

**SUMMARY MINUTES OF A PUBLIC HEARING
OF THE CHAPEL HILL TOWN COUNCIL
MONDAY, MARCH 20, 2006 AT 7:00 P.M.**

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

Council members present were Laurin Easthom, Sally Greene, Ed Harrison, Cam Hill, Mark Kleinschmidt, Bill Strom, Bill Thorpe, and Jim Ward.

Council Member Cam Hill was absent, excused.

Staff members present were Deputy Town Manager Florentine Miller, Assistant Town Manager Bruce Heflin, Town Attorney Ralph Karpinos, Town Information Officer Catherine Lazorko, Planning Director J. B. Culpepper, Development Planning Coordinator Gene Poveromo, and Town Clerk Sabrina Oliver.

**Item 3 – Concept Plan: Downtown Economic Development
Initiative – Parking Lot 5 Site**

Development Planning Coordinator Gene Poveromo briefly introduced the Concept Plan for Parking Lot 5 as well as for Agenda Item #4, the Concept Plan for the Wallace Parking Deck.

Mr. Poveromo stated that Parking Lot 5 was located between West Franklin Street and West Rosemary Street at the intersection of Church Street, and the site was on 1.75 acres. He said currently the site contained a surface parking lot with 173 parking spaces. Mr. Poveromo said the proposal included the construction of three buildings ranging in height from four to nine stories, an underground parking deck with approximately 375 parking spaces, 124 residential dwelling units, and 24,000 square feet of retail floor area.

Mr. Poveromo said the Wallace Deck was located at the intersection of East Rosemary Street and Henderson Street, and consisted of 1.64 acres. He said the proposal was to retain the Deck and construct two adjacent buildings ranging in height from three to five stories, construct 6,000 square feet of retail floor area, and construct 99 residential dwelling units consisting of approximately 145,696 square feet of floor area. Mr. Poveromo said a portion of this site was located in the Franklin-Rosemary Historic District.

Mr. Poveromo stated their recommendation was that the Council review the Concept Plans, receive comments from citizens, and adopt a resolution transmitting comments to the applicant. He noted that Ms. Tjarksen-Russos from RAM Development would make a presentation.

Mayor Foy explained to the public that this was an unusual situation although not unique because the Town owned the property being developed and was a partner in the project. He said the Council had to maintain two roles, that of developer and that of regulator. Mayor Foy said this evening the Council would take the role of regulator. He said these projects would travel

through all of the normal procedures, including the Special Use Permit process and related public hearings.

Mayor pro tem Strom commented that he had requested that the Planning Department prepare a list of key steps that had already taken place to recap how much work had already gone into this project, including opportunities for citizen input. He said the process began when the Downtown Chapel Hill Small Area Plan was adopted after an extensive public process in 2000, which had identified development opportunity areas that included the areas being discussed this evening. Mayor pro tem Strom noted that since that time, 31 different meetings had been held to get to this point.

Susan Tjarksen-Russos, representing RAM Development, began by thanking the Council for the opportunity to work with them, and for the availability of the Planning Staff, which she noted had been quite helpful.

Ms. Tjarksen-Russos said their lead consultant was present this evening to discuss the process on LEEDs Certification, and they would have a public art presentation as well. She said these issues were key components of both projects. Ms. Tjarksen-Russos noted they would make a presentation regarding the programming as well.

Ms. Tjarksen-Russos provided a brief history of the Lot 5 project thus far. She said one thing they had spent some additional time on was the affordable housing component, and were planning affordable units in both of these projects. Ms. Tjarksen-Russos, using a PowerPoint program, displayed slides of the present Lot 5 site from different directions. She stated the revised site plan included three buildings with three levels of underground parking containing approximately 400 parking spaces. Ms. Tjarksen-Russos said the project included approximately 150 dwelling units, 14 of which were affordable units, 24,000 square feet of retail space, 250,000 square feet of residential units, and 33,000 square feet of corporate space.

Ms. Tjarksen-Russos stated they had added an arcade through the middle of the property to make the plaza area more user friendly, as well as an alley on the east side so that all the services of the building could be conducted within the site line of the property rather than on Rosemary Street. She described the two entrances to the parking deck, and noted that all traffic would exit onto Rosemary Street. Ms. Tjarksen-Russos noted the primary reason for keeping the services within the site line and off of Rosemary Street was to allow the possibility for Church Street to be closed and annexed as public space. She said by keeping the vehicular traffic off Church Street the Town could control when and if it were closed.

Ms. Tjarksen-Russos exhibited a cross-section of Lot 5, and pointed out particular elements of the site. She displayed elevation slides and indicated the location of the public arcade area, the public square and other elements of the site. Ms. Tjarksen-Russos exhibited a view of the site from Franklin and Columbia Streets after construction. She provided a detailed description of the Lot 5 public space, noting they were recommending that the curb on Rosemary Street be removed to provide for a seamless space.

Ms. Tjarksen-Russos commented that the height of the middle building on the site was of some concern, noting that the building was 110 feet and the current ordinance allowed only 90 feet. She said they were requesting a floor area ratio of 3.2, and the current ordinance allowed 2.28 on the Lot 5 site.

Ms. Tjarksen-Russos said that Brenda Monvell would provide information on LEEDs Certification efforts for both projects, and Janet Kagan would provide information on the public art activities, primarily for Lot 5.

Brenda Monvell, of BBM Engineering in Atlanta, Georgia, presented the work to date on acquiring LEEDs Certification. She described the general approach, the prerequisites that required special attention, LEED credits that were economically feasible and those that were not, potential LEED credit targets, and the status of projects in relation to LEED.

Ms. Monvell stated that LEED was an objective measure of sustainability, and was not a prescriptive path. She said there were seven prerequisites that must be met, and there were 69 possible credits. Ms. Monvell said to achieve the Certified level, 26 to 32 points had to be earned; for the Silver level, 33-38 points had to be earned; for the Gold level, 39 to 51 points had to be earned; and finally, for the Platinum level, 52 or more points had to be earned.

Ms. Monvell provided an overview of the categories for which LEED credits could be earned and prerequisites satisfied. She said the first was Sustainable Sites, which carried 14 possible credits and one prerequisite. Ms. Monvell said this would include alternative transportation, how to connect with public transportation, stormwater management, the heat island effect, and light pollution.

Ms. Monvell said the next category was Water Efficiency, which carried five credits but no prerequisite. She said this category was concerned with the use of potable water. Ms. Monvell moved to the next category, Energy and Atmosphere, which carried 17 credits and three prerequisites. She said this category carried the largest number of possible credits. Ms. Monvell noted that the LEED prerequisite dealing with energy was more stringent than in most areas of the country.

Ms. Monvell said Materials and Resources was the next category, which involved materials used and where they were obtained. She said this carried 13 credits and one prerequisite, which was based on how the site was set up to accommodate tenant recycling. Ms. Monvell said the last category was Indoor Environmental Quality, which involved the types of material used, environmental conditions within the building, and how outdoor air was brought into the buildings. Ms. Monvell stated this category carried 15 credits and two prerequisites.

Ms. Monvell said one of those prerequisites for the Indoor Environmental Quality was environmental tobacco smoke control. She said because this would be a residential building they could not arbitrarily declare it a no-smoking building, which meant they had to do other things to protect residents from smoke migration into other units as well as into the public spaces.

Ms. Monvell said there was an additional category called Innovation and Design, where extra credit points could be earned using innovative construction and design, or going beyond what was required by the LEED standard.

Ms. Monvell said much of their work to date had focused on the prerequisites, including things that could be done that cost little or no money, as well as those that would not affect the economic viability of the project. She said they had also attempted to identify things that they could not do, noting there were not really any resources that they could reuse, such as doors or windows. Ms. Monvell said to get to the credit threshold for rapidly renewable products would be difficult as well. She said renewable and solar energy was economically difficult in any type of building without a grant, again because the threshold was so high. Ms. Monvell described other credits that may not be possible.

Ms. Monvell said they were now looking at the levels of insulation, the type of glazing, the type of shading devices, the HVAC systems, the low humidity materials, and other things to meet credit requirements. She said much of these things did not cost any more to do but were really important to the project. Ms. Monvell said they were also looking at the roofs to make sure they were no more of a heat element than necessary. She said as they move forward with the project they were beginning to split it into specific targets for credits. Ms. Monvell stated they would begin to identify the specific credits they would target.

Mayor Foy asked what level of LEEDs certification they were seeking. Ms. Monvell said it was her understanding they were seeking the Certified level, which required 26 to 32 points.

Janet Kagan, chair of the Chapel Hill Public Arts Commission, provided an overview of the public art component of the project. She said their lead public artist had met with the design team and had been working diligently on the project. Ms. Kagan said the artist's master plan proposed the creation of artwork that responded to the life cycles of light and water that would make the project a special place and different from other places.

Ms. Kagan described the three public art areas and pointed out their location on a site map. She stated that although there were three artists who would each work on one of the three art areas, the Lead Artist's goal was to create an indiscernible blur among the work of the three artists at their primary points of intersection. Ms. Kagan said those points of intersection were along Church Street, at the corner of Church and Rosemary Streets, and along Rosemary Street to Henderson Street. She went on to describe how the three sites would be linked, and how each site would address the architecture and engage the public.

Ms. Kagan displayed several slides showing examples of the types of materials and blending that would be used in the project, and described the art planned for each of the art sites. Ms. Kagan described how each site would be linked and how each artist would work together to accomplish that. She said that light and water would be the guiding principles that defined the art on Lot 5. Ms. Kagan exhibited slides of existing art projects to show how light and water could be used to create different types of artwork.

Jonathan Whitney, representing the Community Design Commission (CDC), offered the following comments from CDC members:

- The CDC generally supported the projects, but had also supported the need for greater attention to density, both height and scale.
- Some members had expressed concern regarding vehicular and pedestrian circulation, and regarding blending the new buildings into the existing architecture of surrounding buildings.
- Some members had questioned the viability of the plaza at Lot 5 because of shadows cast by the buildings and what they felt were non-pedestrian scaled spaces.
- The inclusion of air and light was of concern.
- One member thought that the rear of the building at the existing Wallace Deck would be an eyesore.
- Many CDC members expressed concern about the density, height and setbacks, and that the three structures were too close together.
- Others felt that the upper residential terraces could be dark and uninviting on the north side of the building.
- Some felt the building looked like a bank building rather than a residential building, and that the entrance to the arcade looked more like a mall entrance.
- The stairway to the upper plaza on the corner of Church and Rosemary Streets appeared narrow and high, and the CDC would like to see some additional architectural attention paid to that area.
- The CDC asked that the applicant consider some amenity for residential use at the top of the middle building.
- Concern was expressed regarding the sidewalk width and use of street trees, noting tree placement had the potential to impede pedestrian flow.
- They encouraged the applicant to consider increasing the sidewalks to an average width of 14 feet curb to building.
- CDC members had asked if moving vans, trash trucks, and loading docks would tie up Rosemary Street, and would there be enough area in the alley to accommodate service uses. They believed confusion might arise as to whether vehicles or pedestrians had the right-of-way in the alleyway.
- Expressed concern regarding determining the division between public and private spaces with regard to maintenance of plazas and alleys.

Liz Parham, representing the Chapel Hill Downtown Partnership, noted that the height of the nine-story building was not of much concern to the Board given the context of the setback from Franklin and Rosemary Streets, but cautioned and asked the Council to look at it from the Church Street perspective, particularly in relationship to the NC Pharmacy building and the Aveda building.

Ms. Parham said the Board was particularly pleased with the plaza space and public space, given the fact that we have limited such space in Chapel Hill. She noted they were also pleased with the number of residential units, and the entire effort by many others to provide such housing downtown. Ms. Parham stated that these residential spaces were key to the continuing viability of the downtown. She noted that the retail spaces were also a key component, stating that these

an office portion above. Mr. Poveromo stated the height encountered at the rooftop was 65 feet, and then there was a penthouse that brought the height to 78 feet.

Mr. Poveromo said behind that retail and office area was Granville Towers, which from ground elevation to the top was 92 feet, with a penthouse bringing the total height to 107 feet. He said for the Bank of America building, there was a shorter elevation on the Franklin Street side at 57 feet, and the larger portion was at 87 feet. Mr. Poveromo said above that was a penthouse that brought the height to 100 feet. He said, looking at that building from the Rosemary Street perspective, the elevation from ground level to the top of the building was 110 feet.

Mayor pro tem Strom said he believed the applicant had noted what we were looking at here was 110 feet. Mr. Poveromo stated that was what Ms. Tjarksen-Russos had indicated.

Mayor Foy asked what the height was of the proposed buildings that fronted Franklin and Rosemary Streets. Ms. Tjarksen-Russos responded that the Franklin Street building was planned for 66 feet plus a penthouse to house mechanical equipment. She said the Rosemary Street building was planned for 54 feet plus a penthouse to house mechanical equipment.

Council Member Easthom asked, regarding the underground parking and the stairway, since the parking would be public, how would a physically disabled person get up and out of the parking area? Ms. Tjarksen-Russos said all of the handicapped parking for both the retail and residential were located on the first level, and two handicapped accessible elevators were located on that level. She said the elevators would take the person to the ground level, noting all of those areas had an accessible slope.

MAYOR PRO TEM STROM MOVED, SECONDED BY COUNCIL MEMBER KLEINSCHMIDT, ADOPTION OF RESOLUTION R-1. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

**RESPONSE TO COMMENTS FROM A PUBLIC HEARING
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Parking Lot 5 Site**

- Mr. Maitland said that the building was too tall and not in keeping with historical development. *Response: Based on massing studies conducted of the proposed building and its relationship to the surrounding buildings, the design team feels that the height will be in keeping with the surrounding community. Further work with the Planning Department and additional design reviews with Dean Malecha of the NC State College of Design are planned to determine the most appropriate height and massing for the building. Likewise, the required building setback from each of the three streetscapes has been set to lessen the impact of the Building's height in each direction.*
- Council Member Greene asked about the narrow stairs that went down for the private open space. *Response: In the current design these stairs have been eliminated and the private terrace they once served has been replaced with a new courtyard along Rosemary St. that can be accessed by all the project's patrons.*
- Other comments from council members were answered by Ms. Susan Tjarksen-Russos of Ram Development Company at the hearing and are located in the minutes.