

**SUMMARY MINUTES OF A PUBLIC HEARING
OF THE CHAPEL HILL TOWN COUNCIL
MONDAY, OCTOBER 18, 2004, AT 7:00 P.M.**

Mayor Kevin Foy called the meeting to order at 7:00 p.m.

Council members present were Sally Greene, Ed Harrison, Cam Hill, Mark Kleinschmidt, Bill Strom, Dorothy Verkerk, Jim Ward, and Edith Wiggins.

Staff members present were Acting Town Manager Bruce Heflin, Town Attorney Ralph Karpinos, Town Information Officer Catherine Lazorko, Planning Director Roger Waldon, Engineering Director George Small, Engineering Design Specialist Mike Taylor, and Acting Town Clerk Sandy Cook.

Item 1 - Concept Plan: Habitat-Sunrise Road

Mr. Heflin pointed out that Town staff does not analyze concept proposals. They present concept plans to the Council as the applicant has presented them to the Town, he said. Town Planning Director Roger Waldon noted that this Council had seen this concept before since citizens had brought concerns about it to the Council's attention. The Mayor had appointed a Council Committee to address those concerns, he said, and the full Council had sent ideas to the applicant for consideration. Since there already had been much discussion and consideration of Habitat's proposal, tonight's presentation probably would be more advanced than what the Council typically hears at the concept plan stage, Mr. Waldon said.

John Tyrell, president of Habitat for Humanity of Orange County, outlined Habitat's vision and goals. He provided statistics on Habitat's success with providing affordable housing in the community. Mr. Tyrell mentioned a document that Board Member Glen Greenstreet had prepared for the Community Design Commission (CDC) and said that it was being submitted to the Council tonight. He noted that the plan being presented tonight was the same as that presented to the CDC. Habitat would respond to the CDC's comments, Mr. Tyrell explained. He noted that it made sense, however, to hear the Council's suggestions as well before modifying the plan.

Mr. Tyrell pointed out that the concept plan relates the project's design elements to 17 points that the Mayor's Committee had prepared and that the Council had adopted last year. He noted Point #1 (to retain the present zoning) and Point #3 (to consider clustering properties) and stated that tonight's concept plan illustrated a clustered neighborhood built under existing zoning provisions. Mr. Tyrell gave a brief overview of Habitat for Humanity and listed the following design objectives for the Sunrise Road Subdivision:

- Create a desirable neighborhood.
- Provide affordable homeownership for a variety of income levels.
- Protect environmental quality.
- Incorporate community feedback into the plan.
- Build within existing zoning and land use ordinance.

- Further the goals of the Chapel Hill Comprehensive Plan.
- Steward public and private resources responsibly.

Project Manager Warren Mitchell said that he felt honored to be chosen as Habitat's engineer for the Sunrise project and for their 12 new homes on Rogers Road. He described the 17.1-acre site, its location and features, and highlighted its connectivity opportunities to the north and south. The site lends itself well to a cluster development, Mr. Mitchell said. He explained that approximately half of the project would be developed and that the other half would be preserved except for the access road.

Landscape Designer Michelle Kempinski reviewed some of the natural and proposed landscape elements of the project. She said that about 75% of the specimen trees could be preserved within the proposed cluster design layout. Ms. Kempinski noted three vegetated bio-retention areas for stormwater management. She indicated tree plantings along the street, screening and shading of the parking areas, and a recreational space in the community's center. Ms. Kempinski noted that there were also other opportunities for recreational space. A low-impact trail system would connect those areas and could potentially connect the development with the Chapel Hill greenway system, she said.

Planning and Design Consultant Scott Radway discussed design principles, noting that Habitat had added to the 17 principles that the Mayor's Committee had recommended. He discussed the following principles:

- Recreation and Open Space
- Public Streets Meet Town Standards
- Pedestrian Scale with Sidewalks and Paths
- Streetscape Amenities
- Home Scale Appropriate to Neighborhoods
- Traditional Home Architecture

Ha Ngo, with GGA Architects, addressed the architectural principles of the cluster plan. She explained that larger homes would be organized along the main road with smaller homes along the secondary street. Front doors and porches would all face the street, said Ms. Ngo, and she showed preliminary examples of single-family, detached homes and triplexes. Ms. Ngo explained that the goal was to have duplexes and triplexes look like single-family homes.

Mr. Radway noted that the single-family homes, duplexes and triplexes would all have a two-story appearance. He reviewed the site features and showed an artist streetscape rendering of how homes would be set back 20-25 feet from the property line. Homes would face each other across the street and would have sheltered parking between them, he said. Mr. Radway explained that there would be both off-street and on-street parking. He displayed photos of Southern Village as an example of what on-street parking would look like.

Council Member Harrison inquired about a building indicated on the map. Mr. Radway explained that it had belonged to The Potted Plant but had been removed since the map was drawn.

Mr. Tyrell read Habitat for Humanity's mission statement and told Council members that Habitat had worked diligently to incorporate the 17 points.

Attorney Michael Brough, representing the Sunrise Coalition, expressed concerns about the concept plan. He said that Coalition members were not opposed to development there but only to the density which they believe was inappropriate for the site. Mr. Brough stated that there were a series of environmental issues that concerned the Coalition. These include the RCD, soil drainage, wetlands, noise, and safety issues regarding limited sight distance where the entrance would be located, he said.

Mr. Brough argued that the proposed development was completely incompatible with the nature of the surrounding development. The Sunrise subdivision should be evaluated in the same manner as other developments were, he said. Mr. Brough stated that the goal of affordable housing was important, but he pointed out that it was not the only goal in the Comprehensive Plan. He emphasized that his clients' opposition was to the density, not to affordable housing, and he asked that the Council analyze density without regard for who the developer is. Mr. Brough asked Council members to urge Habitat to join the Sunrise neighbors in a mediated effort to resolve their differences: There had been no give and take on the issue of density, he said.

Civil Engineer Michael Neal, representing the Sunrise Coalition, stated that the proposed development would not meet the Town's stormwater management requirements as defined in the LUMO. He had calculated that the volume of runoff would increase by approximately 115 cubic feet on one 3,500 square-foot lot for the two-year storm. This small lot would have to store and retain an equivalent of sixteen 55-gallon barrels of water on site, he said, and the bio-retention basin would require a surface area of about 100 square feet. So, every five or six small units would have a retention basin of 500-600 square feet, Mr. Neal said. He predicted that rate, volume and quality issues would be problematic.

Sandra Cummings stated that the Coalition did not dispute the need for affordable housing in Chapel Hill. Nor did they question Habitat's contribution to Orange County affordable housing or oppose having a Habitat development in their neighborhood, she said. But they have legitimate concerns about this particular concept, she said, and they want those concerns to be addressed in Habitat's final plan. Ms. Cummings argued that the location was inappropriate for the high-density housing that was being proposed. She showed on a map how much denser housing would be on this footprint than on the surrounding neighborhoods. Ms. Cummings stated that the area had limited services, with the nearest convenience store and bus stop being a half mile away. The nearest shopping and retail stores were more than two miles away, she pointed out.

Sunrise Road resident Kerry Henry told Council members that her home was adjacent to the southwest corner of the proposed development. She showed slides of three other adjacent properties and noted that they all had wells and septic systems and one to three acres of land. Ms. Henry showed a photo of her house, which she and her husband had worked on extensively to make match and reflect its natural surroundings. She did not want to see that change, she stressed. Ms. Henry said that she would support affordable housing, but with larger lot sizes

than had been proposed. She showed photos of stormwater on her property and noted that eliminating trees would compound the problem that already exists.

Arnesbury Drive resident Doug Schworer explained that the Sunrise Coalition believes there is an intermittent stream on the Habitat property that was not identified in the materials that Habitat had submitted. Clear-cutting the area and adding such high density would create more runoff and might increase noise from Interstate 40, he said. Mr. Schworer proposed that the concept plan and the overall design account for those environmental factors. Chapel Hill needed single family affordable homes, he said, pointing out that 75% of the proposed homes would be duplexes or triplexes.

Pinetree Lane resident Steve Herman expressed regret that Habitat and the Sunrise Road neighbors had failed to agree on a concept plan. He stated that Habitat's concept was fundamentally flawed in the ways that previous speakers had summarized. Mr. Herman told Council members that Habitat had systematically excluded neighbors from any substantive role in the planning process. Concerns that they had expressed at the charrette had been summarily dropped from consideration, he said. Mr. Herman argued that Habitat's plan was flawed because they had insisted on placing the maximum number of units on the site.

Rob Nelson requested that the Council seriously consider the Sunrise Coalition's offer for mediation. That could help achieve everyone's goal of more affordable housing in a much shorter timeframe, he said.

Aaron Nelson, Executive Director of the Chapel Hill/Carrboro Chamber of Commerce, encouraged the Council to examine whether the Habitat project met the social, economic and environmental sustainability goals for the Town. The Chamber sees affordable housing for the Town's workforce as a critical part of that sustainability, he said, noting that 40% of those who work in Chapel Hill drive to work from somewhere else. Mr. Nelson stated that the Habitat project was important to the Chamber; however, the Chamber had not taken a position on the specific issues that were before the Council tonight, he said.

Robert Dowling, Executive Director of Orange Community Housing and Land Trust (OCHC), noted that Habitat's objective was to broaden the income range they normally serve. OCHC had been eager to partner with Habitat and fully supported the project, he said, adding that they had not committed to being a full partner for financial reasons only.

Mr. Dowling stated that he understood the neighbors' concerns about noise and stormwater. But Habitat had not asked for any exemptions to the fairly stringent LUMO, he pointed out. He said that Habitat did not want exemptions because they want to do the right thing for their homeowners and for those who lives in the vicinity.

Mr. Dowling disagreed with the Coalition's assertions that this was a high-density project. He pointed out that affordable units on Legion Road and at Meadowmont were far denser than this would be. Even market-rate developments coming before the Council were far denser than they had been in the past, he said.

With regard to the proposed development's distance from stores and bus stops, Mr. Dowling pointed out that most of those who would live there were traveling much greater distances now. He noted that the original proposal had been for 100 units and said that Habitat had listened to the neighbors. Habitat was proposing 50 units, which is somewhat less than the 68 they are allowed by the ordinance, he stressed. Mr. Dowling described the site as "a pretty crappy piece of land," and said that this was why Habitat had been able to purchase it for only \$400,000. If it were a prime piece of land it would have cost \$2 million and there would not be any affordable housing on it, Mr. Dowling remarked.

Council Member Verkerk commented on the 15-foot buffers, explaining that she had thought they would be 20-30 feet. She also requested more information from the staff about the intermittent stream and stormwater.

Mayor Foy noted that some parking seemed to run into the buffers. He asked if those were true buffers or just not building sites.

Council Member Strom commented that the concept plan seemed to be very responsive to the Mayor's Committee's 17 goals and principles, which the Council had voted in favor of. He asked for more specifics on why Habitat thinks the road would be in the most environmentally responsive location, since it looked as though it was running through the RCD. Council Member Strom also recommended making sure that the internal roads could handle a Chapel Hill bus and that Chapel Hill Transit has a chance to look at the concept plan early on. He acknowledged that many environmental questions had been raised, but pointed out that the plan would go through the SUP process and be subjected to LUMO. Council Member Strom stated that he felt confident that the process would improve and verify many of the Coalition's concerns.

Council Member Ward also expressed faith in the LUMO to address various issues and to ensure that the plan could be achieved under Town regulations. He would eventually like to know the mitigation strategies for ambient indoor/outdoor noise, he said, such as how expansion of Interstate 40 would affect quality of life. Council Member Ward asked that attention be paid to sight distance at the entrance, and he requested more demographic information such as numbers and ages of residents. He suggested reorienting one house to create a better connection to the proximate development. Council Member Ward also asked for information on how a neighboring development had been getting water and sewer.

Mayor pro tem Wiggins asked Habitat representatives to explain how they believe they had been responsive to neighbors' concerns. Mr. Tyrell replied that Habitat had been criticized in the fall of 2002 for not conveying its thinking regarding the property to neighbors. So, Habitat had arranged and held a series of meetings with contiguous homeowners, nearby neighborhoods, and any other concerned citizens, he said. They then had a meeting with the Town Council and the Council eventually appointed a Mayor's Task Force, which then drafted 17 Points that incorporated many of the neighbors' suggestions. Mr. Tyrell explained that Point 17 had asked Habitat to continue the dialogue with neighbors and interested parties. So they had held a couple of design charettes in October 2003, he said, and had then submitted four design concept plans.

Mr. Tyrell pointed out that the final plan acknowledges that Habitat had intended to build 100 units on the property. He expressed pride in the work that Habitat's board and staff had

undertaken, stressing that they had tried to hear what Coalition members said. He noted that many neighbors had been satisfied with the changes that Habitat had made. Mr. Tyrell explained that Habitat had then met with the Sunrise Coalition to present the same concept plan that was before the Council tonight. There had been a difference in opinion about the number of units that this property can support, he said. Mr. Tyrell pointed out that, in their role as steward of the public and donor funds, Habitat tries to get a reasonable yield out of their projects.

Mayor Foy asked Mr. Tyrell to elaborate on Mr. Dowling's reference to a partnership between OCHC and Habitat for Humanity. He asked Mr. Tyrell to also explain a comment that Mr. Dowling had made about possible tiered levels of income up to 100%. Mr. Tyrell replied that conversations between the two organizations had been ongoing for about a year. They both recognize the importance of building an economically diversified neighborhood, he said, but he pointed out that Mr. Dowling works with a different and less flexible financial model. Mr. Dowling was concerned about the financial aspects of a partnership, Mr. Tyrell said.

Mayor Foy asked if it would be a 50/50 arrangement between OCHC and Habitat. Mr. Tyrell replied that they had discussed having Habitat do about two-thirds with the other third having different ranges of economic strata higher than Habitat levels. With regard to Mr. Dowling's comment about including market rate housing, Mr. Tyrell pointed out that the 17 Points had removed consideration of that for the Sunrise project. In the future, he said, he would love to see a diversity and range of economic homes in any given neighborhood.

Mayor Foy inquired about homeowners' fees. Mr. Tyrell replied that Habitat was in the process of determining what those fees might be.

Attorney Michael Brough stated that there had not really been give and take between Habitat and the Sunrise Coalition. Habitat had already decided on 50 homes before meeting with the Coalition in January 2003, he said, referring to a letter that Habitat had written in 2002.

Mayor pro tem Wiggins asked Mr. Brough if he was suggesting that the Council ignore the interaction that Habitat had had with the entire neighborhood and be concerned only about its relationship with the Sunrise Coalition. Mr. Schworer pointed out that Habitat had sent the letter to which Mr. Brough had referred before the Coalition had formed.

Habitat Director Susan Levy explained that she had participated in writing the letter to which the Coalition was referring. It had been written to potential donors, she said, explaining that Habitat had thought at the time that they would build about 50 single-family homes and that OCHC and others would build additional homes. Habitat had not been writing about the entire property, she said. Ms. Levy commented that picking out a fund-raising letter to make a point was irrelevant since Habitat had been responsive to the neighbors.

Mr. Tyrell stated that Mr. Schworer was the person with whom he'd had the longest contact. He quoted from a recent letter by Mr. Schworer to the *Durham Herald*. The letter stated that Habitat had once proposed building 200 units on the land. "If we had, we sure came down a lot," said Mr. Tyrell. He emphasized that this was not the case and that Habitat had listened and responded to neighbors' concerns by lowering the density and eliminating rentals.

Mayor Foy asked how the sanitation and recycling crews would service the area if cars were going to be parked on the streets. Mr. Radway explained that the Town could pick trash up at the curb, as they do in older neighborhoods. Or Habitat could design a full-size, solid waste container as is used in apartment complexes, he said.

Council Member Kleinschmidt asked Mr. Brough how many people remained in the Sunrise Coalition. Mr. Schworer explained that not all members of the community were members of the Sunrise Coalition, Inc. Sunrise Coalition, Inc. consisted of about 100 people from different parts of the surrounding area, he said, adding that some were from the other side of Weaver Dairy Road. Council Member Kleinschmidt expressed interest in seeing a list of members, and Mr. Schworer indicated that he would provide that.

Council Member Harrison, referring to comments by the Design Commission and citizens, commented that design standards were quite high. Any development on this property would have about the same road alignment and footprint as this one due to LUMO constraints, he said. Council Member Harrison wondered about the ease of bus service and expressed hope that traffic calming devices would consist of speed tables. Buses can handle that better than bumps and humps, he said.

Council Member Harrison wondered what the number of lots would be if the average lot size were 5,500 square feet. Noting the CDC's remarks about highway noise, he agreed that Habitat should do a noise study. With regard to citizen comments about a possible intermittent stream being a wetland, Council Member Harrison stated that the Town would have to accept the U.S. Army Corp of Engineers' designation of wetlands, because they "make the call" in North Carolina. He agreed with the CDC that the common area should be maintained. Council Member Hill suggested that the 15-foot buffer be doubled. He expressed support for mediation as long as the Town did not have to pay for it.

Council Member Greene recommended investigating the intermittent stream. She noted that a Morgan Creek situation had redefined intermittent stream. Such streams do not necessarily need to be channelized to be classified as intermittent if there are other factors present, she said. Council Member Greene commented that Habitat had been very responsive to environmental issues at their Rogers Road development. The Council would continue to hold them to standards as high as any other developer, she said. She pointed out that she had participated in the charrettes and had witnessed much give and take. Council Member Greene remarked that the tension they were witnessing tonight was almost inevitable due to the limited amount of land in Town for any housing, affordable or otherwise.

Council Member Greene pointed out that building affordable housing was a Council priority. She commended Habitat for Humanity for addressing all of the points in the Comprehensive Plan. Council Member Greene agreed that the proposal was denser than some of the surrounding areas. But Southern Village is denser than Dogwood Acres and Heritage Village and Meadowmont is denser than Morgan Creek, she said. Council Member Greene expressed hope that the neighbors would be cooperative.

COUNCIL MEMBER KLEINSCHMIDT MOVED, SECONDED BY COUNCIL MEMBER STROM, TO ADOPT R-1. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

A RESOLUTION TRANSMITTING COUNCIL COMMENTS ON A CONCEPT PLAN FOR THE SUNRISE ROAD SUBDIVISION (2004-10-08/R-1)

WHEREAS, a Concept Plan has been submitted for review by the Council of the Town of Chapel Hill, for the Sunrise Road Subdivision; and

WHEREAS, the Council has heard presentations for the applicant, and citizens; and

WHEREAS, the Council has discussed the proposal, with Council members offering reactions and suggestions;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council transmits comments to the applicant regarding this proposal, as expressed by Council members during discussions on October 18, 2004, and reflected in minutes of that meeting.

This the 18th day of October, 2004.