planning Operations Manager Judy Johnson, Interim Principal Planner Corey Liles, Senior Planner Aaron Frank, Planner II Michael Sudol, Planner II Jake Lowman, Parks and Recreation Director Jim Orr, Executive Director for Technology and CIO Scott Clark, Police Officer Rick Fahrer, Deputy Town Clerk Amy Harvey

#### OPENING

a. Successes Video: Near and Far Festival.

[\[18-0341\]](#)

Mayor Hemminger opened the meeting at 7:00 p.m. She introduced a "Celebrating Successes" video about a recent "Near & Far" celebration of global cultures, which had recently taken place downtown. She noted it had been the first annual festival to celebrate the Town's rich and diverse cultural blend and that there would be more.

b. Proclamation: Earth Day.

[\[18-0342\]](#)

Mayor Hemminger read a proclamation regarding the proliferation of plastic and noted that 90 percent of the 1.8 billion plastic bags discarded each year end up as waste or litter. Cities and towns across the world would celebrate Earth Day on Sunday, April 22, in order to change attitudes and behavior, she said, and she asked all citizens to take positive steps

toward reducing reliance on plastic by using reusable shopping bags, cups and bottles, and by taking other steps to eliminate single-use plastics wherever possible.

## **ANNOUNCEMENTS BY COUNCIL MEMBERS**

a. Mayor Hemminger Regarding Strowd Rose Garden Donation.

[\[18-0344\]](#)

Mayor Hemminger thanked Strowd Roses for the financial investment, care, and time spent on the Community Center rose garden. Strowd Roses had spent about \$34,000 on that during the current year and the Town appreciated that and their diligence in keeping the garden flourishing over the years, she said.

b. Mayor Hemminger Regarding Duke's Solar Rebate Program.

[\[18-0345\]](#)

Mayor Hemminger said Duke Energy had announced a Solar Rebate Program to help its North Carolina customers with the upfront cost of installing solar panels on their properties. Anyone could apply, and information was on Duke Energy's website, she said.

c. Mayor Hemminger Regarding Jordan Lake Watershed Tour.

[\[18-0346\]](#)

Mayor Hemminger said she had spent the morning on Jordan Lake with other elected officials looking at the watershed and learning how it functions. It was fascinating and informative, she said, adding that regional collaboration would have a positive outcome.

d. Mayor Hemminger Regarding First Street Design Workshop.

[\[18-0347\]](#)

Mayor Hemminger announced that the public was invited to participate in the Town's first street design workshop, at 6:30 p.m. on April 19th at the Hargraves Center.

## **PUBLIC COMMENT - ITEMS NOT ON PRINTED AGENDA**

a. Henry Copeland Regarding the Bolin Creek Trail.

[\[18-0360\]](#)

Henry Copeland, a Chapel Hill resident and cyclist, commended the Council for fast-tracking a section of the Bolin Creek Trail. He pointed out that the trail was a huge Town resource, with 500 users a day. Completion of that from Tanyard Branch all the way down to the Community Center would create a new transport backbone for Chapel Hill, he said, and he thanked the Council for making the path a reality.

Mayor Hemminger thanked Mr. Copeland and other cyclists who were present for coming out in support of the project. The Town was hoping to open the Tanyard Branch section on June 2nd, she said.

## **AGENDA ITEMS**

1. Consider a Master Plan and Land Use Management Ordinance Text Amendment - Proposed Amendments to Articles 3, 5, 6, and Appendix A.

[\[18-0332\]](#)

Planning Manager for Development Services Phil Mason presented the Wireless Communications Initiative (WTI) master plan and ordinance for Council consideration and public comment. He said the Town's goal was to get the most benefits while minimizing unwanted impacts to the community. Those benefits included improved service, better and clearer permitting procedures, and better alignment with local regulations and federal and state laws, he pointed out.

Mr. Mason reviewed the WTI process, which had begun with a Council work session in 2017 and included public meetings, a poll, advisory board meetings, and resident and industry feedback. He explained the proposed master plan and ordinance would provide a structure to guide deployment of the infrastructure for a more robust Town network. He pointed out that a third of the poll's 330 respondents had reported poor service where they live. However, residents wanted continued service improvements to be balanced with visual impacts, Mr. Mason said.

Susan Rabold, a consultant with CityScape, described wireless towers and bay stations and showed areas of Town coverage on a map. She said the 58 wireless facilities that had been identified for the study area would include an area around the Town's geographic boundary. She estimated that Chapel Hill would need 10-13 new towers and hundreds of small facilities over the next 10 years.

Ms. Rabold showed photos of how small facilities could be concealed. She described several options for concealing and said that the Town's first preference in polls and stakeholder meetings had been to co-locate facilities on existing towers and base stations. Ms. Rabold discussed location options and the goal of having a robust wireless network while minimizing clutter in the rights-of-way and other areas.

Mr. Mason pointed out that approval of wireless facilities depended, in part, on their scale and location. The NC Department of Transportation (NC DOT) controlled its rights-of-way and made the ultimate decisions regarding facilities in those locations, he said. However, the Town would administratively approve small scale facilities on private property and in its own rights-of-way, he said.

Mr. Mason mentioned key advisory board changes pertaining to permitted uses, landscape buffer requirements, screening of equipment, and updating the Town's inventory of existing utility poles. He said staff had made those changes in both the master plan and ordinance. He characterized the proposed ordinance as a balance between community and industry interests. Mr. Mason outlined next steps and recommended

that the Council continue the public hearing to May 23, 2018.

Council Member Parker confirmed with Mr. Mason that there were different types and scales of dual-purpose facilities. He also confirmed that a Duke Power facility shown during the presentation would not require a special use permit and that those in the Town's public rights-of-way and light poles would be approved administratively.

Council Member Gu asked about possible health effects, particularly on children whose schools were located near facilities.

Ms. Rabold replied that the federal government had prohibited local governments from regulating radio frequency or making a decision on placement based on radio frequency. She said studies had indicated no harmful health effect from equipment emissions, as long as protocols are followed.

Council Member Gu confirmed with Ms. Rabold that the public would not have any say in where the towers were placed.

Council Member Oates verified with Mr. Mason that the cost of various types of facilities -- whether attached to a Town pole or on a special concealed pole from Duke Energy -- would be borne by the wireless provider.

Council Member Oates also verified with Mr. Mason that the Town would merely set parameters and could not aggressively recruit providers in the way that communities that own all of their infrastructure could do.

Council Member Oates asked about improving service in lower density areas.

Mr. Mason replied the service was market-driven and not something the Town would control. The industry would go into the areas of highest demand first and then work into lower density areas, he said.

Trey Rabon, representing AT&T, pointed out that representatives from American Tower, Horizon, AT&T, Sprint, and T Mobile were present and said they had asked him to speak on their behalf as well. He addressed the importance of wireless communication to Town residents and visitors and discussed the need to build for increasing demand. He said there was an acute need to increase capacity to meet current and future demand and improve efficiency.

Mr. Rabon said WTI's goal was commendable and that changes in the existing ordinance were needed. However, there was a disconnect between what the master plan aspired to do and what the proposed ordinance actually would do, he said. He said that the ordinance would make building the infrastructure to address the increased need for small

cell deployment in Town very difficult. Mr. Rabon requested the Council refer the draft ordinance back to committee and allow industry representatives to continue collaborating with the Planning Commission (PC) for further consideration.

Mayor pro tem Anderson confirmed with staff that the Town would not own the infrastructure because it did not own the poles in the way that cities that own their electric systems do.

Mayor Hemminger suggested that industry representatives talk with the PC and staff and see if there was time to make changes, if changes were warranted.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Parker to recess the Public Hearing to May 23, 2018. The motion carried by a unanimous vote.

**2. Open the Public Hearing: Application for Special Use Permit Modification - Chapel Hill High School, 1709 High School Road.**

**[\[18-0333\]](#)**

Senior Planner Aaron Frank gave a PowerPoint presentation on a special use permit (SUP) modification request from Chapel Hill Carrboro City Schools (CHCCS) for renovating Chapel Hill High School. He explained that a concept plan presented in early 2017 had been reviewed by staff and advisory boards and was before the Council for a public hearing. He gave a PowerPoint overview of the nearly 100-acre property at the intersection of Sewell School and High School Roads. The property was zoned Residential 1, and the Town's Comprehensive Plan called for institutional land use at that location, he said.

Mr. Frank outlined the proposal to renovate and add approximately 163,000 square feet in order to improve conditions at the school and increase enrollment by 105 students. He showed details of proposed improvement areas on a map and noted that parking and pervious surface would be decreased and there would be 163 new bicycle spaces.

Mr. Frank described proposed stormwater management improvements and showed the location of buildings and parking areas on a site plan, which had been reviewed by Town and NC DOT staffs. NC DOT's Municipal Schools Transportation Assistance Division had estimated a need for more than 2,000 feet of queue length for pick-up and drop-off area, he said, and he indicated where that would be provided.

Mr. Frank discussed off-property and public improvements. These included a right-turn lane from Homestead Road onto High School road, bike lanes and sidewalks on High School Road, a left-turn lane into the site from High School Road, and a left-turn lane from High School Road onto northbound Sewell School Road. He pointed out that proposed traffic mitigation would lead to less than a minute delay, according to a traffic study. Mr. Frank

said traffic control officers would also be located at the two accesses. Further traffic studies would be done after occupancy to analyze improvements and determine if they need adjustment, he pointed out.

Mr. Frank noted the applicant had revised the plan regarding tree canopy and buffers. He said modifications regarding building height and bicycle parking had been included as well. The applicant proposed to provide the required 163 bike spaces but had asked that some be sheltered spaces rather than lockers, he said.

Mr. Frank said all Town advisory boards had recommended approval, with some conditions regarding tree canopy, tree protection, buffers, and having an electrical conduit running to parking lots. Staff was recommending the Council recess the public hearing to May 23, 2018, he said.

Council Member Parker confirmed that having traffic control officers would reduce the delay from 20 minutes to one minute and that CHCCS would pay for the officers.

Mayor pro tem Anderson confirmed that a crossing at Jolly Branch had been improved.

Council Member Schaevitz asked for more information about bio-retention ponds, and Mr. Frank explained those stormwater management facilities would be located in the northern portion of the site. They would have plantings that provide filtration and volume control to capture some of the stormwater flowing from the northern parking lot down toward Jolly Branch, he said.

Council Member Stegman confirmed with Mr. Frank that a sidewalk and bike path along High School Road would be connected to a larger network and would support safe rides to Chapel Hill High and surrounding schools.

Mr. Frank said the project would improve the surrounding network of roads and greenway. He noted the plan also included adding a "fix it" station on school property that students and other cyclists could use to make bike repairs.

Mayor Hemminger pointed out the Town had bumped the Sewell School Road sidewalk higher up on its sidewalk program list in order to collaborate with the Chapel Hill High School project.

Council Member Stegman asked about the reason for the lower tree canopy.

Mr. Frank replied that Chapel Hill High School did have much recreation area that was atypical of other land uses. He deferred to the applicant for a further explanation.

Assistant Superintendent for CHCCS Todd LoFrese explained that the project had begun in 2010 with a facilities study that had found a need for major improvements at the school. He described some of those structural problems and said the project had been through a visioning process with a team that included faculty, parents, students and community members. That team had developed the vision and guided the design concepts and had done its best to include the community's desires within the project, he said.

Mr. LoFrese stressed the need to begin the work during the upcoming summer in order to avoid rising construction costs. He described the building and renovation plan and described a campus that would be fully enclosed and would include flexible learning spaces. He reviewed how the project would address traffic challenges.

Mr. LoFrese addressed a special use permit (SUP) stipulation that would cap the school's enrollment at 1,625 students, which he said was essentially 100 percent enrollment. That left very little flexibility and would mean intentionally operating under capacity or potentially having to close the school or redistrict students during summer months when there were new registrants, he said. Mr. LoFrese requested that there be no cap on enrollment and that a traffic study be conducted instead, if needed, when enrollment reached 110 percent capacity. That would be in line with what the current Schools Adequate Public Facilities Ordinance memo of understanding specified as the threshold for when a new school was needed, Mr. LoFrese pointed out.

Ashley Dennis, representing Mosely Architects, gave a quick overview of the design, showing plans for deconstructed, new, and remaining buildings. She pointed out the new campus would be safer by being fully enclosed.

Blake Hall, a civil engineer with Timmons Group, addressed advisory boards' special considerations regarding stormwater requirements. He explained how the applicant would reduce impervious surface even though it was not required to do stormwater management on site. He gave a PowerPoint presentation that showed examples of rain gardens and other bio-retention facilities. The proposed improvements would improve water quality and reduce pervious surface, he said.

Mr. Hall showed a plan for a one-acre courtyard with several environmental learning features in an engaging, educational space. He noted how proposed improvements would address advisory boards' comments regarding slopes, a stream culvert, changes in the drive aisle to south, and impact to the Resource Conservation District (RCD). The applicant agreed to use native plants wherever possible, Mr. Hall said.

Ms. Dennis explained the rationale behind the applicant's request for

covered bicycle parking rather than storage lockers. Lockers were very expensive and took up a lot of space and covered spaces would be more utilized by students, she said. She also mentioned the applicant had been meeting with a neighbor regarding additional plantings to buffer the parking area near his property. Ms. Dennis pointed out there would be four safe crossings for students and said that the applicant was looking into options for a safer crossing at one point.

Mr. Hall showed how the design addressed concerns from the Transportation Impact Analysis (TIA) and explained the plan for overall improvements in bike lanes and sidewalks. He said the NC DOT would not permit installation of a traffic signal, so the plan was to adjust the signal and add a right turn lane at Homestead Road, which would raise that intersection's grade from F to B.

Mr. Hall noted the applicant's requests to increase the building height to 50 feet and to modify the western buffer to a variable width. The CHCCS planned to increase tree canopy to about 31 percent, but increasing it to 40 percent would mean having to plant about five more acres of land, which would impede visibility into the site, he said.

Mayor pro tem Anderson asked how the TIA had included determined grades for a traffic control officer.

Craig Scheffler, a consultant with HNTB, explained they had produced a number based on an assumption that the control officer had a stop watch and allowed left turns out every 30 seconds, thus operating like a traffic light. That was where they had gotten the 48 second delay, he said.

Mayor pro tem Anderson confirmed with Mr. Scheffler that the level of service would be improved because a human would be reacting to real world conditions. Mr. Scheffler added that variability was one reason why it was difficult to get a signal warrant for many schools.

Council Member Schaevitz confirmed with Ms. Dennis that the applicant was looking into solar energy but could not answer the question about conduit at the current time because costs had been prohibitive. Ms. Dennis said CHCCS had been looking into different options for placing solar -- such as on the rooftop, over parking, or over bike shelters -- and determining what the payback might be.

Mayor Hemminger pointed out the Town was merely asking applicants to install solar conduit to the roof.

Ms. Dennis replied she did not think that would be a problem, but she would need to confer with the applicant.

Council Member Gu asked for clarification of school capacity and the request regarding an increase in enrollment.



Mr. LoFrese explained that Chapel Hill High's capacity, as currently designed and being presented, was 1,625 students and that the SUP was capping it at that enrollment unless the district completed a traffic study and implemented whatever improvements might be requested. That was restrictive in a district that had been operating at capacity for more than 20 years, he said. Mr. LoFrese explained that CHCCS was asking to not cap enrollment but to have traffic studies at certain triggers of enrollment (such as 110 percent capacity). He pointed out that 110 percent capacity was a trigger in the Schools Adequate Public Facilities Ordinance (SAPFO) for when a new school or addition needed to be constructed.

Council Member Gu asked if Mr. LoFrese was saying that an increase in enrollment would only affect traffic. Wouldn't lack of an enrollment cap have some safety concerns with regard to the building as well, she asked.

Mr. LoFrese reviewed the SAPFO objectives and said the CHCCS was requesting that there not be a fixed cap on the number of students. The school system was trying to avoid having to bus extra students across Town, he said.

Mayor pro tem Anderson expressed confusion about why SAPFO would be used as the trigger for the traffic study when the conversation was about traffic mitigation, not redistricting.

Mr. LoFrese replied the issue would be schools being over capacity before new capacity comes on line. Therefore, to say that one school cannot exceed 100 percent capacity would mean that the other two schools would exceed 110 percent capacity because SAPFO looked at all schools across the level, not individual schools, he said.

Mayor pro tem Anderson said she still did not understand why 110 percent rather than 100 percent would trigger a traffic study.

"That's our request," Mr. LoFrese replied.

Council Member Buansi asked if improvements would preclude trailer use in the future.

Mr. LoFrese replied that 14 of the 54 mobile classrooms that exist across the district would be leaving the inventory because of this project. Trailers were expensive to maintain and difficult to secure, and CHCCS very much wanted to no longer need them, he said. Mr. LoFrese said it was possible the district might be forced to use them again at some point in the future, but that was not the goal.

Council Member Buansi confirmed with Mr. Frank the bike "fix it" station would be about the size of a podium and located on the western side of the site. It would offer a variety of bike tools that cyclists use to make

repairs, Mr. Frank said.

Pam Schultz, an environmental engineer at UNC, expressed concern about parents dropping children off near the student parking lot. She asked there be two drop off locations, and she gave a PowerPoint presentation that showed schools where there were drop-off locations were safer. Ms. Schultz predicted NC DOT would approve two queuing locations, with accesses from Homestead and Sewell School Roads. She suggested converting the construction access to a greenway after construction.

Julie McClintock, a Chapel Hill resident who had been working with Ms. Schultz on the issue, said Ms. Schultz's recommendation would avoid the tremendous backlog of parents driving from surrounding roads to the drop-off area and all the way back around again.

Speaking for the Stormwater Board, Ms. McClintock noted that a February 27, 2018 letter from that Board was in the Town records. The CHCCS had met with them and agreed to do a list of exciting things related to education, she said. She said that she and Ms Schultz had taken their progress report to the Stormwater Board, which had come up with a resolution in favor of what Ms. Schultz had described. She read that resolution and commented that the idea had originally come from the Board.

Ms. McClintock showed a slide to illustrate connectivity, and she discussed reducing the queuing requirements. She expressed hope that the Town would encourage CHCCS to see that parents did not always have to drop children off. Students could ride bikes to school if a safe off-road facility existed there, she pointed out. Ms. McClintock said she was a little disappointed that the CHCCS and Town had not taken that on as a challenge and goal.

Sulura Jackson, Chapel Hill High School principal, said three things had been affecting how well she was able to do her job: 1) the facility itself caused problems (i.e., the HVAC system had to be turned off so that students could hear teachers, and sometimes did not work at all); 2) periodic internet problems prevented 21st century education from being possible because too many places could not access it; and 3) weaknesses in the safety and security system. Ms. Jackson said a new facility was past due. She asked the Council to consider the educational impact that the renovations would have on education.

Laura Malinchock, past PTSA president and past vice president, said the renovations were long overdue. Her main concern was student safety, given the open nature of the current campus, she said. She strongly urged the Council to pass the SUP modification.

PTSA President Kirsten Barker agreed with others regarding the need to improve safety, ADA access, and the facility's overall condition.

Considering an anticipated increase in construction costs, further delay would waste millions of taxpayer dollars, she said. Ms. Barker described what the construction would entail, characterizing it as a well-choreographed dance that would continue for two years while the school operated as normally as possible. Traffic would be an issue for 20 minutes in the morning and afternoon regardless of how cars enter the campus, she said. Ms. Barker asked the Council to approve the SUP modification as quickly as possible.

Lijun Chen, a Chapel Hill High School parent, said that parents had been expressing concerns, frustrations and hopes regarding the school renovation project for more than 20 years. The 60-year-old school had malfunctioning systems, hygiene issues, and safety concerns, she said. Ms. Chen argued that the community had already spent enough time talking about the urgency and importance of the project. She urged the Council to take action and vote for approval.

Sharon Cocco, a parent whose children would ultimately attend Chapel Hill High School, commented on increasing construction costs and the need for greater safety and security at the school. She said her children had asthma and that she worried about poor air quality and water damage in the classrooms. Students had complained about having difficulty focusing in school due to the extreme temperatures resulting from old HVAC and electrical systems, she said. Ms. Coco urged the Council to approve the SUP modification and help the kids learn.

Mayor Hemminger noted the item was on the Council's agenda for May 23, 2018. As a former school board member, she did not think there should be an enrollment cap, per se, she said. She pointed out that CHCCS had already agreed to do a traffic count two months after opening. Mayor Hemminger expressed enthusiasm over getting rid of the trailers and said she was pleased that Chapel Hill High would be a much safer and healthier school. Traffic flow did need to be worked out, she said. She confirmed with the applicant that they had determined that roundabouts would be more expensive than traffic officers. Mayor Hemminger asked the CHCSS to consider installing solar conduit.

A motion was made by Council Member Bell, seconded by Council Member Schaevitz, to recess the Public Hearing to May 23, 2018. The motion carried by a unanimous vote.

### **ZONING ATLAS AMENDMENT(S)**

3. Open the Public Hearing: Application for Zoning Atlas Amendment - 11SIXTY5 Weaver Dairy Road.

**[18-0334]**

Operations Manager Judy Johnson explained there would be two separate public hearings on the item, one for the rezoning and one for the SUP. For each, the Council could choose to close the hearing or continue it to a

later date, she said. Ms. Johnson gave a brief PowerPoint introduction to land use planning in Chapel Hill. She showed the Future Land Use Map and the Zoning Map and explained the differences.

With regard to rezoning 11SIXTY5 Weaver Dairy Road, Ms. Johnson recommended the Council receive the staff report, open the public hearing, receive comment and recess the public hearing to June 13, 2018. She noted the property had been designated as a "development opportunity site" on the Future Land Use Map and as a "future focus area" in the Northern Area Task Force report. The applicant was requesting a rezoning from MU-OI-1 to OI-3, and there was an accompanying SUP, Ms. Johnson said.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Buansi to recess the Public Hearing to June 13, 2018. The motion carried by a unanimous vote.

### *SPECIAL USE PERMIT(S)*

#### **4. Open the Public Hearing: Application for Special Use Permit - 11SIXTY5 Weaver Dairy Road.**

**[\[18-0335\]](#)**

Ms. Johnson gave a PowerPoint presentation on an SUP application for a mixed-use office/retail/clinic building at 1165 Weaver Dairy Road. She said all Town advisory boards had recommended approval with some conditions, as reflected in the resolution. The proposal was for a three-story, 48,300 square-foot building with a 231-space, rear parking garage, she said. Ms. Johnson noted two points of access and said the applicant was requesting modifications to the buffer and steep slopes requirements. She recommended opening the public hearing, receiving comments, and recessing the hearing to June 13, 2018.

Council Member Oates confirmed with Ms. Johnson that the existing slope was an artificial one and that no blasting would be required to flatten it. She asked if the Town had a policy regarding blasting, noting that the issue had come up recently in connection with other projects.

Ms. Johnson replied that a blasting permit included many criteria and would need to be obtained from the Town's fire marshal.

Council Member Stegman clarified with Johnson that access to the building from Weaver Dairy Road could mean going down Martin Luther King Jr. Boulevard and back again, or a driver could turn into the Timberlyne Shopping Center and cut across.

Dan Jewell, representing Coulter Jewell Thames, gave a PowerPoint presentation and pointed out that it was the applicant's third proposal for the site. He said the slopes along the western side were man-made and did not have any majestic trees on them. Mr. Jewell pointed out that

access to the site would include an easement from Weaver Crossing. He said the stormwater management facility would be under the parking deck, and the applicant was currently doing geotechnical testing there. If any rock were found there the crew would be encouraged to use rock hammers to remove it rather than blasting, he said.

Mr. Jewell agreed landscape buffers were appropriate when different uses were side-by-side but said that reducing the requirement for 11SIXTY5 would allow the applicant to build an efficient parking deck. He showed a slide that indicated good pedestrian circulation around and through the site. However, several Planning Commission and Transportation Advisory Board members had asked for better and safer pedestrian movement through the parking deck, he pointed out.

Scott LaPorte, a consultant with MHA Works, explained how the building's positioning and height would align with nearby Weaver Crossing. He showed artist's renderings and said it would primarily have brick and glass elevations and that the applicant would do its best to clad the parking deck. Mr. LaPorte stressed that it would not be a medical office building but one that could house a medical office, if needed. The applicant was trying to provide a plaza space that would be a natural respite and was looking at putting balconies on the upper levels, he said.

Mr. Jewell pointed out the Council and the CDC had both asked the building be as close to the street as possible, with the plaza activated in front of the street. That was another reason for the requested buffer reduction, he said. Mr. Jewell also asked for a friendly modification to Stipulation 9, which proposed putting conduit at 20 percent of the parking spaces for future electric charging stations. He explained conduit would normally be installed under parking lots but would be strapped to a ceiling in a parking deck at 11SIXTY5. Mr. Jewell noted the possibility of solar powered charging stations in the future and questioned having to incur costs for something that might ultimately need a different solution.

Council Member Parker asked about anticipated traffic through the Walgreens parking lot and on Weaver Dairy Road.

Mr. Jewell replied that the Town's TIA had recommended re-timing the signals and adding safety measures at a pedestrian crosswalk.

Council Member Parker asked if the applicant had any ideas for providing shade in the plaza area.

Mr. LaPorte replied the Planning Commission had recommended making sure that the plaza-area tree canopy provided relief from the noontime sun. He showed where tree canopies and other vegetation would be placed and said that the canopy would be as full and thick as possible.

Council Member Schaevitz asked if the applicant anticipated having to

clear-cut the lot and replace tree canopy with new plantings.

Mr. Jewell replied that they did, with the exception of a few large trees in the back. Most of the site had been open, and there was not much opportunity, if any, to save existing vegetation, he said.

Council Member Oates confirmed with Ms. Johnson that the stipulations included uses and that the project could not be changed to a storage building, for example, without Council approval. Ms. Johnson confirmed that the project was restricted to what was being presented and could be only a little bit larger, given the allowed maximum.

Mayor pro tem Anderson asked for clarification of the electrical charging stations issue.

Mr. Jewell explained that they were requesting the flexibility to put conduit in later -- as needed and where needed. He proposed rewording the stipulation to state that the applicant's goal was to have solar car-charging stations and the circuiting and power requirements and conduits would be determined at the time those stations are put in. Mr. Jewell added that the need for those would be tenant-driven.

Mayor Hemminger confirmed with Mr. LaPorte that they had up-sized the roof structure to support solar panels and had provided conduit and a panel that would be connected to the house panel at a future date.

Council Member Gu reemphasized Council Member Parker's comment about having a pedestrian pass on the north side. Having a public space in front of the building would make the entire area more vibrant and would attract people to actually use the bike lanes and pedestrian passes, she said. Council Member Gu suggested having plantings in the middle of the plaza and said she hoped the area would be an interesting place that people would utilize.

Mr. Jewell agreed, and pointed out that having a better walkway through the deck was one of the Town's stipulations.

Mayor Hemminger said that the project had been much improved and was the type she had been looking for. She encouraged the applicant to find a way to make the parking deck look less institutional and said she was looking forward to seeing how the project progressed.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Parker to recess the Public Hearing to June 13, 2018. The motion carried by a unanimous vote.

- 5.** Parks and Recreation Trust Fund Grant Application Update. (no attachment)

[\[18-0336\]](#)

Parks and Recreation Director Jim Orr introduced the item on possible grants related to the Town's land on Legion Road. He said the Council should choose one of two decisions before it: 1) authorize the Town Manager to apply for a Parks and Recreation Trust Fund Grant for the American Legion property as outlined in the April 11, 2018, Council agenda; or 2) take no action toward applying for the grant at this time. Mr. Orr recommended taking no action and considering applying for a grant when the Council had adopted a master plan and had a stronger application.

Council Member Schaevitz confirmed with Mr. Orr that the Town could apply for a development grant in two years if it had not applied for the land acquisition grant. She said that sounded wonderful.

Mayor pro tem Anderson asked why the Town would not do both.

Mr. Orr replied that the state consultant who was guiding the Town through the application process had noted the lack of distinct recreational amenities or areas. The consultant had recommended that the Town apply for a development grant once it had a stronger application with the property delineated with a master plan, Mr. Orr said.

Mr. Orr showed eight acres on a map that would be reserved for 25 or more years for recreation in the grant application. According to the consultant, a land grant application for eight out of 36.2 acres was very weak because a limited amount of amenities could be placed on that much land. Mr. Orr explained that eight acres had been an arbitrary number based on a portion of land in a back area that the Town would be unlikely to sell.

Mayor pro tem Anderson confirmed with Mr. Orr that the problems were the small size of the eight-acre area compared to the total acreage and the lack of a master plan. She also confirmed with him that the Town stating that it planned to use all 20 acres as a park would make it a stronger application.

Council Member Bell verified with Mr. Orr that the grant process was an annual one. The Town currently had an opportunity to apply for both acquisition and development grants, but the land acquisition deadline would expire on May 1st, she said.

Council Member Gu asked why applying for 20 acres was not an option.

Mr. Orr replied that the Town could do that but would have to refund all of the money if the acreage that it eventually adopted for parks and recreation was less than that amount. That was why staff had chosen the lowest number and a location they were confident would be used for parks, he said.

Council Member Stegman expressed concern about how the Town had not

even completed the process of deciding how it would use the Legion Road land. The Town was not at a point where it should be committing to even a location, she said.

Council Member Oates pointed out that including the RCD -- where nothing would be built -- would double the size and strength of the application.

Mr. Orr replied that he would be concerned about receiving the grant and then having the number of acres be lower.

Mr. Stancil pointed out the issue was not just the size of the land but the potential uses for the property as well. Staff would bring a report in May or June regarding the land's buildability and possible uses, including recreation, he said. Mr. Stancil explained that a Town application would be weak at the current time regardless of the number of acres it delineated. The Town could submit a strong application for more money to actually develop the property once the master plan was in place, he said. That was why staff was recommending no action until and after it the Council adopted a master plan, said Mr. Stancil.

Council Member Oates asked if being turned down would have a negative effect. She said that waiting would mean eliminating an opportunity for funding, simply because the Town might get turned down. That was not a strong enough argument for her, she said.

Mr. Stancil pointed out that another concern was about artificially constraining the Town when it had not yet decided what to do with the property.

Mr. Orr said that there was a strong argument for going for the maximum grant once the application included a strong number of amenities.

Council Member Oates confirmed with Mr. Orr that the Town would have to develop the amenities that it listed in the grant within three years, with one, two-year extension.

Mayor Hemminger said, in summary, that the Council had concerns about being constrained by a weak application and preferred to apply for a bigger grant when it had a master plan. She did not like leaving an opportunity on the table but thought it was not one the Town was ready to take, she said.

Council Member Bell pointed out that there were thousands of dollars of amenities that could be built on the property, according to the Legion Road Task Force's report. She confirmed with Mr. Orr that the Town could apply multiple times for different amenities. Council Member Bell recommended not taking action and putting forth a strong application once there was a master plan.



The item was received as presented.

**6. Open the Public Hearing: Adoption of the Blue Hill Design Guidelines and Associated Text Amendments to Form District Regulations.**

**[18-0337]**

Principal Planner Corey Liles gave a PowerPoint presentation on the Blue Hill Design Guidelines (BHDG) and associated text amendments. He gave an overview of the project's process, which had begun in March 2018, and said that the Town had received advisory board recommendations.

Consultant Nory Winter explained that form based code (FBC) had set forth different ways in which the BHDG may be applied. Staff could determine whether or not a project met the guidelines and, in other cases, the Community Design Commission (CDC) would review design elements and alternatives to provisions in the code, such as alternatives for pass-thrus, he said. He explained that the FBC set for some of the parameters for design review and that it and the BHDG should work hand in glove.

Mr. Winter said that the BHDG help interpret what a highly integrated, walkable, ped-oriented experience means. He outlined the four-step process of developing the BHDG and noted that the final step had included a public information meeting and communication with the CDC and PC. Both commissions had recommended adoption, he pointed out.

Mr. Winter reviewed the structure of the BHDG and discussed inherent standards, such as basic form, positioning of buildings, treatment of materials and transparency. He said that the guidelines added another level of consideration and detail regarding quality of design and how projects meet community expectations. The BHDG were based on a highly active, green, and very walkable vision for the district, he said.

Mr. Winter summarized the revisions that had been made based on Council and community feedback. These included explaining higher inspirational terms, adding clarity regarding design aspects (such as outdoor dining and interim buffers for phased development), encouraging consolidation of open space, and more, he said.

Mr. Liles said that the proposed text amendments would help enforce the BHDG. He explained that the amendments pertained to frontage types, varied building massing, building pass-thru dimensions, design alternatives, enhanced standards, review authority and application requirements, and name change corrections clarification.

Mr. Liles provided details regarding frontage types, massing, and past-thrus. He said that frontage type changes included adding Type A-3, modifying Types B & C, and adding Types D and E. With regard to building

massing, the amendments provide additional options for step-backs and ways to break up building mass, he said. Mr. Liles explained that any pass thru longer than 50 feet would have to be taller and wider as well.

Council Member Parker asked about a prior conversation regarding pass-thrus going through parking decks.

Mr. Liles replied that the BHDG addressed the quality of a pass-through, such as having function and appeal for pedestrians. A pass-thru that had to go through a parking deck but was not hospitable to pedestrians would be hard to accept based on the BHDG, he said.

Mr. Liles described a series of new design alternatives and showed a list of changes that would improve the reviewing process. He indicated a summary of modifications that advisory boards had recommended and said that the CDC and the PC had recommended that the Council enact the text amendments. He proposed that the Council open the public hearing, receive comments on the BHDG and associated text amendments, and continue the public hearing to May 23, 2018.

Council Member Parker mentioned that the CDC and PC had question allowing decisions to be made by the Town Manager and had wanted that power to reside with the Council. He supported that conclusion, he said. With regard to public amenity spaces on rooftops, he said that the public would probably not feel welcome if they had to go through a building to get to the roof and that he concurred with the PC's recommendation to not count that toward ground level amenity space. Council Member Parker also asked about the CDC's ability to enforce guidelines if a project met all FBC requirements.

Mr. Liles replied that the PC had just made its recommendation the prior night and that staff had received only a brief summary. The Council would be receiving more information about rooftop amenity space and how an update process should occur, he said. With regard to CDC review, that board needed to issue a Certificate of Appropriateness for any project, and that meant making findings about the exterior architectural features, the building itself, and related structures, he pointed out. A Certificate of Appropriateness included a checklist and the BHDG would make those CDC decisions more defensible, said Mr. Liles.

Mayor pro tem Anderson confirmed with Mr. Liles that the BHDG would make it more difficult to put pass-thrus in a parking area but would not prohibit it. Mr. Liles noted the possibility that a parking deck might be the best place to put it in some cases.

Mr. Winter said that whether a pass-thru went through an apartment complex, office complex, or parking structure, it still had to be in proportion, visually attractive and inviting. He pointed out that it was easier to achieve those things when active uses are facing the pass-thru.

A parking structure was conceivable, but the developer would have to be very creative and make a walking experience that would substitute for a street -- and it would have to be in proportion, Mr. Winter said.

Mayor pro tem Anderson raised the possibility of prohibiting such pass-thrus, but Mr. Winter cautioned, "never say never." He had seen a great example of one at Miami Beach that had a commercial use right in the middle of the parking plate, he said.

Council Member Oates asked if an alley would be sufficient to define the end of a block.

Mr. Liles replied that the assignment of additional streets proposed with applications would be based on context. The Town would look at whether there was a context where an alley would be the best connection, he said. Mr. Liles pointed out that the CDC and PC had recommended further consideration before enacting that Type D frontage suitable for alleys.

Council Member Oates said that she had no problem with alley streets but would not want a 600-foot long building, then a little alley, then another 600-foot long building, then another little alley, etc... It would be just a wall of buildings, she said, adding that she would like alley streets to be eliminated from something that defines the end of a block.

Mayor Hemminger determined that Council members agreed with Council Member Parker's request that changes to the BHDG should come back to the Council. The majority of Council members also agreed to allow rooftop amenities but not count them as public space, she said. With regard to pass-thrus in parking garages, she asked staff to improve the wording so that it made more sense.

Mayor Hemminger pointed out that the PC was still looking at the block length/alleyway question and that staff would return with more information on that. Staff would determine whether there was an opportunity to improve that at the current stage or whether it should be explored outside the current package of text amendments, she said.

Council Member Bell asked if the BHDG provided for a higher level of design that did not, for example, have open space on the ground floor.

Mr. Winter agreed to work on guidelines that would allow such design alternatives to be considered.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Bell to recess the Public Hearing to May 23, 2018. The motion carried by a unanimous vote.

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

A motion was made by Council Member Buansi, seconded by Mayor pro tem Anderson, that the Council go into closed session as authorized by General Statute Section 143-318.11(a)(5) to consider proposed terms for the acquisition of real property by exchange. The motion carried by a unanimous vote.

## **ADJOURNMENT**

The meeting was adjourned at 10:50 p.m.; the Council went into closed session and the meeting adjourned at the end of the closed session.