



TOWN OF CHAPEL HILL
Town Council Business Meeting
Town Hall Council Chamber
405 Martin Luther King Jr Blvd Chapel Hill, NC 27514
7:00 P.M., JANUARY 26, 2015

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OPENING

1. Approve Agenda. (no attachment)

PETITIONS FROM THE PUBLIC

Petitions will not be acted upon at the time they are presented. It shall take a unanimous vote of the Council members present for a petition to be acted upon immediately upon its presentation. After receiving a petition, the Council shall, by simple motion, dispose of it as follows: consideration at a future regular meeting of the Council; or referral to another board or committee for study and report; or referral to the Town Manager for investigation and report; or receive for information. (Receiving does not imply approval, agreement, or consent.)

ANNOUNCEMENTS BY COUNCIL MEMBERS

CONSENT

Items of a routine nature will be placed on the Consent Agenda to be voted on in a block. Any item may be removed from the Consent Agenda by request of the Mayor or any Council Member.

2. Approve all Consent Agenda Items. (R-1)
3. Continue Public Hearing: Amending the Orange County-Chapel Hill Joint Land Use Plan Agreement (JPA) for Agricultural Support Enterprises. (R-2)
4. Adopt Minutes for the March 19, May 12, 19 and 28, June 9, 16 and 23, September 10 and October 11, 2014 Meetings. (R-3)

INFORMATION

These items are reports or information for the Council.

5. Update on Chapel Hill Accidental Alarm Program.

DISCUSSION

6. Presentation: Compensation Task Force Recommendation.

PRESENTER: Roger L. Stancil, Town Manager
Compensation Task Force Representatives

7. Ephesus/Fordham Form District Renewal Progress Report. (R-4)

PRESENTER: John Richardson, Planning Manager for Sustainability

8. Consider Application for Special Use Permit, The Edge-Planned Mixed Use Development. (R-5)(R-6)(R-7)

PRESENTER: Gene Poveromo, Development Manager

Swearing of all persons wishing to present evidence

- a. Without objection, the Manager's revised report and any other materials submitted at the hearing for consideration by the Council will be entered into the record
- b. Introduction and revised recommendation by the Manager
- c. Presentation of evidence by the applicant
- d. Presentation of evidence by the public
- e. Comments and questions from the Mayor and Town Council
- f. Applicant's statement regarding proposed conditions
- g. Motion to recess Public Hearing to February 23, 2015
- h. Referral to Manager and Attorney.

RESERVED FOR DISCUSSION OF CONSENT AGENDA ITEMS IF NECESSARY

REQUEST FOR CLOSED SESSION TO DISCUSS PROPERTY ACQUISITION, PERSONNEL, AND LITIGATION MATTERS



TOWN OF CHAPEL HILL
NORTH CAROLINA
EXECUTIVE SUMMARY

Meeting Date: 1/26/2015
AGENDA #2

Title of Agenda Item: Approve all Consent Agenda Items. (R-1)

Council Goal: Govern with Quality, Responsiveness, Efficiency

Background: Items of a routine nature to be voted on in a block. Any item may be removed from the Consent Agenda by the request of the Mayor or any Council Member.

Fiscal Note: Please refer to each agenda item for specific fiscal notes.

Recommendations: That the Council adopt the various resolutions and ordinances.

ATTACHMENTS:

Viewing attachments may require [Adobe Acrobat](#).

Resolution

A RESOLUTION ADOPTING VARIOUS RESOLUTIONS AND ENACTING VARIOUS ORDINANCES (2015-01-26/R-1)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby adopts the following resolutions and ordinances as submitted by the Town Manager in regard to the following:

3. Continue Public Hearing: Amending the Orange County-Chapel Hill Joint Land Use Plan Agreement (JPA) for Agricultural Support Enterprises. (R-2)
4. Adopt Minutes for the March 19, May 12, 19, and 28, June 9, 16, and 23, September 10 and October 11, 2014 Meetings. (R-3)

This the 26th day of January, 2015.



TOWN OF CHAPEL HILL NORTH CAROLINA

Meeting Date: 01/26/2015

AGENDA #3

MEMORANDUM

TO: Roger L. Stancil, Town Manager

FROM: Mary Jane Nirdlinger, Planning and Sustainability
Gene Poveromo, Development Manager

SUBJECT: Continue Public Hearing: Amending the Orange County-Chapel Hill Joint Land Use Plan Agreement (JPA) for Agricultural Support Enterprises

Recommended Council Action

- That the Council continue the public hearing for amending the Orange County-Chapel Hill Joint Land Use Plan Agreement (JPA) for Agricultural Support Enterprises to February 23, 2015.

Context with Key Considerations

- Beginning on March 27, 2014 and continuing on November 10, 2014, the Council held a public hearing on a proposed amendment to the Joint Land Use Plan. The public hearing was continued to January 26, 2015.
- On November 19, 2014 the Council participated in an Assembly of Government joint meeting with Orange County the Carrboro Board of Alderman. During the November 19 joint hearing the Council requested that the staff provide more information on the proposed amendments. The Board of Alderman also noted that they would likely reconsider this item at an upcoming Alderman meeting.

Explanation of Recommendation

- The Carrboro Board of Alderman were scheduled to consider and possibly act on the proposed amendment on January 13, 2015. Rescheduling this item to February 23 will provide the staff the necessary time to review the actions taken by the Board of Alderman and consider this information in staff's recommendation to Council.

Fiscal Note

- There is no fiscal impact identified with continuing the public hearing.

Attachments

- Resolution

RESOLUTION

A RESOLUTION TO CONTINUE COUNCIL DISCUSSION OF THE PROPOSED AMENDMENT TO THE JOINT PLANNING LAND USE PLAN AND JOINT PLANNING AGREEMENT MODIFYING LANGUAGE TO ENSURE AGRICULTURAL ACTIVITIES ARE ALLOWED THROUGHOUT THE RURAL BUFFER AND RECESS COUNCIL ACTION TO FEBRUARY 23, 2015 (2015-01-26/R-2)

WHEREAS, Orange County, the Town of Chapel Hill, and the Town of Carrboro have engaged in a cooperative planning effort for the area known as the Rural Buffer as detailed within a Joint Planning Land Use Plan (hereafter 'the Plan'), adopted October 13, 1986, and amended from time to time; and

WHEREAS, a joint public hearing regarding a proposed Joint Planning Land Use Plan and Agreement amendments was held on March 27, 2014, in accordance with the requirements of the Joint Planning Agreement; and

WHEREAS, the proposed amendments was discussed at a public meeting during the November 19, 2014 Assembly of Government joint meeting with Orange County Board of Commissioners and Carrboro Board of Aldermmen; and

WHEREAS, the Carrboro Board of Alderman will consider this item on January 13, 2015; and

WHERAS, we wish to share the outcome of the Carrboro Board of Alderman discussion with the Couucil; and

WHEREAS, action on the proposed amendment is required by the Town Council in order for Orange County to adopt the proposed amendments to the Plan and Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council recess Council discussion of the amendment to February 23, 2015.

This the 26th day of January, 2015.



TOWN OF CHAPEL HILL NORTH CAROLINA

MEMORANDUM

Meeting Date: 01/26/2015
AGENDA #4

TO: Roger L. Stancil, Town Manager

FROM: Sabrina M Oliver, Director of Communications and Public Affairs
Betty Byrd, Transcriptionist

SUBJECT: Adoption of Minutes

Recommended Council Action

- That the Council approve the attached summary minutes of past meetings.

Context with Key Issues

- None

Fiscal Note

- No fiscal impact identified

Attachments

- Resolution
- March 19, 2014 Council Work Session
- May 12, 2014 Business Meeting
- May 19, 2014 Public Hearing
- May 28, 2014 Business Meeting
- June 9, 2014 Business Meeting
- June 16, 2014 Public Hearing
- June 23, 2014 Business Meeting
- September 10, Work Session
- October 11, 2014 Special Meeting – Obey Creek

A RESOLUTION TO ADOPT SUMMARY MINUTES OF COUNCIL MEETINGS (2015-01-26/R-3)

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill, that the Council hereby adopts summary minutes of:

March 19, 2014 Council Work Session
May 12, 2014 Business Meeting
May 19, 2014 Public Hearing
May 28, 2014 Business Meeting
June 9, 2014 Business Meeting
June 16, 2014 Public Hearing
June 23, 2014 Business Meeting
September 10, Work Session
October 11, 2014 Special Meeting – Obey Creek

This the 26th day of January, 2015.

**DRAFT SUMMARY MINUTES OF A WORK SESSION
OF THE CHAPEL HILL TOWN COUNCIL
WEDNESDAY, MARCH 19, 2014, AT 06:00 P.M.**

Present were Mayor pro tem Sally Greene, Council Member Donna Bell, Council Member George Cianciolo, Council Member Matt Czajkowski, Council Member Ed Harrison, Council Member Maria T Palmer, Council Member Lee Storrow, and Council Member Jim Ward.

Absent: Mayor Mark Kleinschmidt.

Staff members present were Town Manager Roger Stancil, Deputy Town Manager Florentine Miller, Senior Planner Kay Pearlstein, Assistant to the Town Manager Jason Damweber, Long Range and Transportation Planning Manager David Bonk, Mayoral Aide Mark McCurry, Planning Director JB Culpepper, Engineering Design Specialist Mike Taylor, Stormwater Engineer Ernest Odei-Larbi, Economic Development Officer Dwight Bassett, Engineering Services Manager Kumar Neppalli, Parks and Recreation Assistant Director Bill Webster, Development Manager Gene Poveromo, Police Officer Rick Fahrer, and Administrative Assistant and Acting Town Clerk Christina Strauch.

Mayor pro tem Greene opened the meeting at 6:06 p.m.

1. Approve Agenda. (no attachment)

COUNCIL MEMBER JIM WARD MOVED, SECONDED BY COUNCIL MEMBER LEE STORROW, TO APPROVE THE AGENDA. THE MOTION WAS ADOPTED UNANIMOUSLY (7-0).

2. Negotiation Phase for the Glen Lennox Development Agreement.

Assistant to the Town Manager Jason Damweber reminded the Council that the Glen Lennox Development Agreement differs from the Obey Creek process in that public input checkpoint had been added to Obey Creek.

Council Member Ward expressed his concern regarding the brevity of the schedule versus the time allowances for the Carolina North Development Agreement schedule.

Mr. Stancil indicated that management and staff are learning from the current process because it is a meeting between a private developer and Council, so the number of meetings is up to the Council.

The facilitator, and Parker Poe Partner Mac McCarley, stated that the evening's goals were to understand the Council's priorities and concerns as well as what was to be negotiated with Grubb

Properties.

Mr. McCarley indicated that the North Carolina Department of Transportation (NCDOT) had not yet given their approval of the presented proposals regarding street patterns, roadway improvement, intersection improvements, bikeway and greenway sidewalks and traffic impact.

Council Member Palmer asked how the letter from the Church of the Holy Family could be addressed if NCDOT still has to review the proposals.

Mr. McCarley summarized the sentiment regarding the need to confirm that the Church of the Holy Family's concerns have been adequately addressed. He indicated that the triggers for this process are not the same as Carolina North because of the limitation of development; the infrastructure has to be at or ahead of the development.

Council Member Bell arrived at 6:41pm.

Mr. McCarley asked if the general approach for traffic patterns, bikeways, and sidewalks matched what the Council was looking for in this development.

Council Member Ward expressed his interest in hearing input from the Bike and Pedestrian consultant or staff regarding placement and width of bike lanes on the Glen Lennox internal streets.

Council Member Palmer asked what provisions would be made for people with disabilities, particularly if the sidewalks would be accessible if the development utilized parallel parking.

Doug Rigler of Grubb Properties responded to the Council members' desire for Grubb Properties to consider making all sidewalks handicapped accessible to ADA standards, specifying that Grubb needs to determine the extent of needed improvements for federal accessibility compliance, especially in older sections.

Long Range and Transportation Planning Manager David Bonk said that the developer wants to retain the existing bike infrastructure. He said that two sets of considerations are to be addressed in the plans including the internal street network and the connection between NC-54 and the back of the development proposal that would connect into Hayes Road. In that regard, he continued, a cycle track could be created to meet the Ephesus-Fordham area.

Council Member Czjakowski remarked that there is a distinct difference between recreational and commuter cyclists, and that most commuters want to be on the road.

Mr. Rigler said that one point of difference is whether to designate part of Hayes Road as a dedicated bike lane or not. Additionally, he said, the team needs guidance for NC-54 as there is very limited space for a buffer, turn lane, dedicated bike lane, etc.

Council Member Czjakowski said there are issues in cyclists getting across NC-54 and US 15-501. He said that the fundamental question is what staff is doing to get cyclists into town.

Council Member Bell said it was important to remember that bike accessibility as a commuting tool does not take into consideration the density in the Glen Lennox area, but getting to Ephesus-Fordham and Whole Foods could be better.

Mr. McCarley summarized the Council's comments to indicate their desire for the project to be more bike-friendly and to be rethought by Town staff and the developer to include specifics. He said that the next step is in concert with NCDOT to find balance for bikes and bike lanes.

Council Member Storrow left at 7:35pm.

Mayor pro tem Greene checked in with the Council and all agreed to continue the meeting to 8:30 p.m.

Ian Colgan from the Technical Team made a presentation on the impact of commercial tax base and tax generation analysis for the proposed development.

Mr. McCarley said that the goal for the development is that it be either revenue neutral or positive for the Town, and that a separate conversation should be had regarding affordable housing. He asked the Council if they were satisfied that the project would either make money for Town or be revenue neutral.

Council Member Ward requested that the figures be separated apart into commercial and residential property so the Council could see that information.

Council Member Palmer asked Mr. Colgan if any study was conducted to determine the impacts of the developments being all multi-family and commercial and whether it would create a net positive.

Mr. Colgan affirmed that with the amount of other uses, he believes there would be a net gain.

Council Member Bell elaborated, saying that shared infrastructure means the sharing of cost, so that the more people on the infrastructure, the less it costs per unit.

Council Member Czajkowski remarked that the numbers are amorphous, so it is difficult to get a real sense of them. He asked if the cost of school children and building schools are in the numbers.

Mr. Colgan replied that information is not available, so nothing in that data accounts for children, but the school is accounted for.

Mr. McCarley summarized that the Council wants more information on economic impact concerning this data specifically.

The meeting adjourned at 8:45pm.

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**DRAFT SUMMARY MINUTES OF A BUSINESS MEETING
OF THE CHAPEL HILL TOWN COUNCIL
MONDAY, MAY 12, 2014, AT 06:00 P.M.**

Present were Mayor Mark Kleinschmidt, Mayor pro tem Sally Greene, Council Member Donna Bell, Council Member George Cianciolo, Council Member Matt Czajkowski, Council Member Ed Harrison, Council Member Maria T Palmer, Council Member Lee Storrow, and Council Member Jim Ward.

Staff members present were Town Manager Roger L Stancil, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Communications Manager Catherine Lazorko, Mayoral Aide Mark McCurry, Planning Director JB Culpepper, Long Range and Transportation Planning Manager David Bonk, Assistant to the Town Manager Jason Damweber, Business Management Director Ken Pennoyer, Director of Policy and Strategic Initiatives Mary Jane Nirdlinger, Town Engineer Jay Gibson, Development Manager Gene Poveromo, Current Development Planner II Eric Feld, Stormwater Engineer Chris Jensen, Sustainability Officer John Richardson, Community Outreach Coordinator Jennifer Phillips, Economic Development Officer Dwight Bassett, Engineering Design Specialist Mike Taylor, Budget Manager Matt Brinkley, Assistant Director of Parks and Recreation Bill Webster, Interim Assistant Planning Director Loryn Clark, Fire Marshal Doug Kelly, Fire Marshal Todd Jaeger, Police Officer Rick Fahrer, and Administrative Assistant and Acting Town Clerk Christina Strauch.

OPENING

1. Approve Agenda. (no attachment)

Mayor Kleinschmidt opened the meeting and explained that it was starting early to hear applicants for the Community Design Commission (CDC). He read the CDC's purpose and noted that Community Outreach Coordinator Jennifer Phillips had been leading the effort.

Council Member Czajkowski arrived at 6:04

Council Member Bell arrived at 6:05

Council Member Ward pointed out that at least one applicant for the bike/pedestrian advocate position within the Connectivity Board was a resident of Chapel Hill. Those applicants had not been included in the group from which the Council would elect four Town residents, he said, noting that the Town could miss good applicants if it was not clear that they were eligible for both positions.

Ms. Phillips replied that the Town had traditionally asked people to list a first and second preference in order to help the Council see where their strengths were. However, staff could certainly think about how to provide the Council with different options in the future, she said.

Council Member Ward said he assumed that someone who wanted to be a bike advocate on the Connectivity Board might have wanted to be on the board itself as a second option. He recommended that that option be made clear.

Mayor Kleinschmidt suggested having applicants explain why they seek certain positions and also express any alternative interests.

Ms. Phillips agreed to do that.

Mayor pro tem Greene pointed out that much time would likely be taken up by Items 10 and 11 and suggested moving Items 7, 8 and 9 to the end of the meeting. Council Member Palmer proposed moving Item 6 as well, and the Council voted unanimously to move Items 6, 7, 8 and 9 to the end.

COUNCIL MEMBER JIM WARD MOVED, SECONDED BY COUNCIL MEMBER DONNA BELL, TO APPROVE THE AGENDA. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

MAYOR PRO TEM SALLY GREENE MOVED, SECONDED BY COUNCIL MEMBER LEE STORROW, TO AMEND THE AGENDA BY MOVING ITEMS 6, 7 AND 8 TO THE END. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

2. [Interview Community Design Commission Applicants. \(6:00 - 6:50 p.m.\)](#)

Chris Berndt, a Chapel Hill resident, said she was interested in serving in whatever capacity the Council deemed best but had applied for the Environmental Board and the Community Design Commission (CDC) and was interested in them equally. She explained that she had a MA in City Planning with a focus on Urban Design and Housing and had worked with the Town for 28 years, most recently as the Greenways Commission chair. Ms. Berndt said she was very familiar with Town processes and long-range plans.

Lucy Davis, a Chapel Hill resident, architect, builder and former Real Estate developer, said that she had chaired an Urban Design Assistance Team and had served on the Central West Focus Area Steering Committee. She was currently winding down her business career and was interested in serving on either the CDC or the Planning Commission, she said. Ms. Davis said that she was capable of visualizing things three-dimensionally from presentation materials.

John Gualtieri, a Chapel Hill native and CDC chair, stated that he held a degree in Industrial Design with a focus on Sustainability. As part owner of a downtown business, he had a vested interest in that area, where bringing in responsible development would be very important, he said. Mr. Gualtieri expressed a preference for remaining on the CDC, but said he would be happy to serve on any board.

Council Member Bell asked Mr. Gualtieri if, as a downtown business owner, he felt that the CDC was a better fit for him than the Downtown Partnership.

Mr. Gualtieri replied that he preferred the CDC but was also very interested in the Partnership. He would like to do both if he could, he said.

Jason Hart, co-founder of Cube Design & Research and the current CDC chair, told Council members that he was an architect who had taught design and had much experience on small and large design projects and developments. Mr. Hart said that he believed in the public service of design professionals and in sharing knowledge with the community and that he wanted to serve another term with the CDC.

Beth Mueller, current vice-chair at the CDC, said that she had a degree in Mathematics, a secondary teaching certificate, and a MA in Architecture. She had extensive building experience, she said. Ms. Mueller told the Council that she had worked with a Future Cities program and would be presenting a green roof module at the next CDC meeting. She summarized her experience on the CDC.

Dixon Pitt, a Chapel Hill resident who works for Bryan Properties, said that he had applied for both the CDC and Planning Commission. He had learned a lot through work and through an advanced urban study, he said. Mr. Pitt noted that the CDC would have an important role to play in the future of Chapel Hill and said that he would like to be a part of the process.

Council Member Harrison arrived at 6:25 p.m.

Marie Van deVelde, a current member of the CDC, and the Orange County Public Health Reserve Corps, and the Dispute Settlement Center board, pointed out that she had also served on the Obey Creek Compass Committee and had participated in the Chapel Hill 2020 process. Ms. Van deVelde said that she had a long-standing interest in design, and architecture and landscaping in particular. She wanted to continue serving on the CDC, she said.

Susana Dancy, who has a MA in City and Regional Planning with a focus on Urban Design and Regulation, discussed her professional experience with site plans and new construction. Ms. Dancy said that her background would allow her to contribute positively to the CDC, stating that what mattered was related to building placement and orientation, building articulation, the relationship of buildings to streets, and permeability.

Council Member Ward suggested that Ms. Dancy look at what the CDC does. He said that some of what she considered to be big ideas might not come before her at that commission.

David Schwartz, an environmental psychologist and lifelong Chapel Hill resident, said he had a good sense of what draws people to Town and of what should be preserved as the Town grows. He had a scholarly interest and expertise in how the design of the built environment affected psychological functioning and wellbeing, he said. Mr. Schwartz said that he had been involved

and interested in the Ephesus-Fordham plan and would be a productive voice on the CDC, which would play a major role in how that plan would be implemented.

Council Member Palmer wondered if any applicants were interested in the Greenways Commission. She pointed out that the Council would welcome additional information about applicants' other areas of interest.

Council Member Bell proposed voting at a later meeting since the Council needed more clarity about the applications.

Mayor Kleinschmidt suggested moving forward with the Downtown Partnership, Human Services Advisory Board, and Transportation & Connectivity Board, but Council Member Bell said that the Transportation & Connectivity Board was one of those about which she had questions.

Council Member Palmer said that Ms. Phillips had telephoned some applicants and asked if they would be interested in serving on other boards. She suggested that Ms. Phillips put that information on a spreadsheet so the Council could have a clearer idea about applicants' interests.

Ms. Phillips discussed challenges with the application form that was on the Town website. She said that not every application had been filled out properly.

Mayor Kleinschmidt thanked all of the CDC applicants who had come and spoken and said the Council welcomed additional information as well. Appointments would be made on June 9, 2014, he said.

Council Member Ward mentioned that some applicants had had scheduling conflicts that had prevented them from attending the Council meeting.

Mayor Kleinschmidt proposed inviting those people to come back before the Council during petition time prior to June 9, 2014. He said that Council had been invited to turn in every ballot but that he had turned in only three. That was because the Human Service Advisory Board and the Downtown Partnership had made recommendations and would have no changes, and rich information was available for the Transportation and Connectivity Board, he said. Everyone was welcome to submit ballots and candidates who received five votes would be appointed, said Mayor Kleinschmidt.

Council Member Czajkowski expressed disagreement with that approach and moved that the Council vote on the Downtown Partnership and the Human Services Advisory Board. He agreed with Council Member Bell that the Council should not vote on the others, he said.

Mayor Kleinschmidt noted that, as a point of order, the Council had approved an agenda that included appointments to five different boards. A motion to eliminate items from the agenda would be to modify the agenda, he said.

Council Member Czajkowski moved to modify the agenda to eliminate items 12, 14 and 16, and Council Member Storrow seconded.

Council Member Palmer pointed out that getting the Transportation & Connectivity Board seated would create a cleaner slate and the Council could move on.

Mayor Kleinschmidt replied that an alternative would be to not vote on boards tonight and perhaps get information presented another way.

Council Member Storrow commented that not being able to access information about which applicants to the Transportation & Connectivity Board had also applied for the Planning Commission had made it difficult to vote for someone for one board over another.

Council Member Ward said he would support tabling the Transportation & Connectivity Board balloting in order to improve the ballot by clarifying which of the candidates were CH residents.

Mayor pro tem Greene expressed support for that idea and verified that there were enough Council meetings left to allow a delay.

Ms. Phillips said that the Council had asked in the past not to do more than five appointments at any one meeting. Staff would have to look again at how to distribute appointments across the next few meetings, she said, and she proposed scheduling options. Ms. Phillips pointed out that there currently were twice as many vacancies as there would be in years going forward because the Town had deferred all of the 2013 appointments to 2014.

Mayor Kleinschmidt noted that Council was invited to vote on the Chapel Hill Downtown Partnership and the Human Services Advisory Board.

COUNCIL MEMBER MATT CZAJKOWSKI MOVED, SECONDED BY COUNCIL MEMBER LEE STORROW, TO VOTE ONLY FOR DOWNTOWN PARTNERSHIP AND HUMAN SERVICES ADVISORY BOARD APPOINTMENTS. THE MOTION WAS ADOPTED BY A VOTE OF 8-1, WITH MAYOR MARK KLEINSCHMIDT, MAYOR PRO TEM SALLY GREENE, COUNCIL MEMBER DONNA BELL, COUNCIL MEMBER GEORGE CIANCIOLO, COUNCIL MEMBER MATT CZAJKOWSKI, COUNCIL MEMBER ED HARRISON, COUNCIL MEMBER MARIA T PALMER, AND COUNCIL MEMBER LEE STORROW VOTING AYE AND WITH COUNCIL MEMBER JIM WARD VOTING NAY.

PETITIONS FROM THE PUBLIC

3. [Petitions from the Public.](#)

- a. [Tom Jensen and Travis Crayton Regarding Enforcement of Orange County's Smoking Ordinance Prohibiting Smoking in All Public Places.](#)

Mr. Jensen asked the Council to enforce the No Smoking Ordinance, noting that people continued to smoke at bus stops every day. Merely posting "Breathe" signs was not an effective way to enforce the ban, he said, adding that a few months of police handing out warning tickets probably would solve the problem.

COUNCIL MEMBER JIM WARD MOVED, SECONDED BY COUNCIL MEMBER LEE STORROW, TO RECEIVE AND REFER COMMENTS TO THE TOWN MANAGER AND ATTORNEY. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

- b. [Dale Coker Regarding the Ephesus-Fordham District and the Potential Risk for Flooding.](#)

Mr. Coker gave a stormwater management presentation and asked the Council to direct the Town Manager to do the following: determine the base flow of Bolin Creek, Booker Creek, and Little Creek; investigate and confirm the validity of global climate change as a concern in meteorological events affecting Chapel Hill; investigate and confirm the validity of the historic 25-year storm as a reasonable basis in the design of stormwater management devices within Town; and investigate and confirm that meteorological events of the current time were consistent with those of the past century. Mr. Coker asked that each of these determinations be made prior to any Council vote on implementing form-based code or any other project developments defined in the 2020 Comprehensive Plan.

COUNCIL MEMBER MATT CZAJKOWSKI MOVED, SECONDED BY COUNCIL MEMBER DONNA BELL, TO RECEIVE AND REFER COMMENTS TO TOWN MANAGER AND ATTORNEY. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

[ANNOUNCEMENTS BY COUNCIL MEMBERS. None.](#)

[CONSENT](#)

4. [Approve all Consent Agenda Items. \(R-1\)](#)

COUNCIL MEMBER JIM WARD MOVED, SECONDED BY MAYOR PRO TEM SALLY GREENE, TO ADOPT R-1. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

A RESOLUTION ADOPTING VARIOUS RESOLUTIONS AND ENACTING VARIOUS ORDINANCES (2014-05-12/R-1)

A RESOLUTION GRANTING THE REQUEST FOR TOWN COUNCIL REVIEW OF THE CONCEPT PLAN REVIEW PROPOSAL FOR WEAVER CROSSING MIXED-USE DEVELOPMENT AT 171 WEAVER DAIRY ROAD AND SCHEDULE THE ITEM FOR A PUBLIC HEARING (2014-05-12/R-2)

DISCUSSION

9. Proposed Land Use Management Ordinance Text Amendments - New Zoning Districts. (R-5)(O-3)(R-6)(R-7)
10. Consider Proposed Zoning Atlas Amendments - Ephesus Church/Fordham Focus Area. (R-8)(O-4A-L)(R-9A-L)

Mr. Stancil reviewed the Ephesus-Fordham (EF) planning area boundaries, discussed the purpose of the EF renewal initiative, and explained that rezoning properties would foster redevelopment and a resulting tax increment that would pay for stormwater and transportation improvements. He recommended closing the public hearings, adopting the resolution of continued action and enacting the proposed zoning atlas amendments and other actions. The EF renewal would address many topics, including affordable housing (AH), connectivity, green building and energy efficiency, public amenities, and stormwater management, Mr. Stancil said. He discussed these aspects in detail and reviewed the financing plan and standards. Mr. Stancil mentioned several items for additional consideration, including bicycle and auto parking and a project review initiative.

Mayor pro tem Greene proposed adding a Council review as an additional step for projects larger than 100,000 square feet. She suggested applying that to the former movie theater site and the motel site, and said that doing so would enhance community confidence.

Mayor Kleinschmidt recommended that the Council discuss Mayor pro tem Greene's suggestion later in the meeting, after community members had addressed the Council.

Council Member Harrison asked the Manager if there would be funds left over from the service district stormwater maintenance fee to fund planning activities or infrastructure that the Town would build.

Mr. Stancil replied that that the recommended process would be to create the municipal service

district (MSD) before adopting the budget in order to generate funds for maintenance of stormwater facilities. Planning for the sub-watershed would come from the stormwater budget as the Town implemented the stormwater master plan, he said. Mr. Stancil noted that funding for construction of facilities was proposed to come from the \$1.1 - \$1.2 million that the Town would borrow for stormwater improvements.

Council Member Czajkowski stated that the Town did not have a defined, specific, additional source of revenue for that planning.

Mr. Stancil replied that the Town would borrow those funds and the cost of that debt would be paid back through the tax increment from the proposed development in the district. He clarified that the MSD would not be created to build improvements but only to pay for maintenance of facilities within the district.

Mayor Kleinschmidt commented that this information from staff was not new to the Council.

Two sources of revenue had been contemplated since the beginning, he said, adding that one was a new tax on the district for maintenance of stormwater facilities and the other was the incremental increase in value of redeveloped property. Mayor Kleinschmidt pointed out that this had been the basis of the financing since the beginning of the conversation many months earlier.

Council Member Czajkowski said he disagreed with that analysis.

Council Member Palmer stated that she recalled public hearings regarding a synthetic TIF before she had even begun running for Council. She noted that four Council members had run for Council knowing that this was how the EF project would be financed and said that she had explained the value of the approach to constituents.

Council Member Ward verified that the MSD tax would be about four cents per \$100 of value and that the recommendation was to establish the MSD when adopting the Town's FY 2014-15 budget. However, no tax would be levied that year because no stormwater improvements would be created, he said. Council Member Ward pointed out that the town did have the option, however, of levying the tax in FY 2014-15 and accumulating funds. He spoke in favor of doing so, and asked if the funds had to be used for maintenance.

Mr. Stancil replied that such had been the proposal. However, once the Council established a MSD, it could define what the funds would be used for, he said.

Council Member Ward said that another unfunded mandate associated with EF was the cost of CH Transit serving the area. He asked how other Council members felt about broadening the scope to include that.

Mr. Stancil pointed out that the Transit tax would benefit from the same increase in value as the General Fund tax and would go to the Transit system.

Council Member Ward replied that he did not think that increase would provide sufficient funding.

Beth Mueller, a Chapel Hill resident and CDC member, stressed the value of designing buildings from the outside in and asked the Council to consider holding a brainstorming session with the public to consider the entire site rather than just cementing the design into FBC. She wished there was a topographical model to look to determine if FBC made sense for the area, she said.

Ms. Mueller also said that there needed to be more stormwater surveys done and she discussed related greenroof solutions.

Esther Miller, a Chapel Hill resident, said that the problem with Chapel Hill was that 89 percent of its infrastructure was paid for by citizens and not-for-profit systems. Many people could no longer afford to live in Town and the middle class was disappearing, she said. Ms. Miller stated that the stormwater runoff problem was dire in the EF area and that some things must be addressed immediately.

David Schwartz, a Chapel Hill resident, reviewed what the EF plan would and would not do and said he hoped that the Council would discuss whether the financing plan for infrastructure improvements was the best approach. He said that the plan had some unappealing characteristics, such as facilitating the displacement of low-income households, increasing impervious surface, driving small local businesses out, and placing the integrity of public finances at the mercy of a couple of property holders.

Anne Brashear, a Chapel Hill resident, suggested making US 15-501 a toll road. She asked that EF bike lanes be off the road, if possible, noting that trash thrown from cars ended up in those lanes. Ms. Brashear asked that buildings not be right up to the street and she expressed concern about reflected sun striking drivers in the eyes at certain times of day.

Dave Sidor, a Chapel Hill resident, said he had supported FBC in the CH 2020 Comprehensive Plan but had become concerned after reading a list of concerns from residents. Mr. Sidor read the list of concerns and a statement which said that the EF plan was not ready to be approved and made several suggestions.

Julie McClintock, a Chapel Hill resident, gave a PowerPoint presentation and expressed concern that standards of concurrency were not being applied with FBC in the way they had been with Carolina North. She argued that rezoning the EF area before getting the results of several studies would be premature and imprudent. Ms. McClintock said that the most important aspects of affordable housing and energy efficiency were not in the FBC and there would be no incentive for developers to provide those things if the area was rezoned. She presented a slide that showed the amount of development that would exist within 0-4 years as well as the expected development for 4-10 and 10-15 years. The walkable community was years away, Ms. McClintock said, and she suggested that the Council proceed slowly and link the EF plan to a bicycle/pedestrian plan that had true connectivity.

Mayor Kleinschmidt asked Ms. McClintock for a response to an incentive program that had been proposed for energy efficiency.

Ms. McClintock replied that she did not know how enthusiastic the energy expert, Tom Henkel, was about it, but that she appreciated the Town's effort to at least address it in some way.

Carsen Stuart, a Chapel Hill resident, submitted a petition from 800 Town residents asking the Council to ensure that several steps be taken before rezoning the EF area. These were: having public review of new zoning regulations; insuring that zoning changes include measures to protect existing small businesses; developing a plan and estimating the cost of mitigating flooding and improving water quality; prioritizing transportation projects and telling the public the costs of those; sharing the Town's cost/benefit analysis with the public to demonstrate net positive revenue; requiring energy efficient buildings and community green space; ensuring affordable housing, and improving FBC standards. Mr. Stuart pointed out that the petition also included 18 pages of comments.

John Morris, a Chapel Hill resident, addressed the financial benefits and costs of the EF Plan. He said that cost to Town had been greatly underestimated and had left out 77 percent of Town services. Future tax revenues had been overestimated, and it was not prudent to borrow \$10 million before knowing if or how Orange County would contribute to the project, Mr. Morris said.

Terry Vance, a Chapel Hill resident, characterized the plan as one that was based on the assumption that the EF area would not need new schools and public transit because those who move in there would be without children and cars. She said that the Council seemed to prefer "truthiness", which meant that facts were irrelevant.

Karyn Traut, a Chapel Hill resident, said she was pleased at some of the changes being proposed and liked the direction the plan was taking. However, taking time and looking for solutions (as citizens had been advising) would avoid the possibility of being trapped with seven-story buildings, flooding, and a huge debt, she said.

Diane Willis, a Chapel Hill resident, advised the Council to separate the DHIC housing project from the EF plan in order to give that the necessary zoning to apply for tax credits. She asked the Council to call a halt to the rest of the plan until the FBC could be made into a much better basis for future construction. Ms. Willis spoke in favor of a tiered review system, which could alleviate the appearance of a total give away to developers with only the Town Manager as reviewer, she said. She made several other suggestions as well and said that the necessary planning had not been completed.

Kathleen Herr, a Chapel Hill resident, said there would be a lot of work ahead regardless of how the Council voted and that she hoped Council members would seriously consider the proposals that citizens had presented. She strongly encouraged all parties to take a deep breath and commit to working effectively as partners on the complicated EF issues.

Gregg Warren, representing DHIC, a non-profit developer based in Raleigh, said his firm was doing its best to build affordable rental housing on Legion Road. DHIC had done a lot of work and had gone to significant expense, based on good faith and the Town's action last year that authorized the sale of the property, he said. Mr. Warren noted that the zoning must be in place

that week in order for DHIC to submit a tax code application. DHIC intended to build a great, energy-efficient product at Legion Road, he said, noting that his board of directors had voted to commit \$200,000 of DHIC's own funds to the development.

Molly McConnell, a Chapel Hill resident, described FBC as "a bird dog that won't hunt" and which needed more training before it could bring home the dinner. She asked the Council to apply FBC to the DHIC project, but nowhere else. Ms. McConnell stressed that the Council should not put the EF project ahead of Glen Lennox, where she lived and where the developer had worked for six years with homeowners, tenants, and the Town in a development agreement process. "When you vote, do no harm," Ms. McConnell said.

Lynne Kane, a Chapel Hill resident, spoke in favor to the EF plan, stating that many of those who had expressed opposition to it were the same people who had "killed off" the Innovation Center, which could have been in place at Carolina North by now and paying taxes to the Town, she said. Ms. Kane said that many who support the project hope that at least the transportation part would be done. However, transportation improvements cannot be financed without the entire project, she said.

Bruce Henschel, a Chapel Hill resident, spoke in favor of approving the DHIC project, but requested the following: do not take any steps tonight that would preclude the Council from considering further changes in the current FBC prior to rezoning at the other 11 tracts; incorporate a meaningful tiered review process in the FBC so that larger buildings would trigger reviews beyond Town Manager level; include Council and public review of buildings of sufficient size and for any where the Manager proposes significant variances from the code. Mr. Henschel also asked that the maximum building height be reduced to less than seven stories and that the project include true public greenspace.

Nancy Oates, a Chapel Hill resident, said that allowing the Council to "tweak" the FBC every six months would defeat the purpose. She asked for specific information on what the Council could change after FBC had been passed, and said she would like the Town Attorney's opinion on that. Ms. Oates said that FBC would change the dynamic and could put pressure on the Town Manager to accept a bad development in order to keep the process moving forward. Ms. Oates proposed that the Town conduct a low-risk beta test with the DHIC, East West Partners, and CVS projects.

Vivian Foushee, a Chapel Hill resident, said that cutting the community's "brilliant ideas" out of the process would be like the Council cutting its own throat. She expressed objections to the Council considering a process that would leave citizen taxpayers out and said she did not know how Council members could consider that in good faith. Using Town experts would not have cost what the consultant had and would have avoided the current uproar because it would have come from people who know the heartbeat of the Town, said Ms. Foushee.

Aaron Nelson, speaking on behalf of the Chapel Hill-Carrboro Chamber of Commerce, commented that the EF plan was before the Council because citizens had voted in favor of precipitating growth in this district and had asked for a tool to make that happen. The Town had adopted a small area plan and had arrived at a project that would bring the desired growth and

development that it set out to achieve, he said. With regard to the Town of Asheville's FBC code, any project in the commercial district larger than 175,000 square feet goes to the Council, he said. Lower than that, it goes to the Planning Board, and staff signs off on anything lower than 20,000 square feet, Mr. Nelson explained. He said that Asheville's Town Council only looked to see whether or not a project comported with the FBC.

Bill Olsen, a Chapel Hill resident, said that a certain amount of rain could and would overrun all of the impoundments at some point. He asked if any thought was being given to enlarging or increasing that part of stormwater control.

Council Member Storrow confirmed with the Manager that enhancing landscaping standards along Fordham Boulevard was one of the items for consideration.

Council Member Palmer ascertained from Director of Policy and Strategic Initiatives Mary Jane Nirdlinger that the Council could direct staff to put in some additional requirements as part of the CDC checklist review of landscape standards in the area. Ms. Nirdlinger offered to bring back a draft of that for Council review.

Council Member Storrow proposed that the Council go ahead and establish a date certain for the check-in, regardless of whether or not it approved anything tonight.

Mayor pro tem Greene pointed out that there was a proposed resolution for additional steps regarding affordable housing (AH), and she read a revision regarding a pilot program to encourage development of AH throughout Town. She stressed that the revision was an actual commitment to work on things that had been talked about and that it was a good improvement to that item.

Mayor pro tem Greene proposed changing EF projects 1, 2, 3 and 4, along the south side of Elliott Road, from WX-5 to WX-2 and offering a density bonus of five stories in exchange for 10 percent AH. She recommended that rentals be affordable for 10 years and that condos be permanently affordable, as stated in the Town's Inclusionary Zoning Ordinance.

Council Member Ward confirmed with Mayor pro tem Greene that the risk to offering density as a bonus was that the Town might not get density. Mayor pro tem Greene asked what possibly ending up with all of those properties being only two stories high would do to the financial model.

Council Member Palmer expressed support for the AH idea, stating that it was a small enough area to take the risk of losing density.

Council Member Ward remarked that staff had turned its back on seriously exploring AH incentives. He said that the Town had traded density for AH units for years and that density bonuses had worked. Council Member Ward stated that Mayor pro tem Greene's proposal was an improvement but was much too timid. There was no reason to make AH less than 15 percent, since the Town had a proven track record that density bonuses worked, he said.

Mayor pro tem Greene replied that rental was very different from ownership, for which she had proposed 99 years. She said that the federal government never required more than 30 years for rentals and she noted that the Town was getting more than a 30-year commitment from DHIC, which would keep those tax credit projects affordable for as long as it existed. However, the marketplace did not currently produce affordable rental housing, said Mayor pro tem Greene.

She said that the Town would be doing proactive zoning and that any density bonus it would get would be through voluntary incentives. Mayor pro tem Greene said that her proposal was based on conversations with local builders who believed the idea had a possibility of working.

Council Member Ward replied that he thought the Town would be "giving away the store" and said he did not support the proposal.

Council Member Cianciolo commented that Mayor pro tem Greene's suggestion was a very reasonable one to try for that particular area. He said that the developers of all four parcels probably would not all opt for five stories and that the resulting variability would be fine.

Council Member Cianciolo added that he would not want to see WX-2s throughout the zone, however. He said he was not a big fan of incentives because they lead to increased prices of market rate housing and ultimately to higher valuations and taxes for those living in AH. Mayor pro tem Greene was proposing a reasonable way to see if incentives might work without taking the risk of being stuck with two-story buildings throughout the zone if it does not, he said.

Council Member Cianciolo proposed that staff look at the proposal and come back with the pros and cons.

Council Member Palmer proposed changing residential bicycle parking to one per two units rather than one per four. This would include changing the percentage to be covered from 90 percent to 80 percent and changing the short- to long-term parking ratio to 20/80, she said.

Council Member Palmer asked to incorporate this when the Council voted rather than sending it back for study. She also asked to change the frontage by the University Inn property from Type A to Type B.

Mayor Kleinschmidt and Ms. Nirdlinger discussed the specifics of including additional language regarding buffers in the FBC and Council Member Ward confirmed with staff that the code did require canopy trees along Fordham Boulevard.

Council Member Harrison stressed that the Town should regularly inspect bike parking areas.

Development Officer Dwight Bassett clarified that new streets would include on- or off-street bike lanes that would be built as each site was redeveloped. He explained that this would be found in the Transportation Plan rather than the FBC, and Mayor Kleinschmidt confirmed that it could be added to the code at a later date.

Council Member Ward characterized the proposed energy efficiency plan as "vapor" and as an undescribed, pilot, rebate program that did not say anything about what the Town would give or receive. To pass that as it was seemed irresponsible, he said, and he suggested that it be added to the resolution for continued action.

Mr. Stancil replied that the resolution directed staff to come back with a specific proposal regarding the substantive matter of what the Town was asking developers to do. The vehicle for actually making that decision would be when the Council adopted the fee schedule with the budget in June, he said.

Town Attorney Ralph Karpinos explained that there were legislative limitations. The Town would have to reference two or three specific programs and then the legislation would give the option of following some other recognized program that meets a similar standard, he said.

Mayor Kleinschmidt confirmed with Mr. Karpinos that the substance of what the Town would be asking for would be defined by an actual program that actually had standards.

Council Member Ward requested metrics associated with the plan that show that a building would be 50 percent energy efficient, and so forth.

Mr. Stancil replied that this was one of the reasons why it was being proposed as a rebate rather than a reduced fee. Developers would actually pay the fee and get rebates when they had met the performance metrics, he explained. Mr. Stancil said that staff would return and explain the specifics of that plan.

Council Member Czajkowski confirmed with Mr. Bassett that first floor retail was required in mixed-use districts, and that upper floors could be a mix of office or residential. Everything but Colony Woods was in a mixed use district, he said.

Council Member Czajkowski said that a central tenet of the EF effort had been to add substantial retail. However, FBC could reduce the amount of retail, he said, adding that this was merely a hypothesis since no numbers had been run on it. He proposed looking at a combination of SUPs and development agreements for the EF properties, stating that approving FBC could lead to the exact opposite of what the Town wanted to achieve.

In response to a question from Council Member Czajkowski, Planning Director J. B Culpepper explained that adopting FBC that evening would open a set of regulations that the Council could apply by rezoning particular parcels, such as DHIC. If the Council wanted to make changes to the adopted FBC later, then it would need to change a portion of the LUMO and that would require re-advertising, taking proposals to Planning Commission for recommendations, and holding public hearings, Ms. Culpepper said.

COUNCIL MEMBER DONNA BELL MOVED, SECONDED BY MAYOR PRO TEM SALLY GREENE, TO CLOSE THE PUBLIC HEARINGS. THE MOTION WAS ADOPTED BY A VOTE OF 7-2, WITH MAYOR MARK KLEINSCHMIDT, MAYOR PRO TEM SALLY GREENE, COUNCIL MEMBER DONNA BELL, COUNCIL MEMBER GEORGE CIANCIOLO, COUNCIL MEMBER ED HARRISON, COUNCIL MEMBER MARIA T PALMER, AND COUNCIL MEMBER LEE STORROW VOTING AYE AND WITH

COUNCIL MEMBER MATT CZAJKOWSKI, AND COUNCIL MEMBER JIM WARD VOTING NAY.

MAYOR PRO TEM SALLY GREENE MOVED, SECONDED BY COUNCIL MEMBER DONNA BELL, TO ADOPT R-5. THE MOTION WAS ADOPTED BY A VOTE OF 8-1, WITH MAYOR MARK KLEINSCHMIDT, MAYOR PRO TEM SALLY GREENE, COUNCIL MEMBER DONNA BELL, COUNCIL MEMBER GEORGE CIANCIOLO, COUNCIL MEMBER ED HARRISON, COUNCIL MEMBER MARIA T PALMER, COUNCIL MEMBER LEE STORROW, AND COUNCIL MEMBER JIM WARD VOTING AYE AND WITH COUNCIL MEMBER MATT CZAJKOWSKI VOTING NAY.

[A RESOLUTION REGARDING THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE AMENDMENT FOR PROPERTIES IN THE EPHEsus CHURCH ROAD/FORDHAM BOULEVARD AREA AND CONSISTENCY WITH THE COMPREHENSIVE PLAN \(2014-05-12/R-5\)](#)

Council members reviewed the amendments that they had proposed and Council Member Cianciolo suggested that they too review copies of applications that go to the CDC. Such a Council review would only be to make sure that nothing had been missed and that the application adhered to the code, he said.

Mayor Kleinschmidt proposed adding that as a requirement, but Mayor pro tem Greene asked for more discussion of the idea. She expressed concern that the public might be misled into thinking there would be an opportunity to make changes. Mayor pro tem Greene asked if a number greater than 100,000 square feet would be more likely to catch larger projects. She said that having a Council review would be responsive to citizens who wanted to see a more transparent process that let everyone be comfortable that FBC was being applied properly.

Mayor Kleinschmidt remarked that another reason for reviewing applications for large projects would be to provide substance to conversations about implementation during the first few years.

Council Member Palmer asked to confirm that Council members were saying that anything over 175,000 square feet would come to them for review, but only to verify compliance with the code.

Council Member Cianciolo remarked that Council members would be notified when something was going to the CDC for review and could attend CDC meetings and give input, just as citizens could.

Council Member Czajkowski asked where review would happen in the case where the former movie theater site, for example, was shovel ready.

Mayor Kleinschmidt replied that he was hearing support for the Council verifying compliance

with the code after the CDC had done the same thing. That was all the Council would do, he said.

Council Member Czajkowski confirmed with the Council and staff that nothing could be done about a project that the Council saw as "absolutely horrifying".

Mr. Karpinos asked whether the Council was interested in reviewing the permit application or the certificate of appropriateness.

Mayor pro tem Greene replied that her interest was in the latter, but only for the first two proposals and others that were very large.

Council Member Bell asked if there was a way to not add more language to the ordinance and just decide to review the first two proposals. It could be an information item about what was coming in and how it was being processed, she pointed out. The Council was not talking about making changes to the process but just watching the process more closely for the first two developments, she said.

Council Member Cianciolo remarked that he had proposed the idea because citizens had objected to the Manager signing off on something that they had elected the Council to address. The Council had delegated authority to the Manager and should not be micromanaging, he pointed out, adding that he was merely suggesting that they look at the project. Council Member Cianciolo said that he did not want it to be so complicated that it would require a whole tier of review.

Council Member Czajkowski characterized FBC as "toothless" and said he hoped the Town would not get something that was absolutely appalling but met all requirements.

Mayor Kleinschmidt replied that there were good standards in the code that avoid appalling projects.

Council Member Cianciolo said he hoped the CDC would do a good job and avoid appalling. He pointed out that many people had complained about East 54, which had gone through an SUP process that had included neighborhood meetings and three public hearings. The Council had wrangled everything it could get from the developer and the CDC and developer had met multiple times, he pointed out. Council Member Cianciolo noted that this was the process that Council Member Czajkowski wanted to return to. "I'm sorry, but that process doesn't always work," he said.

Council Member Czajkowski reviewed the history of East 54 and said that it had been forcefully driven by a former Mayor and Council and was based on a theory. His concern, he said, was that EF was another theory that was being driven again. SUP process or not, the danger was that the Town would end up with something that most people in Town do not like, he said.

Council Member Ward replied that the SUP process that East 54 had gone through had led to a Leed Platinum community development achievement, 30 percent affordable housing, and a 1

percent transfer tax. However, the Town was telling developers they did not have to do those things with FBC and can still get the density they want, he said. Council Member Ward said that the SUP process that allowed trade-offs and rewarded developers with more density had worked time and time again. It seemed as though the Council was preparing to give away the store in terms of the Town's ability to grant greater density as an incentive, he said.

Mayor Kleinschmidt replied that he had been convinced by the research regarding incentives and FBC that Mayor pro tem Greene had brought to the Council. Moreover, even though AH had worked in other parts of Town, nothing had worked in the EF district, he pointed out. The SUP process had not produced any AH there because the nature of the area was different, said Mayor Kleinschmidt, adding that FBC respected those differences and would provide extraordinary benefits for the community.

Council Member Storrow agreed that the Town had been able to derive extraordinary value from projects through the SUP process but had not done so for the EF part of Town. He said that FBC would work for EF because of its geographic boundaries and specific challenges, but he would not support it for the entire Town.

Council Member Ward agreed that FBC was best for the EF district, but said that he did not want to ignore the opportunity to create incentives in the form of additional density for AH and energy efficiency. In the wake of success through the SUP process, which is very similar in terms of the trade-offs, he did not see why incentives would not work there as well, he said.

Council Member Palmer argued that incentives had not worked; noting that 30 percent of the Town's black citizens had left over the last 10 years because they could not afford to live there. Two hundred affordable units might help a few, but it was nothing for the middle class, she said. Council Member Palmer said that the Town needed middle class apartments. If Chapel Hill forced a developer to include 15 percent AH, the cost of other homes would rise, she said, adding that building single-family homes was unsustainable development that might help five people a year but did not make a difference for anyone else.

Council Member Palmer said that Mayor pro tem Greene had brought a proposal that might work, and had done so against all odds and recommendations. She would like to incorporate that and see what staff can offer regarding frontage, she said.

Council Member Czajkowski asked Council Member Palmer if she knew what the rents would be in the EF developments.

Council Member Palmer told Council Member Czajkowski that he could not argue against expensive apartments at the same time that he argued that there would not be enough tax income to pay back the debt. There probably would be a lot of "swanky" places built, but someone would eventually want to build upward and would agree to 10 percent affordable housing, she said. If it did become the swankiest place in Town to live, then the Council would have done its job because it would raise the area up and the Town could rezone some of the adjacent properties through SUPs and put in affordable housing, she said. Council Member Palmer said that it was not logical to keep the area affordable by making people spend all of their spare money on flood

mitigation.

Council Member Harrison said that he would like to take a step forward and support the DHIC project.

Council Member Storrow asked a question about the code and Ms. Nirdlinger read the section regarding the CDC having the discretion to increase required planting zone up to 10 feet and about the CDC's role regarding plantings.

Council Member Ward asked for clarification of NC DOT allowances, and Ms. Nirdlinger read a relevant passage from the code. Council Member Ward verified with her that the landscape planting the Council had been discussing was outside the right-of-way.

Council Member Storrow asked to increase screening along the intersection to 12 feet, stating that the buffer along Fordham Boulevard was his main concern.

Council Member Palmer clarified that the buffer would be at the discretion of the CDC but that Council Member Storrow wanted to give them a little more space to consider.

Council Member Ward suggested that the "score card" check list be for the first 10 years, rather than four. He verified that the score card metrics were a work in progress and that the Council could help to firm it up later.

Mayor Kleinschmidt reviewed Council members' proposed amendments regarding buffers, bike standards, Council review, frontage at the hotel space, and changing the check list to 10 years.

Council Member Palmer moved Ordinance A with those changes, and Mayor pro tem Greene seconded.

Council Member Harrison said that he was not ecstatic about passing the FBC but was willing to do so because the EF area had received no offers of development. The most outstanding addition was the stormwater management code, he said, noting that it would be the strongest in Town and the best in the Jordan Lake watershed. Council Member Harrison expressed particular interest in applying the code to DHIC because he knew exactly what the Town would receive from them, he said.

COUNCIL MEMBER MARIA T PALMER MOVED, SECONDED BY COUNCIL MEMBER DONNA BELL, TO ENACT O-3 AS AMENDED. THE MOTION WAS ADOPTED BY A VOTE OF 8-1, WITH MAYOR MARK KLEINSCHMIDT, MAYOR PRO TEM SALLY GREENE, COUNCIL MEMBER DONNA BELL, COUNCIL MEMBER GEORGE CIANCIOLO, COUNCIL MEMBER ED HARRISON, COUNCIL MEMBER MARIA T PALMER, COUNCIL MEMBER LEE STORROW, AND COUNCIL MEMBER JIM WARD VOTING AYE AND WITH COUNCIL MEMBER MATT CZAJKOWSKI VOTING NAY.

[AN ORDINANCE ADOPTING A LAND USE MANAGEMENT ORDINANCE TEXT AMENDMENT FOR ESTABLISHING FORM DISTRICT REGULATIONS \(2014-05-12/O-3\) Amended \(PDF\)](#)

COUNCIL MEMBER MARIA T PALMER MOVED, SECONDED BY MAYOR PRO TEM SALLY GREENE, TO ADOPT R-7 AS AMENDED. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

[A RESOLUTION DIRECTING THE TOWN MANAGER ON CONTINUED ACTION FOR RENEWAL OF THE EPHEUS CHURCH ROAD/FORDHAM BOULEVARD FORM DISTRICT \(2014-05-12/R-7\) Amended \(PDF\)](#)

COUNCIL MEMBER LEE STORROW MOVED, SECONDED BY COUNCIL MEMBER MARIA T PALMER, TO ADOPT R-8. THE MOTION WAS ADOPTED BY A VOTE OF 8-1, WITH MAYOR MARK KLEINSCHMIDT, MAYOR PRO TEM SALLY GREENE, COUNCIL MEMBER DONNA BELL, COUNCIL MEMBER GEORGE CIANCIOLO, COUNCIL MEMBER ED HARRISON, COUNCIL MEMBER MARIA T PALMER, COUNCIL MEMBER LEE STORROW, AND COUNCIL MEMBER JIM WARD VOTING AYE AND WITH COUNCIL MEMBER MATT CZAJKOWSKI VOTING NAY.

[A RESOLUTION REGARDING THE CHAPEL HILL ZONING ATLAS AMENDMENT FOR PROPERTIES IN THE EPHEUS CHURCH/FORDHAM FOCUS AREA AND CONSISTENCY WITH THE COMPREHENSIVE PLAN \(PIN's 9799-04-8307, 9799-14-1643, 9799-14-0340, 9799-14-2352, 9799-13-6901, 9799-14-2995, 9799-14-4784, 9799-14-4583, 9799-14-5239, 9799-13-6901, 9799-13-7807, 9799-13-8817, 9799-23-0895, 9799-27-5059, 9799-23-0998, 9799-23-5857, 9799-34-0588, 9799-34-0467, 9799-34-0349, 9799-34-0248, 9799-34-0136, 9799-34-0024, 9799-33-0915, 9799-34-6446, 9799-14-7917, 9799-14-8584, 9799-24-2361, 9799-25-0069, 9799-25-0408, 9799-25-5527, 9799-34-0759, 9799-35-2127, 9799-24-5697, 9799-24-6919, 9799-25-8877, 9799-36-6054, 9799-36-5575, 9799-46-0556, 9799-36-8876, 9799-47-0026, 9799-47-2006, 9799-47-3234, 9799-35-1647, 9799-34-3950, 9799-35-5517, 9799-46-1235, 9799-36-1179, 9799-36-7662, 9799-46-1879, 9799-35-4382, 9799-35-5461, 9799-35-8624, 9799-45-0934, 9799-46-1036, 9799-46-1235, 9799-57-0157, 9799-36-6054, 9799-46-0556, 9799-47-8402, 9799-46-4897, 9799-46-8987, 9799-57-5787\) \(2014-05-12/R-8\)](#)

COUNCIL MEMBER LEE STORROW MOVED, SECONDED BY MAYOR PRO TEM SALLY GREENE, TO ENACT O-4L TO ALLOW THE DHIC PROJECT. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

[AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS FOR 1721 LEGION ROAD \(PIN 9799-57-5787\)\(2014-05-12/O-4L\)](#)

Council Member Bell moved Ordinances E through K, and Council Member Palmer seconded.

Council Member Harrison said he was not ready to vote for those, explaining that he would defer to the studied skepticism of community members. That did not mean that he would not vote for it at a later date, he said. Council Member Harrison compared the EF process to that for Glen Lennox, which had been more collaborative and inclusive.

Council Member Palmer stated that it was Council members' responsibility to do what they think is right. If citizens decide that she was wrong by voting in favor of these ordinances, then they would not vote for her next time, she said.

Council Member Ward said that the product crafted thus far had fallen far short with regard to what the Town could gain in affordable housing and energy efficiency. Moreover, the fact that the Council appeared ready to approve it without any commitment from Orange County was a mistake and he would not support it, he said.

Mayor pro tem Greene agreed that the Town was not getting the kinds of things it could get with either a development agreement or a negotiated rezoning. However, there were tremendous benefits in terms of road improvements, stormwater systems, and the promise of attracting the kind of development that needed to happen in the area, she said. Mayor pro tem Greene said that she could not imagine applying FBC to any other sector in Town but that it was a very good solution for the particular EF problem.

Council Member Czajkowski said there was no evidence that FBC would achieve the original goals, which included stormwater improvements, traffic mitigation, and increased commercial tax revenue to the town.

Council Member Cianciolo said that there obviously was not 100 percent certainty that everything the Town hoped for would happen. However, that staff, the consultant, and the Council members who supported the initiative had considered it carefully and thought it was likely to succeed, he said. Council Member Cianciolo stressed that not agreeing did not necessarily mean not listening. The Council had listened, he said, adding that he believed the plan would be successful and would support the resolution.

COUNCIL MEMBER DONNA BELL MOVED, SECONDED BY COUNCIL MEMBER MARIA T PALMER, TO ENACT O-4E THROUGH O-4K. THE MOTION WAS ADOPTED BY A VOTE OF 6-3, WITH MAYOR MARK KLEINSCHMIDT, MAYOR PRO TEM SALLY GREENE, COUNCIL MEMBER DONNA BELL, COUNCIL MEMBER GEORGE CIANCIOLO, COUNCIL MEMBER MARIA T PALMER, AND COUNCIL MEMBER LEE STORROW VOTING AYE AND WITH COUNCIL MEMBER MATT CZAJKOWSKI,

COUNCIL MEMBER ED HARRISON, AND COUNCIL MEMBER JIM WARD VOTING NAY.

AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS FOR 1 BYPASS LANE, 2 BYPASS LANE, 3 BYPASS LANE, 4 BYPASS LANE (PIN's 9799-34-0588, 9799-34-0467, 9799-34-0349, 9799-34-0248) (2014-05-12/O-4E)

AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS FOR 5 BYPASS LANE, 6 BYPASS LANE, 7 BYPASS LANE (PIN's 9799-34-0136, 9799-34-0024, 9799-33-0915) (2014-05-12/O-4F)

AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS FOR 1250 EPHEBUS CHURCH ROAD (PIN 9799-34-6446) (2014-05-12/O-4G)

AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS FOR 1250 EPHEBUS CHURCH ROAD (PIN 9799-34-6446) (2014-05-12/O-4H)

AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS FOR 1250 EPHEBUS CHURCH ROAD (PIN 9799-34-6446) (2014-05-12/O-4I)

AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS FOR 65-301 SOUTH ELLIOTT ROAD, 207-211 SOUTH ELLIOTT ROAD, 223-265 SOUTH ELLIOTT ROAD, 1700-1708 EAST FRANKLIN STREET, 1710 EAST FRANKLIN STREET, 1490-1800 EAST FRANKLIN STREET, 1289 FORDHAM BOULEVARD, 1301 FORDHAM BOULEVARD, 1312 FORDHAM BOULEVARD, 1322 FORDHAM BOULEVARD, 1500 FORDHAM BOULEVARD, 1720-1728 FORDHAM BOULEVARD, 1730 FORDHAM BOULEVARD, 1740 FORDHAM BOULEVARD, 1742 FORDHAM BOULEVARD, 1744 FORDHAM BOULEVARD, 1746 FORDHAM BOULEVARD, 1748 FORDHAM BOULEVARD, 98-100 EPHEBUS CHURCH ROAD, 101 EPHEBUS CHURCH ROAD, 102 EPHEBUS CHURCH ROAD, 1715 LEGION ROAD (PIN's 9799-14-7917, 9799-14-8584, 9799-24-2361, 9799-25-0069, 9799-25-0408, 9799-25-5527, 9799-34-0759, 9799-35-2127, 9799-24-5697, 9799-24-6919, 9799-25-8877, 9799-36-6054, 9799-36-5575, 9799-46-0556, 9799-36-8876, 9799-47-0026, 9799-47-2006, 9799-47-3234, 9799-35-1647, 9799-34-3950, 9799-35-5517, 9799-46-1235, 9799-36-1179, 9799-36-7662, 9799-46-1879) (2014-05-12/O-4J)

AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS FOR 106 EPHEBUS CHURCH ROAD, 1703 LEGION ROAD, 1705 LEGION ROAD, 1709 LEGION ROAD, 1713 LEGION ROAD, 1715 LEGION ROAD, 1717 LEGION ROAD, 1720-1728 FORDHAM BOULEVARD, 1740 FORDHAM BOULEVARD, 1 EUROPA DRIVE, 100 EUROPA DRIVE,

101 EUROPA DRIVE (PIN's 9799-35-4382, 9799-35-5461, 9799-35-8624, 9799-45-0934, 9799-46-1036, 9799-46-1235, 9799-57-0157, 9799-36-6054, 9799-46-0556, 9799-47-8402, 9799-46-4897, 9799-46-8987) (2014-05-12/O-4K)

11. Consider Adopting Resolution Proposed by Orange County Peace Coalition to Call on United States Leadership for a Redirection of Military Spending Toward Domestic Needs. (R-10)

Margaret Misch pointed out that the Carrboro Board of Aldermen had passed a similar resolution on May 21, 2013 and the Orange County Board Of Commissioners had done so on June 18, 2013. She asked Council members to adopt the resolution, send the message to Washington D.C., and let citizens know the response.

Mayor Kleinschmidt said that the resolution was extraordinarily relevant to the Chapel Hill community and that he was glad Ms. Misch had brought it to the Council.

COUNCIL MEMBER LEE STORROW MOVED, SECONDED BY MAYOR PRO TEM SALLY GREENE, TO ADOPT R-10. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

A RESOLUTION TO CALL ON U.S. LEADERSHIP FOR A REDIRECTION OF MILITARY SPENDING TOWARD DOMESTIC NEEDS (2014-05-12/R-10)

7. Public Forum and Consider Adopting the Recommended 2014-2015 Community Development Block Grant Program Plan. (R-3)(O-1)(O-2)

Interim Assistant Planning Director Loryn Clark presented the staff's recommended breakdown of funding from the 2014-15 Community Development Block Grant (CDBG) program. She said that there would be approximately \$422,000 CDBG funds available and that the Town had received applications for more than \$530,000. Ms. Clark listed the proposed distribution, which included funds for Oakwood Public Housing, the Pine Knolls and Northside Community Plan, Habitat for Humanity, and the Community Home Trust. She also listed proposed funding for programs based in the Chapel Hill Police Department, Chapel Hill-Carrboro YMCA, CASA, Housing for New Hope, EmPOWERment Inc., and Volunteers for Youth. Ms. Clark discussed administrative expenses and recommended specific amounts from the Town's Affordable Housing Fund for the Marion Cheeks Jackson Center and the Pine Knolls and Northside Community Plan. She said that the plan included funding for all applications that had been received and she asked the Council to approve the program and enact the attached ordinances.

Council Member Bell inquired about the recommended \$4,000 for EmPOWERment's "Career

Explorers Program," noting that one intern cost \$3,000 and stating that she would like to fund two interns.

Ms. Clark explained that a total of \$6,000 would be available since EmPOWERment had some funds left over from the previous year.

Council Member Palmer recommended that Habitat for Humanity, the Community Home Trust, and the Affordable Housing Board think about changing their models because building more single-family units would not address the Town's affordable housing problem.

Nora Esthimer, EmPOWERment board president, discussed the Career Explorers Program and read a statement written by Kevin Cruz, one of the first people to graduate from the program.

Mr. Cruz wrote that Career Explorers had made a positive difference in his life and encouraged the Council to continue supporting it. Ms. Esthimer expressed gratitude for the proposed \$4,000 allocation, but asked the Council to raise it to \$6,000 for FY 2014-15 so that more young people could participate in the Career Explorers Program.

Hudson Vaughan, deputy director at the Jackson Center, asked for an allocation from the Affordable Housing Fund and discussed the Center's upcoming goals for the Pine Knolls and Northside. He listed projects that he said had brought the Town a return on its investment.

Council Member Bell spoke favorably about what the Jackson Center had done for Northside from the perspective of someone who lives there.

MAYOR PRO TEM SALLY GREENE MOVED, SECONDED BY COUNCIL MEMBER JIM WARD, TO ADOPT R-3.1. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

[A RESOLUTION APPROVING ACTIVITIES FOR THE 2014-2015 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM \(2014-05-12/R-3.1\)](#)

COUNCIL MEMBER LEE STORROW MOVED, SECONDED BY COUNCIL MEMBER JIM WARD, TO ENACT O-1. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

[AN ORDINANCE ESTABLISHING THE 2014-2015 COMMUNITY DEVELOPMENT ENTITLEMENT GRANT PROJECT ORDINANCE \(2014-05-12/O-1\)](#)

MAYOR PRO TEM SALLY GREENE MOVED, SECONDED BY COUNCIL MEMBER JIM WARD, TO ENACT O-2. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

[AN ORDINANCE AMENDING THE 2013-2014 COMMUNITY DEVELOPMENT ENTITLEMENT GRANT PROJECT ORDINANCE \(2014-05-12/O-2\)](#)

8. [Adopt the Recommended 2014-2015 Orange County HOME Program. \(R-4\)](#)

MAYOR PRO TEM SALLY GREENE MOVED, SECONDED BY COUNCIL MEMBER JIM WARD, TO ADOPT R-4. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

[A RESOLUTION APPROVING THE ACTIVITIES OF THE 2014-2015 ORANGE COUNTY HOME PROGRAM \(2014-05-12/R-4\)](#)

6. [Presentation: Recommended Budget for FY 2014-2015.](#)

Mr. Stancil summarized the FY 2014-15 budget presentation that he had outlined at a previous Council meeting, noting that there was no tax increase. He mentioned that the budget included funds for street resurfacing. There were no changes to the employee benefits package, he said, adding that the budget was geared toward moving employees' salaries up to market rate as quickly as possible.

APPOINTMENTS

13. Appointments to the Chapel Hill Downtown Partnership.

The Council appointed Leonard Wohadlo and Elizabeth Cozart to the Chapel Hill Downtown Partnership.

[Master Ballot \(PDF\)](#)

15. Appointments to Human Services Advisory Board.

The Council appointed Megan Cooper, Deborah Finken, Rex Mercer, and Josh Ravitch to the Human Services Advisory Board.

[Master Ballot \(PDF\)](#)

The meeting adjourned at 11:22 p.m.

**DRAFT SUMMARY MINUTES OF A PUBLIC HEARING
OF THE CHAPEL HILL TOWN COUNCIL
MONDAY, MAY 19, 2014, AT 07:00 P.M.**

Present were Mayor Mark Kleinschmidt, Mayor pro tem Sally Greene, Council Member Donna Bell, Council Member Matt Czajkowski, Council Member Ed Harrison, Council Member Maria T Palmer, Council Member Lee Storrow, and Council Member Jim Ward.

Absent: Council Member George Cianciolo.

Staff members present were Town Manager Roger L Stancil, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Mayoral Aide Mark McCurry, Planning Director JB Culpepper, Business Management Director Ken Pennoyer, Stormwater Engineer Chris Jensen, Senior Planner Kay Pearlstein, Development Manager Gene Poveromo, Budget Manager Matt Brinkley, Engineering Design Specialist Mike Taylor, Fire Marshal Dace Bergen, Police Officer Rick Fahrer, and Deputy and Acting Town Clerk Amy Harvey.

AGENDA ITEMS

1. [Approve Agenda. \(no attachment\)](#)

Mayor Kleinschmidt opened the meeting at 7:00 p.m. and the Council voted unanimously to approve the agenda. Council Member Cianciolo was absent.

Council Members Harrison arrived at 7:01 p.m.

COUNCIL MEMBER JIM WARD MOVED, SECONDED BY COUNCIL MEMBER DONNA BELL, TO APPROVE THE AGENDA. THE MOTION WAS ADOPTED UNANIMOUSLY (5-0).

2. [Public Hearing: Recommended Budget. \(no attachment\)](#)

Town Manager Roger Stancil gave a PowerPoint overview of the recommended FY 2014-15 budget, which had been presented at a recent Council meeting. He reviewed expenditures as well as the tax and fee recommendations. Mr. Stancil noted that the Town had been able to maintain its fare free transit system while considering strategic approaches to the system's financial stability. He pointed out that an additional \$400,000 had been recommended in the transit budget for bus financing. Mr. Stancil said that the recommended FY 2014-15 budget included a 3 percent salary adjustment for regular employees. It also recommended a teen engagement specialist, who would be included in the Public Library budget, and \$578,600 for street resurfacing, he said.

Mr. Stancil discussed healthcare costs for employees and retirees and said that the Town's Wellness Initiative had successfully held costs down. He explained that the budget recommended dedicating a portion of fund balance toward the Town's retiree healthcare liability (OPEB). There would be a 75-cent rate increase for stormwater improvements and \$1.2 million for improving stormwater in the Ephesus/ Fordham district as well as \$1.5 million to maintain Town facilities, he said.

Mr. Stancil discussed the Town's asset management program and said that planning had begun for a FY 2015-16 bond referendum. He stated that the proposed budget would include a 1/4-cent for the Northside Community Plan and for affordable housing. Mr. Stancil showed a breakdown of revenues that had increased since the FY 2013-14 budget and discussed the tax rate history since 2009. He noted that there had been a shift of revenues from the debt fund to the operating fund in 2011, as the Town attempted to address the effects of the economic recession. Mr. Stancil mentioned fee adjustments in the recommended FY 2014-15 budget and said that the budget was balanced with no tax increase. He proposed a schedule of budget workshops that would culminate with adoption of the budget on June 9, 2014.

Council Member Storrow arrived at 7:05 p.m.

Art Menius, representing The Arts Center, requested that the Town maintain the \$10,000 funding level that it had provided for many years. He said that The Arts Center had expanded its afterschool program and increased programming in the Chapel Hill area, thereby increasing tax revenue to the Town. Mr. Menius said that The Arts Center was greatly dependent upon local government support for its operations.

Ross Tompkins, representing the Town's Employee Forum, expressed support for the recommended budget, which he characterized as a balanced approach to retaining quality employees and keeping a competitive workplace. He said that employee interest in performance-based compensation was strong and that employees were engaged and proud of the work that they do. Mr. Stancil sought feedback on a variety of topics, including employee compensation, and the workforce appreciated having their opinions respected, Mr. Tompkins said.

Elizabeth Waugh-Duford, representing the Orange County Partnership to End Homelessness, read the Partnership's adopted resolution in support of a dedicated funding source for affordable housing. This would include affordable rental housing for those who are homeless and/or disabled, she said.

Heather Griffin-Dolciney, clinical director for Freedom House, provided anecdotal testimony about adults with disabilities, substance abuse problems, and mental illness, who had not been able to find housing. She said that people had been living in cars and storage facilities and that many wait for years to find housing.

Rachel Waltz, a social worker, expressed support for setting aside dedicated funds for homelessness prevention and affordable rentals. She told of her own experience, trying to find housing in Chapel Hill, and said she knew a Vietnam veteran who had been living in the woods

for 15 years and a recently returned soldier who had been staying in a dilapidated trailer. It was important to give back to those who had served us, Ms. Waltz said.

J. Freeman, an assisted housing resident at CASA, told a personal story about going from being homeless to becoming a tax-paying citizen. He said that his shattered life had finally come together when he received housing and that he was willing to do whatever it took to help others do the same.

Hudson Vaughan, deputy director of The Jackson Center, showed a video that included interviews with several people who explained what having affordable housing had meant to them. He noted that all of those interviewed supported the proposed Penny for Affordable Housing.

Susan Levy, speaking for Habitat for Humanity and the Orange County Affordable Housing Coalition, strongly urged the Council to adopt a budget that included the equivalent of one cent on the property tax for affordable housing. She noted that some of Habitat's projects, such as Phoenix Place, could not be replicated today due to a reduction in government funds. The 1/4-cent that the Manger was proposing was insignificant to meet the needs of this community, Ms. Levy said, noting that the Town currently spent less than 1 percent of its funds on affordable housing. Surely it was time to increase that commitment, she said, and she urged the Council to fund a full penny on the tax rate.

Council Member Palmer asked Ms. Levy if Habitat had more of an urban model for homes, since the Town no longer had land available for a project such as Phoenix Place.

Ms. Levy replied that Habitat for Humanity had built multi-family housing across the country and had considered it for its land on Sunrise Road in Chapel Hill. However, the idea had met with extreme neighborhood opposition, she explained. Ms. Levy said that Habitat was open to building higher density if there was the political will and support in Town for doing so.

Tish Galu, a member of Justice United's Affordable Housing Team, pointed out that A Penny for Affordable Housing had been a success in Durham and other places in North Carolina and throughout the U.S. She told about low income people with whom she works who want affordable housing and/or need help to refurbish their homes so they can remain living in them. She said that non-profits and developers should collaborate and coordinate resources to produce housing that includes affordable units in Chapel Hill. The Town needed to find creative ways to leverage the one-cent tax, she said, noting that the first step would be to approve A Penny for Affordable Housing.

Robert Dowling, executive director of the Community Home Trust, expressed support for including a penny on the tax rate for affordable housing in the adopted budget. He said that affordable housing could not be done well in Town anymore without subsidy up and down the continuum. Mr. Dowling pointed out that there was less and lower subsidy and shrinking federal funds available while costs were increasing. He pointed out that Council members had been leaders in affordable housing for many years and that other communities had looked to Chapel Hill as a model. It was absolutely essential that the Council take the lead now in providing

funding for affordable housing, Mr. Dowling said.

Jonathan Young, who works for the Community Empowerment Fund, advocated for its members, who are low income people who seek housing and sustainable lives in Chapel Hill, he said. Mr. Young said that these people had experienced a crisis situation over the past 12-18 months, with a significant increase in the difficulty of finding places where they could afford to live.

Maggie West, a Chapel Hill resident, noted that the Jackson Center's video had introduced five households and shown that affordable housing was a catalyst for positive change. By investing in affordable housing, the Town would be investing in outcomes, changes, and impacts that are much broader than just having a roof over one's head, she said.

Scott Radway, of Radway Design, said that he had worked on the Inclusionary Zoning Task Force and believed that the Town needed to be more significantly involved if it wanted to see positive outcomes for residents and future residents. The Town knows how significant the problem is and knows that it will grow, he said. Mr. Radway pointed out that county and Town residents had strongly supported affordable housing bonds in the past and that many had talked during the Ephesus/Fordham process about how important it was for the Town to address affordable housing. Mr. Radway argued that 1/4-cent would be a token gesture and he said that the Town should find a way to take a much stronger leadership position, communicate more significantly, and fund affordable housing at a level that would get ahead of the issues. Mr. Radway expressed strong support for a one-cent element within the budget.

Council Member Bell said it was important to find money for affordable housing without raising taxes. After confirming that an extra \$840,000 in the budget would be divided between the Rogers Road project and OPEB, she suggested using the OPEB funds and adding that to the 1/4-cent tax to bring the amount for affordable housing up to 80 percent of what was originally desired. With the addition of an affordable housing support person, that would be acceptable, said Council Member Bell.

Mayor Kleinschmidt noted that the Manager had stated at a recent Council work session that he would bring a response to that proposal to the entire Council.

Council Member Palmer expressed support for Council Member Bell's idea, but suggested adding a 1/2-cent so there would not be a 20 percent gap. She said she wanted these issues to be addressed as soon as possible. Council Member Palmer asked what it would take to have Piney Mountain Road served by Chapel Hill Transit again. Could the funds for that route come from the 1/2-cent tax if it is being used to serve public housing residents, she asked. Council Member Palmer expressed support for the youth coordinator position, but said she wanted to understand the rationale behind putting it in the Library budget, since the Town had a serious lack of recreational opportunities and activities.

Mayor pro tem Greene said she hoped the Town could do better than 1/4-cent for affordable housing. She said that Council Member Bell's idea was a great one to consider. Not having the

Housing Board in place yet was not a sufficient reason to delay funding affordable housing, since the Town had a strategy and the Council was fully capable of making such priority decisions, she said. Mayor pro tem Greene argued that there was not time to waste in starting to get funds allocated and set aside for housing. She pointed out that direct allocations from the federal government would continue to decrease.

Council Member Storrow agreed that the funding for affordable housing should be more than 1/4-cent in the FY2014-15 budget. If the Town is not able to get a penny, then there should be a plan to reach that amount over the next year or two, he said. With regard to the youth coordinator position, he said it would cross several departments even though it would be located in the Public Library.

Council Member Harrison said that he, too, would like to have more than a 1/4-penny for affordable housing, and was interested in learning more about Council Member Bell's proposal. The Northside neighborhood would be a primary target, but he would like to see the money available for other areas as well, he said. With regard to restoring bus service to Piney Mountain Road, Council member Harrison explained that that would be done through the Transit Fund and that Transit Director Brian Litchfield and his staff were working on it.

Council Member Ward said that a penny on the tax rate was something that the Town could do this year, if the Council charged the Manager to do it. He said that it would have his vote. He expressed interest in Council Member Bell's strategy, and asked the Manager to look at all the numbers and see where that amount of money can be cobbled together to create A Penny for Affordable Housing.

Mayor Kleinschmidt said that the Manager would respond to these and other questions that had been generated throughout the process at the June 2nd Council Work Session.

Link to [Penny for Housing Video](#) as presented by The Jackson Center

3. [Public Hearing: Southern Orange County Government Services Campus, Application for Special Use Permit Modification, 2551 Homestead Road.](#)

Senior Planner Kay Pearlstein gave a PowerPoint overview of a Special Use Permit (SUP) modification application for expansion of the Southern Orange County Government Services Campus and said that staff recommended adoption of Resolution A. She presented a plan for the 33.5-acre site and noted that the County was proposing a long-term build-out of 20-25 years and had identified future building areas. Ms. Pearlstein discussed landscape buffers, pathways and greenways, and indicated tree protection areas, Resource Conservation Districts (RCDs) and other sensitive areas. She said that the application proposed 300,000 square feet of new floor area and associated parking. Ms. Pearlstein noted that the SUP, if approved, would allow staff to approve final plans for individual buildings and parking areas, with final sign-off by the Community Design Commissions (CDC).

Ms. Pearlstein noted that the proposed design guidelines were important and would be subject to Council approval. The applicant was requesting a modification to increase height from 60 to 90 feet at the central portion of the site, but staff was recommending a more significant modification, since the area was not visible from surrounding properties and there was the potential to reduce impervious surface, she said. Since the campus would provide services to people in southern Orange County, staff believed it would meet the public purpose finding, Ms. Pearlstein explained. She noted that the project had received expedited processing and said that the Council could take action on it at its June 23 business meeting.

Jeff Thompson, Director of Asset Management Services for Orange County, provided a PowerPoint overview of the development process thus far. He outlined a plan to consolidate three parcels and said that the SUP would guide development of the site in coordination with the County Commissioners' values and vision. It would deliver convenient, sustainable and cost-efficient services to residents of southern Orange County on land that the County currently owned, he pointed out. Mr. Thompson said that the plan would provide long-term development planning predictability for the site, would align Town and County values, and would promote collaboration on shared planning objectives.

Alice Gordon, an Orange County Commissioner, discussed the advantages of being able to consolidate services on one site in the southern part of Orange County, where the population was densest. It would be convenient to drive to the location, transit services would go there, and it would be easy for drivers to find, she said. Commissioner Gordon stated that the project would provide a great opportunity to collaborate with the Town on service delivery and to form partnerships. She said that the County was fortunate to have such a campus where it could provide government services in one location for years to come. It was a land use and transportation planner's dream, she said.

Roger Waldon, of Clarion and Associates, provided more details on the SUP application and stressed the importance of having long-term predictability for the site. He touched on the regulatory history of the site and noted the benefits that accrue from the Town and County working together on the plan. He discussed an important right-of-way on the eastern edge of the property, which would allow a second access into and out of the site. Mr. Waldon said that nearby Carolina North had expressed concern about run-off from the County site and that the County had good plans for managing that. He pointed out that Orange County would contribute to Homestead Road improvements.

Mike Hammersley, of Corley Redfoot Architects, provided details about existing site conditions and highlighted some of the area's constraints, such as RCDs, utility easements, natural walking trails, and an old homesite. He displayed a slope analysis plan and a site plan and discussed a transit-friendly street layout, bike and pedestrian access, and a new path along Homestead Road.

Council Member Palmer confirmed with Mr. Hammersley that there were areas that could provide bus stops that would be wheel-chair accessible.

Mr. Waldon commented that Orange County had the ethic of accessibility and disability access

built into its character. That would be a very important part of the plan going forward, he said.

Mayor pro tem Greene noted that the design guidelines included a mechanism to check in with the Council at five-year intervals. She confirmed with Mr. Waldon that keeping a calendar on that would be a dual responsibility. Ultimately, Town staff would put triggers into its calendars, Mr. Waldon said, but he expressed certainty that County staff would do so as well.

Mr. Thompson said that the County's asset manager would keep such a calendar with trigger points.

Michael Talbert, Interim Orange County Manager, discussed the County's dual service model, which offered services in Hillsborough and Chapel Hill. He said that there might be opportunities for partnerships over time, and he stressed that long-term certainty was important so that the County could do some long-range planning. If the SUP were approved, Orange County would start building the infrastructure within 18-24 months and would begin planning which facilities would be built first and which ones would be expanded or brought to Chapel Hill, he said.

Julie McClintock, a Chapel Hill resident, expressed enthusiasm for the idea of consolidating services and doing a detailed plan. She said that increasing the height made sense and could save some of the forest. Ms. McClintock pointed out, though, that this and other large developments planned for the area would drain into the Booker Creek watershed and the Eastgate shopping center and would impact stormwater issues there and beyond. She reminded the Council that meeting the Jordan Lake standards did not mean addressing water volume.

Mayor Kleinschmidt pointed out that the Town's Land Use Management Plan (LUMO) did regulate water quantity and the rate of water coming off property.

Council Member Harrison confirmed with Mr. Waldon that a traffic impact analysis (TIA) had been done. It had looked at trip generation for a build-out over five to 10 years as well the ultimate build-out, Mr. Waldon said. He stated that the TIA had indicated a need for improvements on Homestead Road in front of the County's property as well as a need to provide bus pull-offs and signal timing. The TIA had also noted limitations on the new entrance being right-in/right-out, Mr. Waldon said.

Council Member Palmer urged the County to think about putting affordable housing - perhaps for County employees - in its long-range plans. She expressed support for increasing the building height.

Mr. Talbert replied that County Commissioners had been discussing a potential bond referendum on affordable housing in 2016. He pointed out that Orange County, Chapel Hill and Carrboro owned 100 acres of the Greene Tract, which could be used for affordable housing. Those two ideas were out there, Mr. Talbert said. He pointed out that the Homestead Road site had not been planned for affordable housing, but said that those decisions had not yet been made and that Commissioners would consider the future of the site once they got SUP approval.

Mayor pro tem Greene asked how plans to discuss affordable housing on a mutli-jurisdictional basis had been progressing.

Mr. Stancil replied that the parties had had general conversations about use of the Greene Tract but had not come up with a final plan.

Mr. Talbert agreed that many details needed to be worked out. He said that the County was waiting for his successor to begin working with Mr. Stancil on that.

Mayor pro tem Greene confirmed with Mr. Hammersley that the existing road and planned new road were similar in length and would be reasonably graded for cyclists.

Council Member Ward said that a lobe of the new road to the west was longer than it needed to be. He expressed concern about buses having to turn there and proposed moving that road 30 feet to the east. That would also improve the sight line for people crossing the road, he pointed out. Council Member Ward asked for feedback on Chapel Hill Transit's and the applicant's perspective on that.

Council Member Ward confirmed with Ms. Pearlstein that a 10-foot multi-modal path was proposed to run along Homestead Road and that another project to the west would have the same requirement. He asked Ms. Pearlstein to bring back information about what could be done to the east of that area.

Council Member Ward mentioned the need for a crosswalk and for sidewalk infrastructure on the north side of Homestead Road. He suggested thinking about where it could safely be incorporated and if it made sense to include it as part of this proposal.

Council Member Ward said he would be interested in the staff's response to Bike & Pedestrian Board's comments regarding bike lanes versus sharrows and having lanes on both sides of the street. He confirmed with Planning Director J.B. Culpepper that the right-of-way would go all the way back to the apartment complex. The right-of-way had been dedicated as a condition of the Council's approval of that apartment complex, Ms. Culpepper explained. Council Member Ward asked staff to incorporate language that would allow the right-of-way to be maintained. In addition, he recommended including covered walkways between buildings.

Mayor Kleinschmidt commented that the campus was not very accessible and said he wished there was a way to connect buildings all the way down. The problem had always been that the Human Services building was in a cul-de-sac high up on a hill and far from the street when it should be a welcoming beacon that provides services to people, he said. The Senior Center did a much better job of putting a face on the property, said Mayor Kleinschmidt.

Referring to Council Member Ward's suggestion, Mayor Kleinschmidt noted that UNC Hospitals interior concourse was a beautiful way to connect buildings. He proposed consolidating the Orange County buildings, thereby preserving huge swaths of natural space and having a more

welcoming environment.

Mr. Thompson agreed and pointed out that the terraced land suited such a consolidation of buildings. There were many advantages with the topography to mass and do a concourse model, he said.

Council Member Ward pointed out that the CDC had voted 6-4 in favor of the project. The four who had voted against it had felt that the building heights were not merited, he said.

Mayor Kleinschmidt replied that he would be sympathetic to that point of view if the buildings were out in a rural part of Orange County. However, this project would be inside city limits and needed to be where it could be seen, not hidden up in the hills like a Fortress of Solitude, he said.

COUNCIL MEMBER JIM WARD MOVED, SECONDED BY COUNCIL MEMBER LEE STORROW, TO RECESS THE PUBLIC HEARING TO JUNE 23, 2014
RECEIVE AND REFER COMMENTS TO TOWN MANAGER AND ATTORNEY. THE
MOTION WAS ADOPTED UNANIMOUSLY (8-0).

4. [Public Hearing: Municipal Service District for the Ephesus Church-Fordham Boulevard Area. \(R-1\)](#)

Stormwater Engineer Chris Jensen provided an overview of the process for creating a service district and noted that the Ephesus-Fordham Municipal Service District (E/F) boundaries were the same as the Ephesus-Fordham Renewal Project boundaries. He said that enhanced services identified for E/F were watershed improvements and maintenance activities. A tax would be levied, but not until FY 2015-16, he said. Mr. Jensen recommended that the Council adopt the resolution that would create the Ephesus Church/Fordham Boulevard Municipal Service District.

Ms. McClintock, a Stormwater Advisory Board member, said that this municipal service district would create a taxing structure that would bring in funds to be used for maintenance of stormwater facilities in the district. This was important, she said, but she emphasized that it pertained to water quality, not quantity. Ms. McClintock said she hoped the Council would address the flooding problems head on.

Mayor Kleinschmidt thanked Ms. McClintock and others on the Stormwater Advisory Board for their work on this and the Stormwater Master Plan, which did address a basin-wide approach to many issues, he pointed out.

Council Member Czajkowski confirmed with Mr. Jensen that a four-cent tax on \$100 valuation of property would generate about \$60,000 a year. The main purpose of the tax would be to make sure that stormwater facilities in the district were inspected and maintained at a high level, Mr. Jensen said.

Council Member Czajkowski asked about funding for mitigation, and Mr. Jensen replied that there were some funds within the stormwater utility for capital improvement projects and mitigation. However, that would be for the entire town, not just the E/F district, he pointed out.

Council Member Palmer confirmed with Mr. Jensen that the tax revenue could be used for conveyances to prevent flooding within the district, and also for clearing of debris in streams.

Mr. Stancil clarified that the money generated by the district tax would only be used for maintenance of facilities within that geographical district. That would not include the residential area outside the district, he said, but he noted that maintaining facilities in the district might affect those neighborhoods as well.

Council Member Ward confirmed with Mr. Jensen that the amount of money generated each year should be adequate, based on preliminary data. He asked what the justification was for delaying implementation for a year.

Town Attorney Ralph Karpinos replied that once the Town had set the tax rate and begun imposing the tax it would have an obligation to allow contracts and provide services for facilities within a year. However, the facilities that would be maintained using these funds would not be in place, so there would not be any use for the money, he said.

Council Member Ward said he thought he had heard that the revenue could be used for design work or education associated with stormwater in the district. It seemed like there would be design work that could go on within the next 12-month period, he said.

Mr. Jensen replied that it was possible to get something started that soon. He noted, however, that there still were residential parcels within the district and that some areas had not yet been rezoned. The boundaries might need to be adjusted to address what was currently there, Mr. Jensen pointed out.

Council Member Ward asked staff to bring back information on what would be in the district in two years that would not be there in one.

Mayor Kleinschmidt suggested that the Manager provide that information as part of the budget process.

Council Member Harrison confirmed with Mr. Jensen that the \$60,000 figure was based on a current valuation of properties. He asked if funds from the tax could be used to pay for a sub-watershed study.

Mr. Jensen replied that doing so might be difficult since those funds were intended to be used for services.

Mr. Stancil noted that there was funding in the stormwater budget for the subwatershed studies.

Council Member Palmer pointed out that a letter from the Greenways Commission had asked if the funds could be used to daylight Booker Creek as one of the covered improvements. She asked to specifically name that as part of the Town's renewal of Eastgate.

Mr. Karpinos replied that daylighting was a project, not a service under the concept of what a municipal service district is. He did not believe it fell within a service district's intended use, he said.

Mayor Kleinschmidt stated that passing R-1 to create the service district was all the Council was currently being asked to do.

Council Member Ward verified with Mr. Jensen that the district's boundaries would include properties to the south that had not been included in the rezoning.

Mr. Jensen noted that the general statute would allow the Council to remove parcels and areas once the tax had been levied.

COUNCIL MEMBER JIM WARD MOVED, SECONDED BY MAYOR PRO TEM SALLY GREENE, TO ADJOURN THE PUBLIC HEARING AND ADOPT R-1. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

[A RESOLUTION CREATING A MUNICIPAL SERVICE DISTRICT FOR THE EPHEsus CHURCH-FORDHAM BOULEVARD AREA \(2014-05-19/R-1\)](#)

5. [Concept Plan: Weaver Crossing, 171 Weaver Dairy Road. \(R-2\)](#)

Ms. Culpepper provided an overview of the concept plan for Weaver Crossing, a four-parcel, mixed-use development on 3.4 acres at the corner of Martin Luther King Jr. Blvd (MLK) and Weaver Dairy Road. She noted that the LUMO identified the property for mixed use and that it was considered to be a development opportunity site. The site was located near The Edge and Charterwood, two projects that would soon be developed, Ms. Culpepper pointed out. She noted that the applicant was proposing office, retail, and a bank, and that the project included a couple of drive-through windows. Ms. Culpepper pointed out that the project did not yet meet the criteria for concept plan review but that it had gone to the CDC and the Council had agreed to look at it. Weaver Crossing probably would require an SUP, she said.

Council Member Harrison verified with Ms. Culpepper that the plan had met the SUP threshold as well as the threshold for CDC review, but had not yet met the concept plan threshold. Ms. Culpepper explained that applicants did sometimes ask for Council consideration even though they have not met that threshold.

Mayor Kleinschmidt pointed out that the Council's comments would be general feedback and

could not be taken as a commitment in any way.

Lee Perry, of East West Partners Management Company, explained that Walgreens had owned the site for about eight years. He outlined the proposed plan, which would include a Walgreens store, and noted that there would also be a multi-use component on the corner and that the project would be all office and retail.

Landscape Architect Scott Murray reviewed the site plan and noted that it had been designated for primarily office use. He described the proposal for 38,700 square feet and 136 parking spaces. Mr. Murray said that parking would be 80 percent of the recommended maximum and that the applicant would like to push the commercial area from 50 percent to 62 percent to accommodate additional shops. Mr. Murray said that the two drive-through windows were essential for banks and pharmacies but would be as obscure and hidden as possible. He noted the addition of a slip lane, which would activate the corner, and said they had had modified some standards. Mr. Murray showed a site plan and discussed access, circulation, and a possible transit stop in the area.

Mr. Perry showed artist's renderings of three general concepts for the corner. He said that they had presented those to the CDC and that the majority of CDC members had preferred the second design.

Mr. Murray discussed the buffer and parking set-backs, which would need to be reduced for the proposed streetscape. He said that the plan would require additional impervious surface to accommodate the slip lane. Mr. Murray said that the applicant also wanted to increase the commercial ratio to allow for additional shop space. He discussed the advantages of the project to the Town, such as increasing the tax base and activating an important gateway to Town. The site was void of vegetation and the applicant would revegetate the area with canopy trees, he said.

Walter Mallett, owner of the adjacent Montessori Day School property, said that his site had been on the market with a commercial realtor. Having an access to the Weaver Crossing seemed appropriate, he said, and he proposed that the two contiguous properties be planned together.

Scott Radway, of Radway Design, described how the two properties could work together. He showed a diagram of the site and indicated how a cross-connection and compatible development could be achieved. Mr. Radway pointed out that a utility easement would force set backs on both properties and that drainage from both would run in the same direction. He wanted to let the Council know that there was an opportunity to have some related presence on that corner, he said.

Mayor Kleinschmidt expressed enthusiasm over hearing a next door property owner state that he actually liked a stub-out.

Council Member Palmer asked why the plan was being limited to two stories, and Mr. Perry replied that it was the maximum density possible without going to structured parking. He explained that they had not considered doing that for the following reasons: there were still

vacancies in the nearby Vilcom Center even though the rates were low; a hotel was not economically feasible in that location; and, there probably were enough multi-family plans in the works, with Charterwood and The Edge soon to be developed.

Council Member Palmer asked about innovative energy standards, such as a green roof, and Mr. Perry replied that they had not done the design yet but absolutely intended to go above and beyond those standards. However, they had not done a green roof before and had heard that there were challenges associated with that, Mr. Perry said.

Council Member Palmer expressed support for the second design.

Council Member Harrison said that a modification to increase impervious surface to serve the slip street would give the applicant more space to move around the parking lot, but would not meet a public purpose, as required by the LUMO.

Mr. Murray replied that they probably could drop the additional parking and get back under 70 percent impervious surface, if that was the will of the Council.

Council Member Harrison proposed that the applicant lower it to 70 percent.

Council Member Ward proposed altering the design to put diagonal parking along the MLK side and slip streets on both sides of the building and listed possible advantages of such a layout. He expressed a preference for the second design but said he was bored by beige brick. Council Member Ward commented that the rooftop function had great potential, whether it was ultimately used for stormwater or for dining. He agreed that the rear of building was important as well, and said that the applicant seemed to be addressing that.

Council Member Storrow said that he, too, preferred the second design. He said he wondered how the project would intersect with the Timberlyne Shopping Center and the homes behind it. He said that he would like consumers to be able to park at Timberlyne and access Weaver Crossing as well. If there was an opportunity to make the connection easy and accessible, it was more likely that people would use it, he pointed out. Pulling the Montessori School site into the project might provide an opportunity for more connection, Council Member Storrow pointed out.

Mayor pro tem Greene expressed support for Council Member Storrow's comments about connecting Weaver Crossing with the Timberlyne Shopping Center. With regard to Council Member Ward's suggestion about putting the parking along MLK, she said that the visual impact from MLK might be one of too many parked cars. She wondered about eliminating the parallel spaces along the front and moving parking back to the interior, Mayor pro tem Greene said. She said that the proposed amount of impervious surface did not strike her as exciting. She expressed a preference for the second design and said that she trusted that an architect would be brought into the process.

Council Member Bell said that it was difficult to imagine how Weaver Crossing would fit into the greater scheme once Charterwood, The Edge, and other projects had been developed. She

suggested pulling the sidewalk farther from the street and creating a buffer along MLK. Council Member Bell said she liked the idea of a public gathering space but that the one in the artist's sketch looked like tables and umbrellas near a parking lot. It was difficult to get a sense of how much parking was needed without knowing the actual uses that would be there, she said.

Council Member Bell wondered if there was a way to connect the two buildings on the site so they would look massed together rather than looking like two adjacent parcels. She asked the Town Manager to provide information regarding the Economic Development Advisory Committee's recommendations.

Council Member Palmer said that residents had been leaving Timberlyne Apartments because the rents were going to increase by \$300 a month in August. There was a great need for senior housing in Town and this was a perfect location, she said, noting that the applicant could get a density bonus by including that.

Council Member Czajkowski confirmed that Walgreens owned the Weaver Crossing property. He noted that the Town had accepted a building design on Estes Drive that many do not like because they believed that it had to agree to Walgreens' design standards. Council Member Czajkowski asked the applicant what their plans were in that regard.

Mr. Perry replied that they had not yet taken a direction regarding that, but would investigate what was unappealing about the other Walgreens building and go in a different direction with this one.

Council Member Czajkowski verified that the applicant was working on behalf of Walgreens, but Mr. Perry pointed out that Walgreens realized that the application had to be approved so it had to be something that people would want.

Council Member Czajkowski said that he had seen Walgreens stores in other parts of the country that were harmonious with the community they were in. Therefore, he believed that the Town did not negotiate as strongly as it could have regarding the one on Estes Drive, he said. Council Member Czajkowski emphasized that he wanted a nice entrance to Chapel Hill at the location being discussed tonight.

Mayor Kleinschmidt agreed that the applicant had an important piece of property at an entranceway to Town, and said that aesthetics would be an important part of the conversation once an application had been submitted. He stressed the importance of thinking about the adjacent Montessori school site, adding that it would be a shame to create a hard buffer on that eastern border that would cut the two properties apart from each other when there was an opportunity to have continuity around that corner. Do not artificially separate it with a vegetative buffer or a parking lot, Mayor Kleinschmidt said, stressing the need to avoid creating a mini strip mall between the two sites.

COUNCIL MEMBER JIM WARD MOVED, SECONDED BY COUNCIL MEMBER ED HARRISON, TO ADOPT R-2. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION TRANSMITTING COUNCIL COMMENTS ON A CONCEPT PLAN FOR
WEAVER CROSSING, MIXED-USE DEVELOPMENT, 171 WEAVER DAIRY ROAD
(2014-05-19/R-2)

**REQUEST FOR CLOSED SESSION TO DISCUSS PROPERTY ACQUISITION,
PERSONNEL, AND LITIGATION MATTERS.**

Council Member Palmer read the request for a closed session.

COUNCIL MEMBER MARIA T PALMER MOVED, SECONDED BY COUNCIL MEMBER DONNA BELL, TO ENTER INTO CLOSED SESSION TO CONSULT WITH THE ATTORNEY IN ORDER TO PRESERVE THE ATTORNEY-CLIENT PRIVILEGE AS AUTHORIZED BY GENERAL STATUTE SECTION 143-318.11 (A)(3). THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

The meeting adjourned at 10:30 p.m.

**DRAFT SUMMARY MINUTES OF A BUSINESS MEETING
OF THE CHAPEL HILL TOWN COUNCIL
WEDNESDAY, MAY 28, 2014, AT 06:00 P.M.**

Present were Mayor Mark Kleinschmidt, Mayor pro tem Sally Greene, Council Member Matt Czajkowski, Council Member Ed Harrison, Council Member Maria T Palmer, Council Member Lee Storrow, and Council Member Jim Ward.

Absent: Council Member Donna Bell, and Council Member George Cianciolo.

Staff members present were Town Manager Roger L Stancil, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Communications Manager Catherine Lazorko, Mayoral Aide Mark McCurry, Planning Director JB Culpepper, Stormwater Management Engineer Sue Burke, Current Development Manager Gene Poveromo, Principal Planner Phil Mason, Director of Technology Solutions John Bjurman, Community Outreach Coordinator Jennifer Phillips, Interim Assistant Planning Director Loryn Clark, Engineering Design Specialist Mike Taylor, Manager Intern David Finley, Financial Systems Administrator Ross Tompkins, Deputy Town Clerk Amy Harvey, Fire Marshal Johnny Parker, Police Officer Rick Fahrner, and Communications and Public Affairs Director and Town Clerk Sabrina Oliver.

OPENING

1. [Approve Agenda. \(no attachment\)](#)

Mayor Kleinschmidt opened the meeting and proposed breaking Item 16 into four parts, which would allow the Council to vote for members of Town boards and commissions at four different points during the meeting. The Council voted unanimously to approve the agenda with that change.

COUNCIL MEMBER JIM WARD MOVED, SECONDED BY MAYOR PRO TEM SALLY GREENE, TO APPROVE AGENDA AS AMENDED. THE MOTION WAS ADOPTED UNANIMOUSLY (5-0).

2. [Interview Planning Commission Applicants. \(6:00 - 6:50 p.m.\)](#)

Neal Bench, Planning Board chair, said that his goal in any group was to continually improve the task. He believed in efficient and productive meetings and enjoyed receiving citizen input and opinions on various topics, he said. Mr. Bench discussed advances that the Town had made in recent years and said he was applying for one of the "at large" seats on the Planning Commission.

Denise Bevington, an applicant for the Environmental Stewardship Advisory Board champion position, said that she had 10 years of experience in environmental consulting related to air quality and regulatory development. The final five years had been focused on climate change issues, specifically related to greenhouse gases, she said. Ms. Bevington said that she had some experience in stormwater permitting and complying with North Carolina regulations and had had 12 years of experience on boards of directors.

William Clark, a commercial realtor and member of the Obey Creek Compass Committee (OCCC), said he had a long-time interest in distressed real estate and would like to apply the lessons he had learned on the Planning Commission.

Travis Crayton, an OCCC member at-large, applied for one of the at-large seats on the Planning Commission. He said that he had learned a lot about how the Town functions while serving on the OCCC and wanted to stay involved at that level. Mr. Crayton pointed out that he was 23 years old, and could be a spokesman for the millennial vision of what the Town could be.

Lucy Davis, a North Carolina native and long-time Chapel Hill resident with a career in architect, building and development, said she believed planning and design were always connected. Her firm had produced the development guidelines for downtown Carrboro and she had served on the Urban Design Assistance Team in three cities, she said. Ms. Davis noted that she had also been a Central West Focus Area (CWFA) Steering Committee member and said she was interested in serving on either the Planning Commission or the Community Design Commission.

Tom Henkel, a Chapel Hill resident and former physics professor, told the Council that he had been working since retiring on sustainable energy. Mr. Henkel reviewed his professional background, noting that he was a sustainable energy professional who had done a lot of work with solar energy. For more than 30 years, he had worked with architects, planners and engineers and could bring that type of hands-on experience to the Planning Commission, he said.

Loren Hintz, a former Town Council candidate who had served on the Transportation Board, the Orange County Commission for the Environment, and other local committees and organizations, said he had a good understanding of what the Council wanted and needed on Town boards.

Debra Ives, a former banker/commercial lender, said that she had an interest in development issues and an understanding of costs and risk assessment. She had a good feeling for the importance of preserving things, but felt strongly about being open-minded and proactively pursuing new development, she said.

Melissa McCullough stated that she worked in community sustainability and wanted to apply her expertise to Chapel Hill. She listed her three decision-making principles: protect Town resources, especially from irreversible actions; address regional and global environmental issues; and hold property owners responsible for the potential adverse impacts of development while not punishing them for the unintended consequences of past development.

Michael Parker, a healthcare and life sciences consultant who works with emerging bio-technical and bio-pharmaceutical companies, said he had learned a lot about development by working on facility master plans and development projects for major hospitals around the country. He had served on the Transportation Board, co-chaired the CWFA Steering Committee, and was currently a neighborhood project team member for Rosemary Imagined, he said. His experience had given him an acute perception of what kinds of things the Planning Commission would need to address over the next several years, Mr. Parker said.

Bjom Pedersen, a candidate for the Town resident position, stated that what one did not know needed to be considered when making decisions that would impact others and bind future generations. He stressed the importance, when making decisions about how others' property can be used, of keeping in mind that there are many differences, even with people we think are very close to us. Mr. Pedersen said that he would try to bring such awareness to the Planning Commission.

Dixon Pitt, who has worked in the areas of commercial and residential development for a local developer, mentioned the importance of having people on the Planning Board who look favorably upon growth and development. It was important that new projects be well-thought-out and well-planned, he said, adding that his youthfulness would enhance such discussions.

Samuel Pranikoff, a UNC student, said he would bring the experience that he had gained in various capacities to the Board and would work diligently for the greater good. He had served as the sole undergraduate representative to the Department of Public Safety and Transportation Advisory Committee on Transportation, and had worked diligently for the UNC undergraduate student body and gained experience in the complicated dynamics of providing a high level of transportation quality and service. Mr. Pranikoff said that he ran a small business through which he had learned about energy efficiency and sustainability. He would be able to help with relations between the UNC student body and the Town, he said.

Council Member Palmer ascertained from Mr. Pranikoff that his business imported LED lighting systems from China and sold them to institutional clients.

Amy Ryan, who had served two terms on the Community Design Commission (CDC) and three terms on the Planning Board, as well as several other Town tasks forces and committees, discussed the decisions that the Town would face in the future. She said that she would like to have a continuing part in making those decisions on the Planning Commission. Ms. Ryan explained that she had initially applied as both a town resident and a CDC champion, but preferred the CDC champion position.

David Schwartz, a 40-year Town resident, said that he wanted to make the Town as wonderful for his daughters as it had been for him and his parents. Therefore, he was volunteering to help develop wise policies and planning standards, he said. Mr. Schwartz discussed his long-standing interests in urban design, town planning, economic development, and environmental stewardship. He said that he would be an effective advocate for several of the identified interests groups.

Alexander Walkowski, a rising junior at UNC and a Daily Tarheel employee, said that he was able to look objectively at issues related to planning, housing and policy and see them from both the University's and the Town's sides. He could serve as a student liaison between the two, he said, noting that he had received a real estate broker's license and had an appreciation and understanding of what the Town had to offer. A two-year resident of Chapel Hill, Mr. Walkowski, said that the Town felt like home to him and that he would like to make it accessible and enjoyable for students as well as community members.

Buffie Webber, a Chapel Hill resident, applied to be the housing champion on the Planning Commission. She told the Council that she had been one of the founding members of Suburban Maryland Fair Housing and was later responsible for locating and assigning workforce housing in diplomatic posts around the world. Currently, she was a residential real estate agent with previous experience in economic development, government policy, social science research, and politics, she said. Ms. Webber outlined her view of what defines a successful community and said she hoped to provide logic and insight to the governing process.

Council Member Harrison arrived at 6:35 p.m.

Brian Wittmayer said that he had applied for other boards as well but his strong preference was to serve on the Planning Commission.

PETITIONS FROM THE PUBLIC

3. Petitions from the Public.

a. Friends of Bolin Creek Petition Regarding Coal Ash Landfill in Chapel Hill.

Stefan Klakovich, representing Friends of Bolin Creek, said they had sent the Town a letter regarding a coal ash dump that had recently been discovered in the center of Town. The letter included a recommendation for how to proceed with cleaning up the "unregulated and unlined" site where coal ash had significantly contaminated groundwater adjacent to Bolin Creek. Mr. Klakovitch stated that the Town Manager appeared to be following NC DENR's directive to do nothing about the site. He said that DENR's reputation on coal ash regulation had been discredited on a national level and that the Town needed to do more about the problem.

Removing coal ash was feasible and was the only way to stop the pollution, Mr. Klakovitch said, and he asked the Town to honor its legacy of environmental stewardship and heed the recommendations in the letter.

COUNCIL MEMBER JIM WARD MOVED, SECONDED BY COUNCIL MEMBER MATT CZAJKOWSKI, TO RECEIVE AND REFER COMMENTS TO TOWN MANAGER AND ATTORNEY. THE MOTION WAS ADOPTED UNANIMOUSLY (7-0).

ANNOUNCEMENTS BY COUNCIL MEMBERS

Mayor pro tem Greene Regarding Preservation Chapel Hill Conference.

Mayor pro tem Greene announced a conference by Preservation of Chapel Hill that would occur the following weekend. One of the items on the program was a case study about the Glen Lennox development process, she said.

Council Member Palmer Regarding the Anniversary of the Senior Attorney at UNC's Center for Civil Rights' Death.

Council Member Palmer spoke in honor of Ashley Osment, who had served the community admirably before passing away on this date in 2010.

Council Member Storrow arrived at 7:00 p.m.

CONSENT

4. Approve all Consent Agenda Items. (R-1)
7. Establish Changes to On-Street Parking Regulations on Several Streets. (O-4)

Shauna Farmer spoke regarding Item 7. She thanked the Town's Engineering Department, especially Traffic Engineer Ernie Rogers, for making changes in her neighborhood that she hoped would enhance street safety.

COUNCIL MEMBER MARIA T PALMER MOVED, SECONDED BY COUNCIL MEMBER JIM WARD, TO ADOPT R-1. THE MOTION WAS ADOPTED UNANIMOUSLY (7-0).

A RESOLUTION ADOPTING VARIOUS RESOLUTIONS AND ENACTING VARIOUS ORDINANCES (2014-05-28/R-1)

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS FROM THE GOVERNORS CRIME COMMISSION (2014-05-28/R-2)

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS FROM THE FEDERAL TRANSIT ADMINISTRATION (2014-05-28/R-3)

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS FROM THE FEDERAL TRANSIT ADMINISTRATION (2014-05-28/R-4)

AN ORDINANCE TO AMEND "THE ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 2013 (2014-05-28/O-1)

AN ORDINANCE TO AMEND A CAPITAL FUND PROGRAM (CFP) PROJECT ORDINANCE (2014-05-28/O-2)

AN ORDINANCE AMENDING CHAPTER 21 OF THE TOWN CODE OF ORDINANCES REGARDING RIGHT-OF-WAY AND STOP REGULATIONS (2014-05-28/O-3)

AN ORDINANCE AMENDING CHAPTER 21 OF THE TOWN CODE OF ORDINANCES REGARDING ON-STREET PARKING REGULATIONS (2014-05-28/O-4)

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO SIGN A LEASE FOR A PORTION OF THE OLD POST OFFICE BUILDING TO THE UNITED STATES POSTAL SERVICE(USPS) FOR A PERIOD OF FIVE YEARS WITH AN OPTION TO RENEW FOR AN ADDITIONAL FIVE YEARS (2014-05-28/R-5)

A RESOLUTION TO ADOPT SUMMARY MINUTES OF COUNCIL MEETINGS (2014-05-28/R-6)

PETITIONS FROM THE PUBLIC

- b. Robert Dowling, Community Home Trust Regarding Approval to Allow the Home Trust to Provide Fee Simple Interest, and Approval to Raise the AMI Threshold.

Robert Dowling, executive director of Community Home Trust, spoke regarding about his petition regarding CDBG funding. He referred to a memo that he had sent to staff regarding the Home Trust's struggle with mortgage financing for its buyers as well as its use of subsidies. Mr. Dowling asked the Council to address both issues before its summer break. He provided details on those issues and explained that he would need approval from the Council and the Orange County Commissioners for a mortgage financing plan, which he outlined.

Mayor pro tem Greene moved to refer the petition to staff. She pointed out that the Council had urged the Home Trust to explore the possibility of being a non-profit provider for the niche between 80 and 115 percent AMI and that Mr. Dowling had gone to his board and done that.

The current request about the remaining subsidies for that level was a reasonable request that she would support, she said. Mayor pro tem Greene added that she would support the other request as well, since both requests were reasonable.

Council Member Ward confirmed with Mr. Dowling that the 80-115 percent limit could be brought back down to 80-100 percent if the economics changed. As Council liaison to the Home Trust, he had discussed this request with Mr. Dowling and the Home Trust board and was fully supportive of it, he said. Council Member Ward encouraged other Council members to support the request as well, adding that there were adequate safeguards to keep a lender from ever becoming owner of a Home Trust house.

Council Member Palmer confirmed with Mr. Dowling that the price of a house at 115 percent would be about \$140,000.

Mayor Kleinschmidt said, in summary, that the Home Trust was basically suggesting using CDBG and HOME money to buy down the cost of a home and make it available for an 80 percent income earner, and then go up to 115 percent when it resells. He confirmed with Mr. Dowling that CDBG funds did not have an affordability period.

Council Member Storrow proposed asking staff to bring the item back before the Council's summer recess, and Mayor pro tem Greene changed her motion to include that, if possible.

COUNCIL MEMBER JIM WARD MOVED, SECONDED BY MAYOR PRO TEM SALLY GREENE, TO RECEIVE AND REFER COMMENTS TO TOWN MANAGER AND ATTORNEY. THE MOTION WAS ADOPTED UNANIMOUSLY (7-0).

7. [Establish Changes to On-Street Parking Regulations on Several Streets. \(O-4\)](#)

Brenda Winkler, a Chapel Hill resident, spoke regarding Consent Agenda Item 7. She said that parked cars in her Hanser Court neighborhood had been a significant nuisance and that parking restrictions were necessary.

Mayor Kleinschmidt informed Ms. Winkler that those concerns had already been addressed earlier in the meeting.

DISCUSSION

10. Public Hearing: Stormwater Management Master Plan.

Stormwater Management Engineer Sue Burke said that the purpose of the public hearing was to receive comment and start the process of adopting and incorporating the Stormwater Master Plan into the Chapel Hill 2020 Comprehensive Plan. She gave a PowerPoint presentation in which she reviewed the strategic and operational aspects of the plan and referred to the Council-approved mission: to protect the health and safety of the ecosystem, address quality and quantity concerns, and meet or exceed federal and state stormwater mandates. Ms. Burke reviewed the Council's 10 program goals and explained that the master plan had been developed as a multi-phase, multi-year project. She reviewed the components and key findings of a phase one survey, discussed phase 2, and addressed budget considerations and performance measures. Ms. Burke also discussed how the plan related to the Ephesus/Fordham renewal process and showed changes in the Town's sub-watershed priority list. Following public comment, the hearing would be continued to September 22, 2014, she said.

Mayor Kleinschmidt noted that the hearing would be an opportunity for the community to provide thoughts to staff, which would then work through the summer and bring the plan back to the Council in September.

Loren Hintz, a Chapel Hill resident, praised the idea of proactive maintenance and encouraged the Council to fund the plan. He said he was curious about the utility fee credit system and recommended providing some rebate on stormwater fees to those who install or maintain such things as pervious surface, rain gardens, green roofs, and native vegetation. Mr. Hintz recommended having mechanisms to let residents know if their properties are at risk for flooding and to make it easier to report problems with drainage. He also suggested clarifying the relationship between UNC and public school properties, but praised the plan overall.

Dale Coker, a Chapel Hill resident, said that the Stormwater Master Plan appeared to seek an unattainable stabilization of Town waterways that was unrealistic in the face of substantial future developments. He said that the plan refrained from taking specific, effective measures for stormwater management that developers could plan around.

David Schwartz, a Chapel Hill resident, commended staff for the plan, adding that the Town would need to prioritize, though, because it would be expensive to do it all and it was not clear where the money will come from. He was glad to see that the Lower Booker Creek watershed had been given priority, he said, showing a picture of his flooded backyard. Mr. Schwartz asked that such problems be given high funding priority.

Alan Rimer, a Stormwater Board member for six years, recommended that the Council adopt the Stormwater Plan's recommendation to rearrange the sub-watershed studies, particularly with regard to areas above Eastgate. He said that the effectiveness of the planning effort would depend on how much funding the Town would be able to put into it long-term. The Stormwater Board had earlier voted unanimously to recommend that the Council adopt a higher utility fee structure, he pointed out. Mr. Rimer said that public education/outreach would be very important. He guessed that the cost would be \$80-100 million just to control the water. That amount would not include the cost of controlling the nutrients, Mr. Rimer said.

Council Member Czajkowski verified that Mr. Rimer's guess was based on work that he had done elsewhere. Now that the Town had a plan, how long would it take to get an actual plan for Eastgate and lower Booker Creek, he asked.

Mr. Rimer guessed that it would probably take no more than a year and a half.

Council Member Czajkowski asked how much of the \$80-100 million would be spent on Lower Booker Creek.

Mr. Rimer replied that he did not know, noting that his estimated range had been an unscientific guess and could not be dis-aggregated into any particular watershed.

Julie McClintock, a Stormwater Board member, pointed out that there was a great difference between the studies being discussed and what would actually be done. She spoke in favor of gauging the highs and lows of water flow over time in order to measure whether or not there had been more water and more flooding. Ms. McClintock recommended that the Town hold an additional public information session prior to its September 22nd Public Hearing.

Council Member Harrison said that he would not be present at the September 22nd meeting but would vote for the Stormwater Plan in abstentia. He praised the document, stating that it was not perfect but was loaded with information. The two most important parts were the pilot watershed studies for Upper Booker Creek and the Ephesus watershed, he said. If one reads the study carefully and looks at the problem analysis, one can see the top two or three problems and how they can be solved, he said. Council Member Harrison commented that the Stormwater Board contained a lot of expertise and was fully engaged and active at all times. The pilot sub-watershed studies were very important, he said, adding that those studies contained a short list of improvements that would address many of the complaints and the real issues.

COUNCIL MEMBER JIM WARD MOVED, SECONDED BY COUNCIL MEMBER MARIA T PALMER, TO RECESS THE PUBLIC HEARING TO SEPTEMBER 22, 2014 AND RECEIVE AND REFER COMMENTS TO TOWN MANAGER AND ATTORNEY . THE MOTION WAS ADOPTED UNANIMOUSLY (7-0).

Mayor Kleinschmidt announced appointments to the CDC, noting that one more candidate could be appointed.

11. [Consider Application for Zoning Atlas Amendment - Timber Hollow Apartments Expansion, 101 Timber Hollow Court. \(R-7\)\(O-5\)\(R-8\)](#)
[12. Consider an Application for Special Use Permit Modification Timber Hollow Apartments, 101 Timber Hollow Court. \(R-9\)\(R-10\)](#)

Development Manager Gene Poveromo gave a PowerPoint presentation regarding the 1,900-acre Timber Hollow site located on the east side of Martin Luther King Jr. Blvd. He said that key issues pertained to affordable housing and a modification to required recreation improvements.

Mr. Poveromo stated that staff supported using 79,000 square feet of open space in the 200-foot-wide buffer to satisfy the recreational space requirement. He discussed the proposed rezoning, from R-4 to R-5-C, and the Special Use Permit modification, which would add 109 units, including 14 affordable units. Mr. Poveromo recommended that the Council close the public hearing, enact the ordinance, and adopt the revised resolution approving the SUP modification.

Michael Fiocco, representing the applicant, noted that Daniel Eller, owner, and Michael Eubanks, former owner with Blue Heron Fund, were available to answer questions.

Tommy Galloway, who lives on old Forest Creek Drive, said that he and his neighbors had collaborated on the previous rezoning and wanted to be sure that there would be transparency with the new developer. He mentioned three main issues: that the existing natural 200-foot buffer between Timber Hollow and Old Forest Creek be maintained; that any connection consist of pavers rather than solid pavement; and that the new owner/developer negotiate with the Church of Latter Day Saints regarding overflow parking.

Nancy Oates, a Chapel Hill resident, said that the Timber Hollow plan would not yield any affordable housing that the Town would not already get through rezoning to R-5. Rather, the result would be a density bonus that would add to the cost of servicing the extra apartments, she said. Ms. Oates said that the Town could be getting 45 affordable units when it was getting only \$170,000 as payment in lieu. The density bonus would be an unprecedented perk to the developer, and, once approved, it would be difficult to not approve it for another applicant, she said. Ms. Oates asked the Council to use its power to negotiate for the community.

Council Member Palmer said that she felt uncomfortable with the applicant's plan to rent affordable apartments to others if they could not find qualified applicants. She pointed out that some low-income applicants might not be able to break their leases within 60 days. Timber Hollow needed to work them so that subsidized apartments would not go to people who could afford to pay regular rents, she said.

Mr. Eubanks replied that announcing the program should create a waiting list for those 14 units. He did not foresee a situation where they would have to rent an affordable unit to someone making more than 80 percent of AMI, he said.

Council Member Storrow clarified that the Town's Inclusionary Zoning Ordinance would apply

if the apartments are converted to condos and the applicant would have to comply with that, or with whatever policy existed at that time. He said he appreciated the applicant's acceptance of that change (Stipulation 8).

Mayor pro tem Greene commented that Stipulation 8 accurately reflected what she had hoped to see. If conversion were to occur then the process would follow that of the existing Inclusionary Zoning Ordinance and provide units from site unless the developer convinced the Council that a payment in lieu would be better, she said.

Council Member Storrow confirmed with Mr. Eubanks that termination of the Affordable Housing Program was based on both parties agreeing to terminate and was reflected in Stipulation 6 of R-C.

Council Member Czajkowski asked what the result would be for the Town if the applicant sold the property and the new owner disagreed that the covenant to provide affordable housing was enforceable or legal.

Mr. Eubanks replied that it would be a title restriction, just like any of the other stipulations of the SUP. The SUP and the Affordable Housing Performance Agreement would both be recorded as deed restrictions, he said.

Town Attorney Ralph Karpinos added that the Council would ask the applicant to state his concurrence with all the proposed conditions of the resolution and the permit. It would be as enforceable as it could be, he said, but noted that the Town could provide no assurances as to what might happen in 20 or 30 years.

Council Member Czajkowski asked what would happen if a new owner did not believe the agreements were legal and enforceable.

Mr. Karpinos replied that the Town would then be in a position to go to court and try to ensure that the terms of the SUP were enforceable.

Mayor Kleinschmidt noted that a second purchaser would do a title search and see the burden attached to the property and calculate that into the purchase. There would be a disincentive to buy and not comply, he pointed out.

Council Member Czajkowski said that the Council should be clear that by approving Timber Hollow would mean taking that risk.

Mayor Kleinschmidt agreed, but said he did not think it was any different than the risk the Town takes with any other application. The same risk exists with every project, particularly around affordable housing, and the Council had understood for more than a decade that it would use the process to extract affordable housing units, Mayor Kleinschmidt said.

Council Member Czajkowski replied that the difference was that the Town was struggling with how to address rental properties. Approving extra density was how the Town got things that met

with its values, but the density bonus in this case would be forever and the Council should be aware that affordable housing might be challenged, he said. Council Member Czajkowski said that he hoped there would be no litigation two years from now.

Council Member Storrow agree that there was always a risk when the Town engaged in such affordable housing discussions. However, he cautioned against assuming that the density bonus was necessarily viewed negatively by all in the community. Building affordable units in that location was appropriate, he said and noted that the Town had a signed letter from the applicant committing to the agreement within the current SUP. He was as comfortable as he could be that the project would succeed, Council Member Storrow said.

Council Member Ward asked about Stipulation 38, regarding property to the east that would be set aside as an "undisturbed natural area." He wanted to make sure that "undisturbed" did not mean it could not be used, he said.

Mr. Poveromo replied that staff had envisioned the area being open to residents of the apartment complex and the adjoining neighborhood. Putting a fence up would be in violation of the spirit and intent of the resolution, he said.

After discussion, the Council agreed to remove the word "undisturbed" in favor of "natural area for passive recreation."

Mayor pro tem Greene said that the natural area probably would be used by people and that it bothered her that the applicant was getting credit for something that would have happened anyway. She expressed curiosity about how much of a payment in lieu the Town was actually giving up for that piece of land.

Mayor pro tem Greene stressed that the Town did not have an ordinance that required public art in private developments. The applicant was voluntarily agreeing to provide public art, which was appreciated, but the resolution should reflect that, she said. Mayor pro tem Greene proposed saying, "should the developer agree to provide public art, it should be located outside the right of way," rather than, "public art should be...."

Mr. Poveromo clarified Stipulation 11 regarding an emergency fire connection, and Council Member Ward recommended having "public access" signs that would make the area more welcoming and not misidentified as private.

Mr. Poveromo proposed changing Stipulation 38 to read, "passive recreation area..." and Mr. Karpinos proposed changing Stipulation 40 to read, "If the developer provides public art, it must be....". Council members expressed approval of both changes, and the applicant agreed with all stipulations.

COUNCIL MEMBER LEE STORROW MOVED, SECONDED BY COUNCIL MEMBER MARIA T PALMER, TO CLOSE THE PUBLIC HEARING. THE MOTION WAS ADOPTED UNANIMOUSLY (7-0).

COUNCIL MEMBER JIM WARD MOVED, SECONDED BY MAYOR PRO TEM SALLY GREENE, TO ADOPT R-7. THE MOTION WAS ADOPTED UNANIMOUSLY (7-0).

[A RESOLUTION REGARDING THE CHAPEL HILL ZONING ATLAS AMENDMENT FOR 101 TIMBER HOLLOW COURT AND CONSISTENCY WITH THE COMPREHENSIVE PLAN \(PIN 9789-37-6215, PROJECT #13-032\) \(2014-05-28/R-7\)](#)

COUNCIL MEMBER JIM WARD MOVED, SECONDED BY COUNCIL MEMBER LEE STORROW, TO ENACT O-5. THE MOTION WAS ADOPTED UNANIMOUSLY (7-0).

[AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS FOR 101 TIMBER HOLLOW COURT \(PIN 9789-37-6215, PROJECT #13-032\)\(2014-05-28/O-5\)](#)

MAYOR PRO TEM SALLY GREENE MOVED, SECONDED BY COUNCIL MEMBER JIM WARD, TO ADOPT R-9 AS AMENDED. THE MOTION WAS ADOPTED UNANIMOUSLY (7-0).

[A RESOLUTION APPROVING AN APPLICATION FOR SPECIAL USE PERMIT MODIFICATION FOR THE TIMBER HOLLOW APARTMENTS EXPANSION \(PROJECT #13-032\) as Amended \(2014-05-28/R-9\)](#)

13. [Consider an Application for Zoning Atlas Amendment - AutoZone, 1790 Fordham Blvd. R-11-13 O-6 O-7 R-14-16](#)
- [14. Consider an Application for Special Use Permit - AutoZone, 1790 Fordham Blvd.\(R-17\)\(R-18\)](#)

Principal Planner Phil Mason gave a PowerPoint presentation on the rezoning and SUP applications for AutoZone, a 1.7-acre site on Fordham Boulevard near the intersection of Old Durham Road and Scarlett Drive. He outlined the request to rezone the four-lot assemblage to Neighborhood Commercial Conditional in order to accommodate the proposed use and floor area in the accompanying SUP application. Mr. Mason displayed a site plan rendering and noted that the Council had recommended enhancing tree protection around a magnolia tree and removing an exotic invasive species from the buffers. Revised Stipulation 19 of the SUP clarified "exotic species," he said. Mr. Mason recommended that the Council adopt Resolutions A, B & C, enact Ordinances A, B & C, and adopt revised SUP R-A with conditions that include the recommended revisions to Stipulation 19.

Council Member Harrison asked the applicant, Jack Smyre, how a delivery truck that comes off Interstate 40 and into the AutoZone property, would get back to the Interstate.

Mr. Smyre explained that such a truck would take Scarlett Drive to the south of Wendy's to US 15-501.

Council Member Harrison verified with Mr. Smyre that trucks would make deliveries during off hours and on a two-week schedule. Mr. Smyre said that the Transportation Advisory Board had asked him to include signage that would encourage use of Scarlett Drive and that had been included in Stipulation 10.

Council Member Ward expressed concern over "critical root zone" being defined in different ways. The NC Urban Forestry Council had adopted 1.25 feet per inch of DBH (Diameter Breast Height), he said. Council Member Ward suggested looking at that to make sure everyone understood what was being required.

COUNCIL MEMBER JIM WARD MOVED, SECONDED BY COUNCIL MEMBER LEE STORROW, TO ADJOURN THE PUBLIC HEARING. THE MOTION WAS ADOPTED UNANIMOUSLY (7-0).

MAYOR PRO TEM SALLY GREENE MOVED, SECONDED BY COUNCIL MEMBER JIM WARD, TO ADOPT R-11, R-12, AND R-13. THE MOTION WAS ADOPTED UNANIMOUSLY (7-0).

[A RESOLUTION REGARDING THE CHAPEL HILL ZONING ATLAS AMENDMENT FOR 1790 FORDHAM BLVD. AND CONSISTENCY WITH THE COMPREHENSIVE PLAN \(Part of PIN 9799-68-0313, PROJECT #12-087\) \(2014-05-28/R-11\)](#)

[A RESOLUTION REGARDING THE CHAPEL HILL ZONING ATLAS AMENDMENT FOR 1790 FORDHAM BLVD. AND CONSISTENCY WITH THE COMPREHENSIVE PLAN \(PINs 9799-68-0296 and 9799-68-1293, PROJECT #12-087\) \(2014-05-28/R-12\)](#)

[A RESOLUTION REGARDING THE CHAPEL HILL ZONING ATLAS AMENDMENT FOR 1790 FORDHAM BLVD. AND CONSISTENCY WITH THE COMPREHENSIVE PLAN \(Part of PIN 9799-68-0313, PROJECT #12-087\) \(2014-05-28/R-13\)](#)

COUNCIL MEMBER JIM WARD MOVED, SECONDED BY MAYOR PRO TEM SALLY GREENE, TO ENACT O-6. THE MOTION WAS ADOPTED UNANIMOUSLY (7-0).

[AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS FOR 1790 FORDHAM BLVD. \(PIN Part of 9799-68-0313, PROJECT #12-087\) \(2014-05-28/O-6\)](#)

COUNCIL MEMBER JIM WARD MOVED, SECONDED BY COUNCIL MEMBER LEE STORROW, TO ENACT O-7. THE MOTION WAS ADOPTED UNANIMOUSLY (7-0).

[AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS FOR 1790 FORDHAM BLVD. \(PINs 9799-68-0296 and 9799-68-1293, PROJECT #12-087\) \(2014-05-28/O-7\)](#)

COUNCIL MEMBER LEE STORROW MOVED, SECONDED BY COUNCIL MEMBER MARIA T PALMER, TO ENACT O-8. THE MOTION WAS ADOPTED UNANIMOUSLY (7-0).

[AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS FOR 1790 FORDHAM BLVD. \(PIN Part of 9799-68-0313, PROJECT #12-087\) \(2014-05-28/O-8\)](#)

COUNCIL MEMBER LEE STORROW MOVED, SECONDED BY COUNCIL MEMBER JIM WARD, TO ADOPT R-17 AS AMENDED. THE MOTION WAS ADOPTED UNANIMOUSLY (7-0).

[A RESOLUTION APPROVING AN APPLICATION FOR SPECIAL USE PERMIT FOR THE AUTOZONE \(PROJECT #12-087\) \(2014-05-28/R-17\) as Amended](#)

Mayor Kleinschmidt announced appointments to the Housing Advisory Board, noting that one more candidate could be appointed.

15. [Receive Ultra-High-Speed Internet and Digital Inclusion Efforts Update & Consider Approving the AT&T Master Agreement. \(R-19\)](#)

Town Manager Roger Stancil gave a PowerPoint overview of actions taken to provide high speed Internet to all Town residents. He noted that the Town had previously installed fiber cable along with a new traffic signal system and had created a network loop that would decrease the cost of high speed Internet service. Mr. Stancil outlined a regional strategy that included working with the cities of Raleigh, Durham, Cary, Carrboro and Winston Salem as well as UNC, Duke University, NC State and Wake Forest University. To his knowledge, this was the first time such collaboration had occurred, Mr. Stancil said.

Mr. Stancil explained that the next step would be for the Council to approve a master agreement with AT&T. He said that staff had put out a Request for Proposals and had reached an agreement with AT&T that all parties but Chapel Hill and Carrboro had already approved. The recommended resolution would authorize the Town Manager to execute a master network agreement on the Council's behalf, he said. Mr. Stancil noted that the Town had also received a proposal from Google, which was deciding where in Orange County it might provide additional Internet services.

Kristen Smith, speaking on behalf of the Chapel Hill-Carrboro Chamber of Commerce, asked the Council to support the proposal, noting the benefits that the project would bring to the community.

Mayor Kleinschmidt expressed disappointment over the Internet speed that public housing residents would receive relative to others in Town. However, they would receive a service that would otherwise not be present, he pointed out. Mayor Kleinschmidt said he appreciated that both businesses and residents would be able to access high speed Internet, but he was disappointed that the roll-out would not be fairer and without some of the market considerations.

Mayor Kleinschmidt confirmed with Walter Wells, a consultant representing AT&T, that there would be a multi-year build-out and that the initial phase would be completed in two or more years. He said that AT&T intended to move with haste. However, there was a business model of where and how to build, he said, adding that good public acceptance would increase the appetite to do additional building.

Alise Core program Manager for Duke University's Office of Information Technology, commented that the agreement was a collaboration among members who did not intend to leave the build-out all up to AT&T. They would work with each other, local Chambers and others to stimulate additional efforts to push AT&T and the other providers, he said.

Council Member Harrison said he hoped there would be a robust, dependable regional system that would be community-wide and without service boundaries.

Mr. Wells replied that they would not have a successful product if they did not develop a robust system. However, traditional service boundaries and rules would still be in place for analog services such as land-lines, he said.

Mayor pro tem Greene confirmed with Mr. Stancil that the Town would have five of the 100 community centers that would receive broadband. The Town process would be to identify those five non-profit community centers, he said.

Council Member Ward asked how the University was involved, and Chris Keel, UNC Vice Chancellor for Information Technology, explained that it would facilitate the growth of high speed broadband in Town by making facilities available so that inter-connectivity would be easy and supported. There would be times when the University could assist the Town by making

connections to University resources, such as the School of Education, and work with the Chapel Hill School System and the Town to design inclusion strategies that benefit the entire population, he said. Wherever possible, UNC saw itself as a facilitator, Mr. Keel said.

Council Member Ward noted that there were many in Town who did not live in public housing but did not have Internet access. He said that the Town needed to go further toward getting Wi-Fi into the homes of K-12, low-income students. He expressed hope that the Town would be able to make progress toward that with its partners at AT&T.

Mr. Stancil replied that efforts were already underway with the school system and multiple partners to address that inclusion strategy.

Council Member Czajkowski verified with Mr. Stancil that the agreement with AT&T would not be exclusive and would not preclude the Town from negotiating with Google.

COUNCIL MEMBER JIM WARD MOVED, SECONDED BY MAYOR PRO TEM SALLY GREENE, TO ADOPT R-19. THE MOTION WAS ADOPTED UNANIMOUSLY (7-0).

[A RESOLUTION APPROVING A MASTER NETWORK DEVELOPMENT AGREEMENT WITH AT&T \(2014-05-28/R-19\)](#)

APPOINTMENTS

16. [Appointments to the Community Design Commission, Environmental Stewardship Advisory Board, Housing Advisory Board and Transportation and Connectivity Advisory Board.](#)

Appointments to the Community Design Commission

Prior to Item #11, the Council appointed Christine Berndt, Susana Dancy, Lucy Carol Davis, John Gualtieri, Jason Hart, Laura Moore, Marie (Polly) Van de Velde. The Mayor announced that no appointment had been made to the final seat on the Community Design Commission and that the item would come back at the next meeting.

[Community Design Commission Master Ballot Round 1 \(PDF\)](#)

[Community Design Commission Master Ballot Round 2 \(PDF\)](#)

[Appointments to the Environmental Stewardship Advisory Board](#)

The Council appointed John Wallace, Elizabeth Zander, Brittian Storck, Denise Bevington, Barbara Herrera, Marilyn Jacobs, Shawn Sloan, and and William Kaiser to the Environmental Stewardship Advisory Board.

[Environmental Stewardship Advisory Board Master Ballot Round I \(PDF\)](#)

[Environmental Stewardship Advisory Board Master Ballot Round 2 \(PDF\)](#)

[Appointments to the Housing Advisory Board](#)

Prior to Item #15, the Council appointed Reginald Swinson, Kimberly Manturuk, Mary Jean Seyda, Benjamin Perry, Crystal Fisher, Holly Fraccaro, Nathan Clarke, and Laura Cowan to the Housing Advisory Board. The Mayor said that they did not complete the Housing Advisory Board appointments so it would come back at the next meeting.

[Housing Advisory Board Master Ballot Round 1 \(PDF\)](#)

[Housing Advisory Board Master Ballot Round 2 \(PDF\)](#)

[Appointments to the Transportation and Connectivity Advisory Board](#)

The Council appointed Eric Hyman, Jason Merrill, Mirta Mihovilovic, Jeffrey Charles, Joshua Kastrinsky, Rainer Dammers and Christopher Paul to the Transportation and Connectivity Advisory Board.

[Transportation and Connectivity Advisory Board Master Ballot \(PDF\)](#)

The meeting was adjourned at 9:51 p.m.

**DRAFT SUMMARY MINUTES OF A BUSINESS MEETING
OF THE CHAPEL HILL TOWN COUNCIL
MONDAY, JUNE 9, 2014, AT 07:00 P.M.**

Present were Mayor Mark Kleinschmidt, Mayor pro tem Sally Greene, Council Member Donna Bell, Council Member George Cianciolo, Council Member Matt Czajkowski, Council Member Ed Harrison, Council Member Maria T Palmer, Council Member Lee Storrow, and Council Member Jim Ward.

Staff members present were Town Manager Roger L Stancil, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Communications Manager Catherine Lazorko, Mayoral Aide Mark McCurry, Business Management Director Ken Pennoyer, Budget Manager Matt Brinkley, Manager Intern David Finley, Manager of Long Range and Transportation Planning David Bonk, Long Range Planner II Garrett Davis, Development Manager Gene Poveromo, Community Outreach Coordinator Jennifer Phillips, Ombuds Faith Thompson, Human Resource Development Director Frances Russell, Transportation Demand Management Coordinator Len Cone, Organizational Effectiveness Coordinator Rae Buckley, Senior Legal Advisor Tiffanie Sneed, Police Officer Rick Fahrer, Fire Marshal Darryl Rimmer, and Administrative Assistant and Acting Town Clerk Christina Strauch.

OPENING

1. Approve Agenda. (no attachment)

Council Member Storrow arrived at 7:02 p.m.
Council Member Bell arrived at 7:04 p.m.

Mayor Kleinschmidt opened the meeting and the Council voted unanimously to approve the agenda

COUNCIL MEMBER JIM WARD MOVED, SECONDED BY COUNCIL MEMBER MARIA T PALMER, TO APPROVE THE AGENDA. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Council Member Czajkowski arrived at 7:06 p.m.

PETITIONS FROM THE PUBLIC

2. Petitions from the Public.

a. [Peter McClelland Regarding Immigration Reform.](#)

Peter McClelland, a Chapel Hill resident, asked the Council to pass a resolution that would support immigration reform, recognize the contributions of immigrants, and declare June to be Immigration Heritage Month. He discussed an effort to urge state legislators to pass the resolution before its summer recess. Mr. McClelland said he had received proclamations from Raleigh and Carrboro and that the Asheville's mayor was reviewing one.

COUNCIL MEMBER LEE STORROW MOVED, SECONDED BY COUNCIL MEMBER JIM WARD, TO RECEIVE AND REFER COMMENTS TO TOWN MANAGER AND ATTORNEY. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

b. [Robert Campbell Regarding Family Resource Program Challenges and Use of Public Housing Space.](#)

Reverend Robert Campbell, representing the Chapel Hill-Carrboro NAACP, said that the Orange County Family Resource Program had faced unprecedented obstacles to continue use of its centers at Airport Garden and South Estes public housing communities. He listed programs that the Family Resource Program had provided and said that they would end unless the Council acted before June 30, 2014. The NAACP was requesting that the Council ask staff for information and clarification regarding the Center's use of those spaces and resolve the related issues, Rev. Campbell said. He asked the Council to approve continued use and programming until the issues had been resolved.

Council Member Greene said that the problem had been lingering for months and she was sorry to hear that it had not been resolved. She expressed hope that the Council would receive a resolution from staff very soon.

Council Member Palmer said that the Family Resource centers filled a critical need and that she would like to hear the reasons why they would be closed. If lost, relationships with non-profits and volunteers would be difficult to rebuild, she said.

Mayor Kleinschmidt said he thought there had been some recent movement on the issue. He noted that it would be on the Council's agenda again before the June 30 deadline.

COUNCIL MEMBER JIM WARD MOVED, SECONDED BY MAYOR PRO TEM SALLY GREENE, TO RECEIVE AND REFER COMMENTS TO TOWN MANAGER AND ATTORNEY. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

ANNOUNCEMENTS BY COUNCIL MEMBERS

- a. [Council Member Cianciolo Regarding Parking in the Northside Community on Game Days.](#)

Council Member Cianciolo said that Northside residents had complained to him about others parking in their neighborhood on game days and had asked him if something could be done about it.

Council Member Bell said that she had witnessed parking and speeding problems on Sunset Street in Northside and that the Town had not been monitoring it well.

Mayor Kleinschmidt proposed that the Town Manager report back to the Council on the situation. He noted that football season would resume again before the Council returned from its summer break.

- b. [Council Member Palmer Regarding the June 9, 2014 Moral Monday Event Focusing on Education.](#)

Council Member Palmer read from an article in the Raleigh News and Observer regarding Moral Monday public demonstrations. She noted that 7,400 teacher assistants would lose their jobs due to proposed state budget cuts. In addition, 70 school nurses and 3,342 aged, blind or disabled citizens would lose Medicaid coverage, Council Member Palmer pointed out.

CONSENT

3. Approve all Consent Agenda Items. (R-1)
5. Approve the Transfer of Ownership of Two Town-Owned Lots on Lindsay Street to Habitat for Humanity. (R-3)
6. Adopt the 2014-2016 Council Goals. (R-4)

COUNCIL MEMBER DONNA BELL MOVED, SECONDED BY COUNCIL MEMBER LEE STORROW, TO ADOPT R-1 AS AMENDED. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

[A RESOLUTION ADOPTING VARIOUS RESOLUTIONS AND ENACTING VARIOUS ORDINANCES as Amended \(2014-06-09/R-1\)](#)

[A RESOLUTION AUTHORIZING THE MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH DURHAM COUNTY FOR TAX COLLECTION \(2014-06-09/R-2\)](#)

[AN ORDINANCE AMENDING CHAPTER 21 OF THE TOWN CODE OF ORDINANCES REGARDING ON-STREET PARKING REGULATIONS \(2014-06-09/O-1\)](#) as Amended

[A RESOLUTION TO CHANGE THE APPOINTMENT SCHEDULE FOR TOWN OF CHAPEL HILL APPOINTMENTS TO THE ORANGE WATER AND SEWER AUTHORITY \(OWASA\) BOARD OF DIRECTORS \(2014-06-09/R-5\)](#)

[A RESOLUTION AMENDING THE COUNCIL'S 2013-2014 MEETING CALENDAR \(2014-06-09/R-6\)](#)

INFORMATION

11. Update: Community-Financed Solar Initiative.

All other information items were accepted as presented.

DISCUSSION

12. [Consider the Final 2014-15 Budget and Related Items.](#)

Town Manager Roger Stancil gave a PowerPoint presentation on the FY 2014-15 recommended budget, which had been modified by the Council. He said that the budget was balanced with a one-cent tax increase. It would restore one cent to the Town Debt Fund and include an amount approximately equivalent to one cent on the tax rate for the Town's Affordable Housing Fund, he explained.

Mr. Stancil noted that street resurfacing funds would be restored to the operating budget and that \$400,000 was in the Transit Fund to replace buses. The budget would advance the Youth Services Initiative and included a recommendation for funding and post-employment activities that would be determined, he said. The budget would also increase the stormwater fee by 75 cents per equivalent residential unit, and included a 7 percent increase in medical insurance premiums, Mr. Stancil said.

Mr. Stancil said that regular Town employees would receive a 3 percent pay adjustment. The Town's Capital Improvement Program (CIP) included funding for greenways, playground replacement, radios for the Chapel Hill Fire Department, a facility condition assessment, while also maintaining basic service levels, he said. Mr. Stancil noted that discussions that would occur during the coming year regarding capital funding, sustaining the Transit System, affordable housing, recycling and the potential for a Town transfer station, the retiree healthcare liability, asset management, parking fund sustainability, and the budget process and policies.

Susan Levy, representing Habitat for Humanity and the Affordable Housing Coalition, thanked the Town for proposing one cent for affordable housing. All who had been working on affordable housing were feeling heartened by the Council's commitment and the bold step that it was taking, she said.

COUNCIL MEMBER DONNA BELL MOVED, SECONDED BY COUNCIL MEMBER JIM WARD, TO ENACT O-2. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

[AN ORDINANCE CONCERNING THE ESTABLISHMENT OF THE TOWN BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2014 \(2014-06-09/O-2\) with Pay Plan/Fee Schedules \(PDF\)](#)

Mayor pro tem Greene commented that the Council had recently had a very thorough and engaged work session, which had not been televised. Council members were not merely rubber-stamping the budget but had given it much consideration, she said.

13. [Update: Proposed Personnel Ordinance.](#)

Mr. Stancil recognized all who had been involved in revising the Personnel Ordinance in the Town Code. He said that the goal had been to create an internal community where people thrived. Mr. Stancil illustrated how the current grievance process had been pushing problems upward and further away from their source through a process that had been adversarial and long. Using the Town's stated values as a guide, the team had rewritten Town policies for clarity and consistency, had conducted a class and compensation study, and had rewritten every job description, Mr. Stancil said.

Mr. Stancil reviewed how a team of about 25 people had thought creatively about how to compensate employees for adding value to the Town. He would bring those recommendations to the Council in the fall in anticipation of next year's budget discussions, he said.

Mr. Stancil reported that the Town had recently implemented a new performance management system, which would require frequent informal conversations between supervisors and employees, with mutual feedback. There would also be increased training, especially for supervisors, he said. Mr. Stancil pointed out that those proposed initiatives would not work without revising the Personnel Ordinance, however.

Mr. Stancil said that he had talked with many Town sectors and had found across-the-board agreement that the current system was adversarial, lengthy and cumbersome. He said that inherent time lags had led to lack of clarity, inconsistency and unequal treatment. Mr. Stancil discussed using mediation as the primary conflict resolution tool. He also discussed creating a discipline check list and having a grievance tracking system.

Consultant Drake Maynard addressed the plan for remodeling the conflict resolution process and simplifying the grievance procedure, which would become a two-step processes. He explained that one step would be the dispute resolution procedure, which would include mediation and discussion. The other step would be a grievance procedure for more serious matters, Mr. Maynard said, and he elaborated on both processes.

Mr. Stancil requested that the Council provide feedback. Over the summer, staff would make further revisions to the ordinance and return with a full package in the fall for Council enactment, he said.

Tish Galu, representing Orange County Justice United, recommended that the Town define who would be able to access the grievance and dispute resolution procedures. She said that all employees should be able to resolve their issues and concerns through the means being delineated in the ordinance. Ms. Galu praised the proposed inclusion of the Dispute Settlement Center and said she looked forward to continuing the conversation and creating an ordinance that would reflect Town values of respect and teamwork.

Miriam Thompson, representing the NAACP, said she looked forward to continuing conversations with Town staff over the summer, and that the NAACP would provide more detailed observations and suggestions. She read a statement expressing support for the proposal, but recommended addressing grievances in a more collective, non-disciplinary dispute resolution process. Ms. Thompson expressed support for written warnings and pre-disciplinary conferences. She presented a list of issues for Council consideration and said that the NAACP had reservations and questions about reducing workers' protections to mediation and a volunteer grievance board. Ms. Thompson said that part-time and temporary employees did not appear to have the same protections as others and noted various sections of the ordinance that needed to be clarified.

Mayor Kleinschmidt and Council Member Palmer expressed concern about probationary status employees being exempt when the issue was retaliation, discrimination or harassment. Council Member Palmer noted that the Town had a history of racism and discrimination and said that new employees should be protected as well.

Council Member Palmer asked at what point the Council would become involved in the process and how often it would receive reports on the success of mediation efforts.

Town Attorney Ralph Karpinos replied that the procedure for Council involvement was in the current ordinance and not recommended for change.

Mayor pro tem Greene noted that definitions of "temporary" had been stricken from the ordinance with a note saying that would be decided in a policy document. She asked what the process would be for creating those policies.

Mr. Stancil replied that the team would continue to flesh out the implementing policy over the summer and bring it back in the fall along with the ordinance so that the Council could see the entire package.

Council Member Ward asked how the Grievance Board would be different from the Hearing Appeals Committee.

Mr. Maynard explained that the Grievance Board would essentially be the same volunteer citizens but the new name would signify a new direction. The proposal was to have members trained and their duties and responsibilities made clearer, he said. Mr. Maynard noted that there would be a new provision in the ordinance for the Manager to make an independent attorney available to the Board.

Council Member Ward said that hearings in the past had seemed unfair because people could present evidence that others could not cross-examine and people had been allowed to address the board anonymously. He hoped that those two aspects were no longer acceptable, he said, adding that he wanted the process to be seen as fair from all sides.

Mr. Stancil noted that the legal resources and training would address part of that. Moreover, the Personnel Appeals Committee had recommended that the Town strengthen the documentation that they receive so they would not have to depend on extraneous information, he said. Therefore, the team was recommending a checklist and review by the Town's Legal Department and Human Resource staff and had already seen success in that part of the process, he said. Mr. Stancil said that the Human Resource Department's role would be more clearly defined and the Town would create a better data tracking system.

Council Member Ward asked if there would be an opportunity to get feedback early in the process.

Mr. Stancil replied that his goal was to have the tracking system in place by the time the Council adopted the ordinance. That information would be posted on the Town website from the first day, he said.

Council Member Palmer commented that there should be input from non-supervisory workers. It was not clear how input from everyone who would be affected would be sought and considered, she said. She suggested that the team seek input from civil rights attorneys who had brought suits against the Town. "Instead of suing us, we could pay them to train us," Council Member Palmer said.

With regard to Council Member Palmer's comment about non-supervisory workers, Mr. Stancil replied that the Town's Employee Forum, which consisted of non-supervisory employees from every department, had been participating in the process. In addition, copies of the revised ordinance had been provided for review and comment and the team had conducted an "open book tour" to meet with employees to solicit feedback, he said.

Council Member Bell confirmed with Mr. Stancil that the Community Survey would be conducted every couple of years and that there would be more frequent, informal surveys conducted with employees as well. She said that responses from those would be a good supplement to other information, and she noted that plans always need tweaking. Council Member Bell said that some employees felt that the people above them were untouchable. Providing information about who grievances are filed against, as well as who was filing, would be important, she said.

Council Member Harrison expressed concern about the availability of the grievance procedure to a large but limited number of employees. He asked for clarification of why only those who had completed a probationary period would be included. Many who work at the Transit System, for example, were not non-probationary employees, and there were many opportunities for people to have grievances there, he said.

Council Member Ward asked if anonymous testimonies would be allowed in the future, and Mr. Stancil replied that this was among the policy issues that would be addressed in the fall.

Council Member Ward asked if both parties would have the ability to cross-examine the testimony of any witness.

Senior Legal Advisor Tiffanie Sneed replied that to keep information consistent and equitable as it progressed throughout the entire process, there would have to be good information about why someone had not been available to testify at the beginning. Otherwise, that person would not be allowed to testify at the end, she said.

Mayor Kleinschmidt and Ms. Sneed discussed legal aspects of the proposed process and agreed to continue that conversation at a later date.

Council Member Ward asked about Administrative Procedures Act (APA) information and Mr. Maynard said that he had been horrified when he saw it in the ordinance. He did not know how

those lengthy regulations had been included and would take them out, he said.

Council Member Palmer verified with Mr. Maynard that information gleaned during mediation could not be quoted in the grievance procedure. "What happens in mediation stays in mediation, whether it has been successful or not," Mr. Maynard said.

Mayor Kleinschmidt asked staff to bring back more information regarding what the pre-disciplinary conference would be.

Mayor pro tem Greene commented that the reference to the APA seemed to be an attempt to define what the hearing procedures would look like. If the ordinance did not say "in accordance with the APA manual," then what would replace that, she wondered.

Mayor Kleinschmidt agreed, adding that he was looking for some simple description of the procedure so that it would not need to fallback to the APA.

COUNCIL MEMBER JIM WARD MOVED, SECONDED BY MAYOR PRO TEM SALLY GREENE, TO RECEIVE AND REFER COMMENTS TO TOWN MANAGER AND ATTORNEY. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

14. [Consider Adopting the Chapel Hill Bike Plan as a Component of the Chapel Hill 2020 Comprehensive Plan. \(R-7\)](#)

Long Range & Transportation Manager David Bonk recommended that the Council adopt the Chapel Hill Bike Plan as a component of the 2020 Comprehensive Plan. Upon approval of the plan, staff would return in the fall with more details about implementation, he said. Mr. Bonk reviewed the history of the Bike Plan since April 2013.

Garret Davis, Bike Plan project manager, gave a PowerPoint presentation and reviewed changes and additions to the plan in response to comments by the public and others. He mentioned a short-term priority network, which included 17 projects. Mr. Davis said that the Bike Plan contained projects that ranged in potential costs, and that all of them would improve the safety and convenience of biking in Town. He said that none of the projects had been designed and noted that the Bike Plan recommended design strategies. Mr. Davis discussed how to make the plan a living document and reviewed the next steps in the process.

Wayne Pein, a Chapel Hill resident, praised the Bike Plan's proposal for center shared lane markings and "cyclists may use full lane" signs, but said that signs fostering integration should be used liberally all over Town rather than those that segregate cyclists space, as proposed by the Plan. He said that the Bike Plan was a marketing document intended to make bike facilities seem better than they were and depict normal roads as dangerous. Mr. Pein said that he had provided staff with information on how bike lanes should be measured, but that information

had been ignored and was not included in the Plan. Mr. Pein said that his petitions to the Council to repeal an ordinance had been ignored as well, despite his reminding Council members the last time he spoke at Town Hall.

John Rees, president of the Tarwheels Bicycle Club and member of the Bike Alliance of Chapel Hill, endorsed the Bike Plan and asked the Council to support it. He suggested adding information about a section of Raleigh Road where it was unclear that bicycles belong in the travel lane. He endorsed the Plan's section about markings being clear and recommended that it be an important part of the Plan. Mr. Reese expressed agreement with Mr. Pein that bicycles belong on the same road as cars and should be allowed to use the same lane.

Jason Merrill, of Back Alley Bikes and a Carrboro Bike Plan Steering Committee member, expressed support for the Plan. He said that he had recently been appointed to the Transportation and Connectivity Advisory Board and was excited about the prospect of watching the plan unfold over the next few years. Mr. Merrill proposed Rosemary Street as a great location for the first project. It would be inexpensive and would send the message that this was a real plan, not just a stack of paper collecting dust, said Mr. Merrill.

Council Member Cianciolo said he was looking forward to seeing the plan implemented but that there should be a more concerted effort to educate pedestrians and motorists on a regular basis on how to interact with cyclists. When drivers approach a cyclist, they need to immediately understand that the cyclist has a right to the road, he said.

Council Member Storrow asked Mr. Davis if the intention was to paint green bike lanes on Highway 15-501 only.

Mr. Davis explained that NC DOT had only approved it for that highway and that requests would need to be made for other streets. He thought the conditions at the James Taylor Bridge would warrant such consideration as well, he said.

Council Member Palmer expressed concern about Martin Luther King Jr. Boulevard (MLK), and asked about the possibility of raising awareness by painting the middle of the road green.

Mr. Davis replied that such a facility would be a sharrow with green backing. The federal government had stopped approving requests for that facility, he said. Mr. Davis said that the lanes on MLK had been measured by someone who is trustworthy, and that the Bike Plan was a good beginning point, not an end point.

Council Member Palmer confirmed with Mr. Davis that the Town did have in-house roadway design expertise but was still building capacity regarding bike facility infrastructure design. Such work could be done in a number of ways by a number of different entities, Mr. Davis said.

Council Member Harrison noted that the Durham City/County Bike Plan involved a standing committee on implementation. He said that Chapel Hill needed to have one as well, with a serious intent by at least one advisory board to understand and implement the Bike Plan. With

regard to transit/cyclist compatibility, only Legion Road had been re-stripped to allow enough space for a cyclist and a Town bus, he said. Council Member Harrison said that the Council needed to think about compatibility of Transit and cyclists, and he stressed the need to let people know that it was legal for a cyclist to stop and extend an arm to make a left turn.

Council Member Ward recommended adding a section on maintenance to the Plan. He said that he had observed debris in bike lanes and that having such a performance measure would put a little pressure on the Town to maintain them better.

Mr. Davis pointed out that a graphic in the plan indicated performance measures such as removing debris, repairing pavement, maintaining sidewalks, and enhancing roadway safety. The implementation plan would include the final maintenance categories, he said.

Council Member Ward noted that two or three staff members had been doing elements of bike and pedestrian projects and programs. He asked staff to bring back a report on the number of hours involved in order to determine if it would come close to a full-time position. Council Member Ward hypothesized that the Town would be better off with one full-time coordinator who could be a leader and work with the Transportation & Connectivity Board.

Mayor pro tem Greene stressed the need to be intentional and "work the plan now that we've planned the work." With regard to having an implementation committee, as Council Member Harrison had mentioned, she recommended that the Transportation & Connectivity Board study the Plan first to see if it needed that extra support. Mayor pro tem Greene expressed support for finding out how realistic it would be to create a full-time bike & pedestrian coordinator position.

Council Member Czajkowski endorsed Council Member Ward's proposal for a full-time person who would understand biking from a cyclist's perspective. He suggested that the person be a cycling commuter and a strong and visible advocate for cycling and cycling safety.

COUNCIL MEMBER JIM WARD MOVED, SECONDED BY COUNCIL MEMBER ED HARRISON, TO ADOPT R-7. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

A RESOLUTION TO ADOPT THE CHAPEL HILL BIKE PLAN AS A COMPONENT OF THE 2020 COMPREHENSIVE PLAN (2014-06-09/R-7)

15. [Consider Amending the Orange County-Chapel Hill-Carrboro Joint Planning Agreement. \(R-8\)\(R-9\)](#)

Development Manager Gene Poveromo gave a brief PowerPoint presentation on the history of the Orange the County-Chapel Hill-Carrboro Joint Land Use Planning Agreement and recommended that the Council adopt R-8 and R-9. If the Council were to take that action, the

item would be sent to Orange County for possible action, he explained.

Michael Harvey, Orange County planning supervisor, gave a PowerPoint presentation on the joint planning agreement of 1987, which had recognized two transition areas, and a later amendment to require approval of all participating entities after a joint hearing has been held. He reviewed the resolutions before the Council.

Perdita Holtz, Orange County planning systems coordinator, continued the PowerPoint presentation and explained the distinctions between R-A and R-B. She noted that amendments could be adopted only if all parties agree to amend the Joint Planning Agreement.

Mayor Kleinschmidt clarified with Ms. Holtz that the County had recently acted to permit enterprises throughout Orange County and was asking that they be allowed in the rural buffer as well. He said that the Council needed to decide what to say about those uses within the rural buffer. Mayor Kleinschmidt asked what made them acceptable everywhere but perhaps not okay in the rural buffer.

Ms. Holtz replied that everyone would have an opinion about what uses should be permitted to go anywhere and this was about whether people think these uses should be allowed and pursued in the rural buffer. The intent was to augment the types of uses that the farming community could pursue and allow farming to continue to be viable in Orange County, she said. Ms. Holtz added that the uses were subject to all standards and regulations in the County's Unified Development Ordinance and that those were fairly stringent.

Mayor pro tem Greene said that she agreed with the idea of allowing more rural type uses within the rural buffer. However, the information being presented was very complex and the Council was being asked to approve changes in controlling documents that she had not had time to fully understand, she said.

With regard to R-A, Mayor pro tem Greene clarified with Ms. Holtz that state law did not allow counties to regulate agricultural uses. Therefore, trying to say that low intensity would somehow imply that high intensity uses were not allowed was simply not the case under existing state statutes, she said. Mayor pro tem Greene said she did not yet understand R-B well enough to have an informed opinion tonight.

Council Member Ward asked if adopting R-A would cause a number of existing houses and acreages to be out of compliance.

Mr. Harvey replied that it would not. Orange County had enforced a de facto density limit in the rural buffer that was consistent with the plan, he said, adding that it would not create non-conforming situations.

Council Member Ward expressed support for R-8, but said he needed guidance from Town or County staff to evaluate the range of allied uses, which were not all the same and did not all have the same impact. He said he would not be comfortable supporting R-9 with his current limited knowledge.

Council Member Ward confirmed with Ms. Holtz that there would be approximately 35 added uses that would become part of the conditional zoning process. There would be 11 added to the general use rural buffer district, and all but three or four of those would require a SUP process, Ms. Holtz said.

Mayor Kleinschmidt said that it would be helpful for the Council to have those uses in front of them when they make their decision.

Ms. Holtz replied that she had given a simplified version to the Carrboro Board and would do so for the Town Council as well.

Mayor Kleinschmidt confirmed that R-A would combine two existing land use categories into one.

COUNCIL MEMBER JIM WARD MOVED, SECONDED BY COUNCIL MEMBER MARIA T PALMER, TO ADOPT R-8. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

[A RESOLUTION AMENDING THE JOINT PLANNING LAND USE PLAN AND JOINT PLANNING AGREEMENT MODIFYING LANGUAGE TO CLARIFY DENSITY AND REQUIRED MINIMUM LOT SIZE\(S\); AND ALLOW FOR CLUSTER SUBDIVISIONS THROUGHOUT THE RURAL BUFFER \(2014-06-09/R-8\)](#)

APPOINTMENTS

16. Appointments to the Board of Adjustment.

The Council appointed Jodi Baskt, Katherine Murphy, Phillip Lyons, Stephanie Schmitt, Carl Schuler and alternate Edgar Lopez to the Board of Adjustment.

[Master Ballot \(PDF\)](#)

17. Appointments to the Chapel Hill Public Arts Commission.

The Council appointed to the Peter Bosman, Amanda Brown, Diana Caplow, Kelly Chtcheprov, Clara Jackson, Emily Kass, Kathryn Wilson and Andrea Jones to the Chapel Hill Public Arts Commission.

[Master Ballot \(PDF\)](#)

18. Appointments to the Community Design Commission.

The Council appointed to the Dixon Pitt to the Community Design Commission.

[Master Ballot Round 1 \(PDF\)](#)

[Master Ballot Round 2 \(PDF\)](#)

19. Appointments to the Community Policing Advisory Committee.

The Council appointed Patrick Akos, Katie Berlin, Mattie Galbreath, Eric Hallfors, Malcom Hunter, James Kitchen and Roscoe Reeve to the Community Policing Advisory Committee.

[Master Ballot \(PDF\)](#)

20. Appointments to the Library Board of Trustees.

The Council appointed Natalie Ammarell, Brian Sturm and Laurie Tepper to the Library Board of Trustees.

[Master Ballot \(PDF\)](#)

21. Appointments to the Planning Commission.

The Council appointed Amy Ryan, Brian Wittmayer, Elizabeth Webber, Michael Parker, Neal Bench and Travis Crayton to the Planning Commission.

[Master Ballot Round 1 \(PDF\)](#)

[Master Ballot Round 2 \(PDF\)](#)

22. Appointments to the Transportation and Connectivity Advisory Board.

The Council appointed Mark Stanton to the Transportation and Connectivity Advisory Board.

[Master Ballot Round 1 \(PDF\)](#)

[Master Ballot Round 2 \(PDF\)](#)

Council Member Greene Regarding Limiting First Term of Planning Commission Champions to One-Year Term.

Mayor pro tem Greene proposed limiting champions on the Planning Commission to a one-year term for this first term only and letting the appropriate boards nominate who they want after that.

COUNCIL MEMBER JIM WARD MOVED, SECONDED BY COUNCIL MEMBER MATT CZAJKOWSKI, TO APPROVE REQUEST TO LIMIT FIRST TERM OF PLANNING COMMISSION CHAMPIONS TO ONE-YEAR TERM.. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

Council Member Bell Regarding AT&T Broadband Contract.

Council Member Bell said that she had watched part of a conversation between Carrboro and AT&T regarding the broadband contract and had found AT&T's answers to some of the questions unsettling. She wondered why AT&T was part of the Gig U project, since they would not be using the Town's fiber. Council Member Bell asked for more information regarding the process and AT&T's involvement.

Mayor pro tem Greene noted that an agreement with AT&T had not yet been signed. She had watched the Carrboro meeting as well and thought it would be beneficial to have representatives from AT&T repeat what they were offering for public service, she said. Mayor pro tem Greene noted that AT&T's proposed speed for public housing was not what the FCC considered fully broadband service. Entering a conversation knowing that there was not that commitment to public benefit would clarify negotiations, she pointed out.

Mayor Kleinschmidt proposed getting more information from AT&T before moving forward.

The meeting was adjourned at 10:00 p.m.

**DRAFT SUMMARY MINUTES OF A PUBLIC HEARING
OF THE CHAPEL HILL TOWN COUNCIL
MONDAY, JUNE 16, 2014, AT 07:00 P.M.**

Present were Mayor Mark Kleinschmidt, Mayor pro tem Sally Greene, Council Member Donna Bell, Council Member George Cianciolo, Council Member Matt Czajkowski, Council Member Ed Harrison, Council Member Maria T Palmer, Council Member Lee Storrow, and Council Member Jim Ward.

Staff members present were Town Manager Roger L Stancil, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Manager Intern David Finley, Manager of Long Range and Transportation Planning David Bonk, Development Manager Gene Poveromo, Interim Planning Director Loryn Clark, Planner II Eric Feld, Senior Planner Judy Johnson, Assistant to the Town Manager Jason Damweber, Senior Planner Kay Pearlstein, Economic Development Officer Dwight Bassett, Planning and Sustainability Executive Coordinator Mary Jane Nirdlinger, Engineering Services Manager Kumar Neppalli, Engineering Design Specialist Mike Taylor, Parks & Recreation Planning and Development Manager Bill Webster, Fire Marshal Darryl Rimmer, Police Officer Rick Fahrner, and Deputy and Acting Town Clerk Amy Harvey.

AGENDA ITEMS

1. [Approve Agenda. \(no attachment\)](#)

Mayor Kleinschmidt proposed adjusting the agenda to add an item 1.1, which would continue the public hearing on updating the Rogers Road sewer project. The Council voted unanimously to approve the agenda with that addition.

COUNCIL MEMBER JIM WARD MOVED, SECONDED BY COUNCIL MEMBER MARIA T PALMER, TO APPROVE THE AGENDA AS AMENDED. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

1.1. [Update on Rogers Road Sewer Project and Extraterritorial Jurisdiction \(ETJ\). \(R-0.1\)](#)

COUNCIL MEMBER JIM WARD MOVED, SECONDED BY COUNCIL MEMBER MARIA T PALMER, TO ADOPT R-0.1. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

[A RESOLUTION CONTINUING THE PUBLIC HEARING FOR THE
EXTRATERRITORIAL JURISDICTION BOUNDARY AMENDMENT \(2014-06-16/R-0.1\)](#)

2. [Approve all Consent Agenda Items. \(R-1\)](#)

MAYOR PRO TEM SALLY GREENE MOVED, SECONDED BY COUNCIL MEMBER JIM WARD, TO ADOPT R-1. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

[A RESOLUTION ADOPTING VARIOUS RESOLUTIONS AND ENACTING VARIOUS ORDINANCES \(2014-06-16/R-1\)](#)

[A RESOLUTION CONTINUING THE PUBLIC HEARING FOR PUBLIC COMMENT ON PRELIMINARY FLOOD INSURANCE RATE MAPS \(2014-06-16/R-2\)](#)

4. [Consider Adopting the 2014-2016 Council Goals. \(R-3\)](#)

Town Manager Roger Stancil presented a set of goals that Council members had agreed to at their retreat. The goals had been put back on the agenda because some Council members had expressed interest in reframing some of them, he said.

Council Member Palmer suggested incorporating additional things that the Council had been working on - such as a new grievance procedure, additional training and better communication with Town employees.

Mayor Kleinschmidt pointed out that those items had been included in the "Nurture Our Community" section. The intention was wrapped up in work related to the revised Personnel Ordinance, which the Council had recently adopted, he said.

Mr. Stancil explained the process of how Council goals become implemented.

Council Member Ward suggested modifying one section to say, "Adopt and initiate a bike plan in 2015". He also proposed incorporating an opportunity mid-term to discuss and refine the goals based on new information.

Mr. Stancil agreed that it might be a good time to revise the process, and he suggested talking about that again in early September.

Council Member Harrison noted that the Town had adopted a Stormwater Plan and a Bicycle

Plan. He recommended that Council members check in October to see what had been accomplished on those.

Council Member Palmer commented that Supporting Immigrant Communities was a Council goal that had not been listed.

Mr. Stancil replied that when Supporting Immigrant Communities came back for Council attention it would become part of a work program related to a Council goal. Staff would then try to devise integrative, collaborative ways to achieve that by working with other departments and other partners in the community, he said.

Council Member Bell confirmed that the Council had not yet received a report on the process because staff had been working on clarifying it in response to a Council request.

Mayor Kleinschmidt confirmed that there was no Council objection to adjusting the Bike Plan goal or to adopting and beginning implementation of the Bike Plan.

COUNCIL MEMBER MARIA T PALMER MOVED, SECONDED BY COUNCIL MEMBER LEE STORROW, TO ADOPT R-3 AS AMENDED. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

[A RESOLUTION ADOPTING THE COUNCIL GOALS FOR 2014-2016 \(2014-06-16/R-3\) as Amended](#)

5. [Receive the Ephesus Fordham Renewal 25% Transportation Improvement Plans.](#)

Long Range & Transportation Manager David Bonk provided an overview of the process and said that the Council had expressed interested in reviewing the Ephesus Fordham Renewal (E/F) Transportation Improvement Plans at an earlier stage than was stipulated in the approval. He said that the improvements being discussed tonight had been part of the overall E/F framework plan, which sought to increase connectivity and improve transportation options. Mr. Bonk noted that the 25% design plans for four of the initial projects were conceptual and that no detailed engineering work had begun.

Earl Lewellyn, with Kimley-Horn and Associates, presented the three 25% plans that his firm had been working on. He said that they were at the "horizontal" phase, which was the first of three stages."

Project Engineer Chad Beck discussed the E/F intersection, including changes and additions to the western leg, realignments and improvements to the eastern leg, and changes to Fordham Blvd. There would be significant improvements for pedestrians and cyclists, Mr. Beck said.

In response to a question from Council Member Ward, Mr. Lewellyn explained that the NC Department of Transportation (DOT) did not allow bicycle loops on main streets, according to Town staff. The applicant would provide them if DOT would allow them, he said.

Council Member Harrison said that a 16-foot cross section near Ram's Plaza would create friction for motorists who would pull away from the median. He recommended designing a smaller median and a wider (perhaps 20-foot) lane. Council Member Harrison noted that the lane dropped down to 11 feet at one point and stressed that it should be wider than that.

Mr. Lewellyn explained that the plan was for 11-foot through lanes and 5-foot bike lanes in areas where improvements would include a bike lane when redevelopment occurred. They could talk with DOT about shrinking the size of the concrete island in order to provide less friction, he said.

Council Member Ward and Mr. Lewellyn discussed whether or not to include a curb and gutter and the conversations that would eventually need to be held with DOT regarding that. Council Member Ward recommended "doing no harm", noting that the sudden addition of a curb where there had been a smooth shoulder or drop off would impede cyclists.

Mr. Lewellyn agreed to talk with DOT about maintaining the proper slopes on the shoulder section versus adding curb and gutter. Then he continued his presentation, addressing the Rams Plaza access redesign and a US 15-501 superstreet access to the service road .

Council Member Ward discussed current and future sidewalks and the potential for a pedestrian crossing in the area.

Council Member Bell clarified that a sidewalk would be built where people currently used a footpath through the woods.

Council Member Palmer asked about a pedestrian crossing of Fordham Boulevard, and Mr. Lewellyn explained that DOT had raised safety concerns about that due to traffic speeds and the risk of providing a false sense of security.

Landscape Architect Scott Murray talked about the Village Square area and displayed a map showing the location of a vacant movie theater site and other existing buildings on the property. He outlined a plan for parking, bike lanes, a sidewalk, landscaping along Elliott Road, and a new driveway through the property that would include crosswalks, bike accommodations and other amenities.

Council members and Mr. Murray discussed the angle of the driveway, the structured parking facility, sight distances, bicycle accommodations, and advantages and disadvantages of the urban compact form.

Council Member Ward ascertained from Mr. Bonk that construction of the linkage between Elliott Road and a new north/south road had been part of the framework plan and were assumed to be part of the overall public improvement list. Council Member Ward said that paying for

such infrastructure improvements should be the developers' responsibility.

Mayor Kleinschmidt remarked that a fundamental point of the plan was that the Town would take on infrastructure improvements to encourage redevelopment of the area.

Council Member Harrison asked if there had been a cost estimate for the projects.

Mr. Bonk replied that the cost would depend upon the final design and would likely be bid as a package. He noted that the only public component was the roadway and that the developers would pay for all of the pedestrian elements. The developers had proposed that they assume the cost of design in order to expedite the process, Mr. Bonk pointed out.

Council Member Czajkowski remarked that it was vitally important to get clarity on what had been said in the past regarding who would pay for the road. He said that some citizens believed that it would not be paid for from E/F funds. For those citizens to have a sense that the plan had been changed without discussion would not be conducive to their feeling that it was a transparent and straightforward process, he said. Council Member Czajkowski asked staff to go back through past presentations and tell the public exactly what had been said.

Mr. Bonk replied that they could do that. He said that he had spoken with the citizen who had raised that issue and had checked with staff members who had been involved from the start. Staff had all agreed that the road was included in the list of projects to be pursued, he said.

Council Member Czajkowski asked that staff go back and pull out the maps that show the roads and any reference to who would pay for them, and Mr. Bonk agreed to do so.

Council Member Czajkowski expressed concern about how the estimated \$8.8 million would be prioritized if it was not sufficient to build all of the roads.

Mr. Bonk offered to look at the budget again, but said that the preliminary cost estimate had shown that all of the major projects identified in the plan could be accommodated within the \$8.8 million.

Council Member Ward suggested treating the project cost as a guaranteed contribution rather than a guaranteed benefit. The Town needed to make sure that the road for the area stayed within a portion of the \$8.8 million budget, he said. Council Member Ward stressed the importance of staying within the estimated cost as the project moved forward.

Mr. Bonk discussed next steps and said that staff expected to return to the Council with 77% design plans in August.

Lynne Kane, a Chapel Hill resident, stated that the Town needed to be prepared to move ahead with the project. Developers' interest had been increasing because the Town had streamlined its permitting process and started work on the district, she said.

6. [Public Hearing: Application for Special Use Permit - Duke Energy Calvander-Eubanks Energy Substation, 1701 Eubanks Road.](#)

Planner II Eric Field provided an overview of the SUP application to construct a utility substation on a 13.2-acre site zoned R-1. He recommended opening the public hearing and, if no significant issues arose, acting on the application at the Council's June 23, 2014 business meeting. Mr. Field said that the staff's preliminary recommendation was for approval. He noted that the applicant had requested no modifications to regulations, and said that staff believed there was a rationale for requiring the applicant to build a sidewalk.

Landscape Architect Scott Murray, representing the applicant, addressed the area's projected energy growth and Duke Energy's desire to be prepared for the demand 20 years in the future.

He noted that the property was under contract and said it was vital that closing occurred before the end of July. Mr. Murray showed the proposed substation area on a site map and discussed the comments and concerns from adjacent property owners.

James Shepard, of Duke Energy, expanded upon Duke Energy's attempt to address neighbors' concerns and minimize impact on adjacent property owners. He discussed several of the Town's requests and said that Duke Energy had agreed to all of them and would like to get road improvements and screening finished within two years of permit approval. Duke Energy wanted to have the site ready in case the Town grew faster than anticipated, Mr. Shepard said.

Mr. Murray and Mr. Shepard discussed details of the landscape plan. They outlined a plan for enhancing the view from an adjacent neighbor's property.

Council Member Cianciolo asked for a further explanation regarding the applicant's wish to not put a sidewalk in along the property's frontage, and Mr. Shepard explained that it was a complicated spot to provide a sidewalk because of a culvert under the existing roadway. The sidewalk would require road widening improvements and culvert extensions, he said, adding that the estimated cost of that was about \$70,000, plus \$40-50,000 for the initial engineering fee. Mr. Shepard noted that this estimate assumed that the existing culvert had been sized correctly. If that was not the case, then it would add \$100,000, he said.

Council Member Cianciolo remarked that that money amortized over 20 or more years would be a fairly reasonable amount.

Mr. Shepard said that Duke Energy was willing to work with the Town on the issue, but stressed that it was a complicated one and not as simple as just building a sidewalk. He pointed out that the Town Engineer had not requested a sidewalk because of the complications.

Mayor pro tem Greene wondered if the applicant might make a payment in lieu toward a fund that would eventually complete the sidewalk link, and Mr. Shepard replied that Duke Energy was open to that idea.

Ms. Judy Nunn-Snipes, speaking on behalf of her mother, Gertrude Rogers Nunn, and other

family members, said that another Duke Energy substation had been placed on their frontage in the late 1960s on another parcel of their 200 acres of family land. She pointed out that the family had been through many battles over the years and was surrounded by two landfills, the Neville Tract, and the Duke Energy substation. Ms. Nunn-Snipes expressed gratitude to the Town Council and Duke Energy for listening to the family's concerns regarding this second substation. The family would welcome sidewalks, but did feel reassured and appreciated that they had been heard, she said.

Council Member Harrison and Mayor Kleinschmidt expressed concern that there would never be a sidewalk in that area because public money would not be available and no one else would build it.

Mr. Shepard replied that Duke Energy would dedicate as much right-of-way as the Town needed along the road frontage and was open to donating some of the money that would be needed to build a sidewalk. They understood the concerns and did not want to prevent a sidewalk from being there in the future, he said. Mr. Shepard noted that Eubanks Road would be widened at some point. Then there would be more opportunity to build the sidewalk, he said. Mr. Shepard offered to talk with Town staff and see what could be worked out.

Council Member Ward verified with Mr. Shepard that there was no greenway planned.

However, if there ever was one, it would extend along the eastern side of the railroad, Mr. Shepard said. Council Member Ward asked to make sure, if possible, that there would be a perpendicular crossing at some point, and Mr. Shepard replied that Duke Energy was open to the easement being where the Town needed it.

Council Member Ward asked about the scope of work that might be done within a year or two as well as compared to work that might not get done for 20 years.

Mr. Shepard replied that Duke Energy would like to do road improvements, road widening, grading, stormwater retention, and landscaping within the first two years. After the substation was built, they would build a fence and do additional screening, he said.

Council Member Ward confirmed with Town Attorney Ralph Karpinos that the normal construction window of a SUP was five years. He expressed concern about building things based on existing conditions when there was a 22-year window to complete them. The Town had never had such a request for utility infrastructure, Council Member Ward said.

Mr. Karpinos explained that the two years to start provision allowed the applicant to make expenditures under the SUP and establish that they have a vested right. However, the vested right provisions of North Carolina law limits changes to five years, he said. Even though Duke Energy might have 22 years to complete the project, that did not preclude changes in ordinances that could affect what happens on the site after the five-year period, Mr. Karpinos pointed out. He noted the possibility that the situation might change and that the Town might choose to establish new standards for screening, buffering, or something else in the future.

Council Member Ward confirmed with Mr. Karpinos that the property could be sold, or

subdivided, and that someone else might build sidewalks.

Council Member Ward ascertained from Mr. Shepard that it would be more difficult and expensive to move the sidewalk farther back from Eubanks Road. He added his support for the project beginning to address the sidewalk concerns expressed tonight.

Council Member Palmer said that she shared the interest in having a sidewalk. The Council needed to make a commitment to having a walkable, bikeable community, she said, adding that telling people that Duke Energy could not afford \$100,000 would "not fly".

Council Member Cianciolo spoke in favor of requiring a payment in lieu for sidewalk to be set aside for when/if Eubanks Road were ever widened.

COUNCIL MEMBER LEE STORROW MOVED, SECONDED BY COUNCIL MEMBER MARIA T PALMER, TO RECESS THE PUBLIC HEARING TO JUNE 23, 2014. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

7. [Public Hearing: Application for Preliminary Plat, Ramsley Subdivision - 2021 Eubanks Road \(Project #13-103\).](#)

Senior Planner Judy Johnson provided an overview of the project and noted that the applicant had made requests regarding affordable housing and connectivity that required a Council decision. Ms. Johnson discussed the Town's Inclusionary Zoning Ordinance and said that challenges regarding that needed to be addressed. She recommended that the Council open the public hearing and provide comments and guidance regarding alternatives.

Council Member Palmer asked for clarification of issues regarding maximum density in a subdivision. She discussed the community's need for affordable housing and expressed support for reducing lot sizes and providing duplexes. Council Member Palmer asked about the applicant's plan for detached homes, stating that she would not be inclined to give someone a break that would allow them to build more expensive houses.

Mayor Kleinschmidt pointed out that the Town had experimented with requiring small homes in developments. That had led to very expensive, small homes that were relatively more expensive per square foot, he said. In some cases, those were "big house kits," with unfinished attics that were ready to expand, Mayor Kleinschmidt pointed out.

Mayor pro tem Greene explained that the Small House Ordinance had only required that houses remain small for 30 months.

George Retschle, with Ballantine and Associates, discussed several ideas for increasing density. He reviewed the site plan and discussed its limitations. Mr. Retschle explained that a 14th lot had been added in order to take advantage of the density bonus. He argued in favor of keeping a

greenway through the property rather than building a road, as staff had recommended.

Lisa Ellis, the applicant, explained her attempt to provide more density despite the site's limitations. She said that 13 lots was the maximum that could fit there with Residential-2 zoning. She pointed out that hers was the first single-family subdivision to come before the Council in four years and she discussed some of the difficulties involved with trying to include affordable housing. She said that she was open to more discussion with the Town about how to do that. Ms. Ellis pointed out that the Council had proposals before it from her for both a 13-lot and a 14-lot subdivision. If the end result were 13 lots, she asked the Council to consider a payment in lieu for affordable housing. If a 14th lot could be a duplex with both units affordable, then she asked to be allowed a higher bracket, such as 100 or 110 percent of median income. Ms. Ellis also said that the proposed greenway trail was her best effort toward providing connectivity.

Council Member Palmer clarified with Ms. Ellis that the density bonus would make the land available to build a duplex on a 14th lot. She asked staff about the options for doing that, and Ms. Johnson replied that she would like to discuss it with the Town Attorney and return with an answer in the fall.

Matt Chicurel, a Northwood resident, expressed concern about inadequate screening and buffers between Northwood and Ramsley Subdivision. He said that these concerns had arisen after learning from the developer that there were no specifics about what type of buffering would be done before and after construction.

Council Member Ward remarked that buffering between similar uses was of very limited value.

Mr. Chicurel replied that the proposed subdivision was much denser than surrounding properties and that his property was very close to it.

Council Member Czajkowski said that he did not share the view that trees keep people from talking to their neighbors. Having trees was a Chapel Hill value, and he would rather look at trees than at his neighbor's house, he said.

Mayor pro tem Greene said that no one had contemplated such a small subdivision when creating the Inclusionary Zoning Ordinance, which was designed more for multi-family buildings with many units. She said that she was fully sympathetic to the applicant's request that it be changed in this instance. The ideal would be to have a duplex with each unit at around 100 percent AMI, Mayor pro tem Greene said. She said that the Inclusionary Zoning Ordinance needed to be clarified and that it had not been the intent to disallow a density bonus.

Council Member Bell spoke in favor of having a road and having some affordability. She agreed that 100 percent or 115 percent of AMI was appropriate for this particular use, she said.

Council Member Ward expressed support for a road connection to Chapel Ridge. He said that he, too, was amenable to raising the AMI and could accept reducing the lot size to make that

happen. Council Member Ward said that he might have been too emphatic in his comments regarding buffering. However, he did think it was unrealistic to expect success with trees for screening in a forested environment and that a fence was more practical, he said.

Council Member Storrow agreed that a road connection, rather than a greenway, made sense. He asked the applicant to be thoughtful about integrating the duplex's appearance into the neighborhood.

Council Member Palmer noted that 110 percent of AMI would be a \$179,000 home. The Town desperately needed affordable housing and she did not think a home costing close to \$200,000 would fall into that category, she said.

Council members generally agreed that a road connection through the property would be better than a greenway and that a duplex with affordable housing made sense for this project.

However, Council Member Czajkowski recommended that the developer give a payment in lieu for affordable housing. He said that the Town probably would not get a road from this developer because it would not be economically feasible. Council Member Czajkowski pointed out that Ms. Ellis was the only developer currently proposing single family housing in Chapel Hill.

Council Member Ward asked staff to bring back clarification on whether or not the adjacent development, Chapel Ridge, owed anything toward building a road. It should not be Ramsley Subdivision's responsibility to build the road beyond its property line, he said, adding that the Town needed to be ready to pay toward that if having a road were deemed important.

COUNCIL MEMBER LEE STORROW MOVED, SECONDED BY MAYOR PRO TEM SALLY GREENE, TO RECESS THE PUBLIC HEARING TO SEPTEMBER 8, 2014. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

COUNCIL MEMBER LEE STORROW MOVED, SECONDED BY COUNCIL MEMBER MATT CZAJKOWSKI, TO ADJUST THE AGENDA TO SWITCH ITEMS 8 AND 9. THE MOTION WAS ADOPTED BY A VOTE OF 8-1, WITH MAYOR MARK KLEINSCHMIDT, MAYOR PRO TEM SALLY GREENE, COUNCIL MEMBER DONNA BELL, COUNCIL MEMBER GEORGE CIANCIOLO, COUNCIL MEMBER MATT CZAJKOWSKI, COUNCIL MEMBER ED HARRISON, COUNCIL MEMBER LEE STORROW, AND COUNCIL MEMBER JIM WARD VOTING AYE AND WITH COUNCIL MEMBER MARIA T PALMER VOTING NAY.

9. [Public Hearing: Glen Lennox Development Agreement.](#)

Planning and Sustainability Executive Coordinator Mary Jane Nirdlinger gave a PowerPoint overview of the Glen Lennox Development Agreement (DA) process and highlighted some of its contents regarding noise, construction management plans, affordable housing requirements,

stormwater and fiscal impact standards, recreation and open space, greenways, and more. She offered some clarifications and reviewed staff recommendations. Ms. Nirdlinger asked the Council for feedback and said that staff would then make revisions and submit a new draft DA for Council consideration the following week.

Rachel Russell, representing the applicant, Grubb Properties, said that the outstanding issues were, for the most part, those that had already been addressed in previous conversations or those that were too onerous or expensive. Ms. Russell asked to discuss those as well as two more issues that had recently been added. She reviewed the process and said that the community and the development team had come together with a plan that they were excited about. She hoped to address the Council's concerns tonight and move to a final vote the following Monday, she said.

Molly McConnell, a Glen Lennox tenant for 15 years, praised the developer, Clay Grubb, for the highly collaborative process. She reviewed that process and discussed its outcome. Ms. McConnell asked the Council to vote in favor of the DA at its next meeting.

David Shortino, a local businessman, said that he had taken his firm out of Town in 2005 but would be looking for a new headquarters in a few years. He liked the plan for Glen Lennox, he said, and he asked the Council to approve the DA and give his and other similar businesses a viable place to go in Chapel Hill.

Aaron Nelson, representing the Chapel Hill-Carrboro Chamber of Commerce, recommended that the Council consider any unresolved issues within the full context of the project. He noted that the Town had asked the developer to make many improvements. Mr. Nelson asked the Council to resolve the issues tonight and vote on the project before the end of June.

Chris Berndt, representing the Greenways Commission, recommended a bike and pedestrian path along the frontage of the property along NC 54. She asked that public input be accepted at the time of Glen Lennox's annual report and that the Greenways, Parks & Recreation, and Bike & Pedestrian plans be included in the "Town Plans and Regulations" section of the DA.

Mayor Kleinschmidt spoke in favor of the applicant finding a way to provide a transportation management plan (TMP) since there was such a tradition in Town of asking new buildings, particularly high density/high use projects, to participate in an alternate planning program.

Ms. Russell pointed out that the project had been designed to promote alternate transportation and that Grubb Properties was in support of the concept. However, they did not want to put themselves in a position where the task of creating and tracking a TMP would be onerous and unachievable, she said.

Council Member Palmer suggested that the applicant send a liaison to the Town's new Transportation and Connectivity Advisory Board.

Council Member Cianciolo pointed out that Glen Lennox was different from past developments because there would be one developer but multiple projects. He could see how that would make a TMP more difficult to coordinate, he said, and he proposed that the developer ask individual

clients to participate with the Town and perhaps work with the Transportation and Connectivity Board as Council Member Palmer had suggested.

Council Member Ward asked for information from staff on the Town's history of requiring TMPs and what the benefit had been. Unless the Town had very good follow-up on past TMPs, he would not be interested in requiring that of Glen Lennox, he said. Council Member Ward said he would, however, like staff to accept the applicant's offer to help coordinate an effort and would like to see language in the document regarding the applicant's willingness to do so.

Mayor pro tem Greene noted that Research Triangle Park had a transportation management group that issued a "smart commute challenge" every year. Perhaps the applicant could initiate that type of self-organized way to motivate people to use alternative modes of transportation, she said.

Ms. Russell said that Grubb Properties had been surprised by the addition in the DA of a second connection in addition to the east-west greenway connection through the property to which they had agreed. She said they had had a conversation in which they had explained that it was not practical and she thought they had addressed staff's concerns. Since one path had already been agreed upon, to ask for another two blocks away was not a reasonable request, said Ms. Russell.

Council Member Harrison agreed that the estimated cost was very high per foot, and Council Member Storrow said that what the applicant had already proposed was sufficient.

Council Member Ward mentioned that some cyclists probably could use a second route without much improvement being made there, but Ms. Russell replied that Grubb Properties was making a significant investment in a greenway across the whole property.

Council Member Ward replied that the greenway seemed recreational and was not the way people would commute.

Council Member Palmer stressed the importance of getting people to commute safely by using greenways. If that secondary route became the preferred one, somebody would get killed, she said. Council Member Palmer recommended making the greenway as attractive and fast as possible and investing in educating people to use it.

Council Member Bell urged the Council to not let the secondary bike lane issue hold up the process.

Mayor Kleinschmidt suggested that the Council discuss a staff request that the applicant build a five-foot, striped bike lane up to the intersection.

Ms. Russell said the applicant viewed that as an additional expense for no identified problem.

Council members generally agreed that the applicant could not be expected to fix the intersection at NC 54 and that it would be better to direct people to use the greenway and cross at another location.

Council Member Ward said that it would be helpful to have paint and signage that would raise awareness of cyclists and provide a continuous path for people could get to UNC campus in a direct manner.

Council Member Palmer suggested asking the developer for a contribution toward implementing the Bike Plan rather than requiring them to fix the intersection for the Town.

Council Member Ward said that there would be many people going from Glen Lennox to campus and that was a rational nexus for requiring a contribution toward that part of the Town's Bike Plan.

Mayor Kleinschmidt agreed, and Council Member Storrow said he would like to hear feedback on the following Monday regarding the applicant participating with \$10,000 to support pedestrian and bicycle improvements.

Council Member Harrison agreed that the applicant needed to have a signage plan if they expected people to use the greenway system to get across US 15-501. There would need to be way-finding signs and it would take more than a single study to figure out how to get bicycles through there, he said.

Clay Grubb, the applicant, pointed out that his firm was making a significant investment with the greenway and the connection. He said that they completely agreed that they must invest heavily in signage for that, but they did not want children to think that they could ride in front of the shopping center and down under the bridge. Mr. Grubb said that he did not want to invest in a potentially dangerous project but that way-finding signs and so forth would definitely be part of the package.

Council Member Harrison confirmed with Mr. Bonk that there was enough room to build a 10-foot path along the project's frontage. Mr. Bonk said that it probably would require a retaining wall and landscaping, and he agreed to bring relevant graphics to the next Council meeting.

Ms. Nirdlinger clarified that the staff recommendation was for the applicant to build a continuation of the Meadowmont path up to the Glen Lennox property line and then in front of the project. However, another option that had been discussed was to build it just to the greenway, she said.

Council Member Palmer remarked that extending it to the greenway made more sense to her.

Council Member Czajkowski said it would be outrageous to make Grubb Properties responsible for the cost of building a path, equivalent to the one in front of Meadowmont, in front of The Oaks Condominiums and other properties and up to Glen Lennox.

Council Member Storrow confirmed with the applicant that their plan was to extend the path as far as was feasible along their property line to the north-south greenway, and that they would be happy to provide a connection to go east.

Council Member Palmer asked if the Town had the funds to make that connection a priority. She noted that it would be less costly to work with the developer and build the entire connection at one time.

Council Member Cianciolo pointed out that the Town had not traditionally asked developers to build on someone else's property. He noted that Grubb Properties had worked for years on a collaborative basis with the Town on the Glen Lennox project, and he recommended that the Council think carefully about not trying to extract too much. Council Member Cianciolo said that he was comfortable with asking for something in front of the property but not with asking the developer to do what the Town itself needed to do.

Mayor Kleinschmidt verified that six Council members would not ask the developer to build an offsite path.

Ms. Russell said that Grubb Properties had two other issues that they wanted to discuss and she offered to explain them to Council members during the coming week.

COUNCIL MEMBER LEE STORROW MOVED, SECONDED BY COUNCIL MEMBER MARIA T PALMER, TO RECESS THE PUBLIC HEARING TO JUNE 23, 2014. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

8. [Consider a Resolution Regarding Support for Immigrant Communities, Celebration of Immigrant Contributions, and the Establishment of Immigrant Heritage Celebrations. \(R-4\)](#)

COUNCIL MEMBER DONNA BELL MOVED, SECONDED BY COUNCIL MEMBER MARIA T PALMER, TO ADOPT R-4. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

[A RESOLUTION REGARDING SUPPORT FOR IMMIGRANT COMMUNITIES, CELEBRATION OF IMMIGRANT CONTRIBUTIONS, AND THE ESTABLISHMENT OF IMMIGRANT HERITAGE CELEBRATIONS \(2014-06-16/R-4\)](#)

The meeting adjourned at 11:40 p.m.

**DRAFT SUMMARY MINUTES OF A SPECIAL/BUSINESS MEETING
OF THE CHAPEL HILL TOWN COUNCIL
MONDAY, JUNE 23, 2014, AT 05:30 P.M.**

Present were Mayor pro tem Sally Greene, Council Member Donna Bell, Council Member George Cianciolo, Council Member Matt Czajkowski, Council Member Ed Harrison, Council Member Maria T Palmer, Council Member Lee Storrow, and Council Member Jim Ward.

Absent: Mayor Mark Kleinschmidt .

Staff members present were Town Manager Roger L Stancil, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Communications Manager Catherine Lazorko, Manager Intern David Finley, Interim Planning Director Loryn Clark, Planner II Eric Feld, Director of Policy and Strategic Initiatives Mary Jane Nirdlinger, Assistant to the Town Manager Jason Damweber, Senior Planner Kay Pearlstein, Community Outreach Coordinator Jennifer Phillips, Engineering Services Manager Kumar Neppalli, Director of Parks and Recreation Jim Orr, Long Range and Transportation Planning Manager David Bonk, Human Services Coordinator Jackie Thompson, Senior Planner Judy Johnson, Economic Development Officer Dwight Bassett, Engineering Design Specialist Mike Taylor, Development Manager Gene Poveromo, and Communications and Public Affairs Director and Town Clerk Sabrina Oliver.

OPENING

1. [Approve Agenda. \(no attachment\)](#)

Mayor pro tem Greene opened the meeting and explained that Mayor Kleinschmidt was away. The Council unanimously approved the agenda.

COUNCIL MEMBER LEE STORROW MOVED, SECONDED BY COUNCIL MEMBER JIM WARD, TO APPROVE THE AGENDA AS AMENDED. THE MOTION WAS ADOPTED UNANIMOUSLY (7-0).

PETITIONS FROM THE PUBLIC

- a. [Parks and Recreation/Greenways Commission Regarding Property Asset Sales.](#)

Chris Berndt and Erin Crouse presented a petition from the Parks and Recreation/Greenways Commission regarding park property for sale, easements at 220 Plant Road, and a small community property that the Commission wanted to be used as future park land and/or parking.

Ms. Berndt noted that the Homestead Road property included a scenic pond and Town community gardens and was a future greenway. The Dry Creek property was one of the Town's largest pieces of open space and was intended as a future extension of the Dry Creek greenways system, she said.

Ms. Crouse said that the Parks and Recreation Commission agreed with the Greenways Commission about refraining from selling the properties. She asked that the Council direct staff to proactively negotiate public private partnerships for recreation space, if the properties were to be sold.

COUNCIL MEMBER JIM WARD MOVED, SECONDED BY COUNCIL MEMBER MARIA T PALMER, TO RECEIVE AND REFER TO ASSET MANAGEMENT PROCESS. THE MOTION WAS ADOPTED UNANIMOUSLY (7-0).

b. [EmPOWERment Regarding Affordable Housing Fund.](#)

Nora Esthimer, EmPOWERment, Inc. board president, petitioned the Council for \$40,500 to repair several homes and provide affordable single-family rental housing. She also asked for an additional \$10,000 in operational support.

Delores Bailey, EmPOWERment Inc. executive director, described needed repairs and said that buildings could not be made habitable without the requested funding.

Council Member Ward obtained additional details regarding need and pointed out that this was the last meeting before the Council's summer recess and that there would be no opportunity to discuss the funds for a few months.

Ms. Bailey apologized for the late request. She said they thought that passing the petition on to the Manager might lead to its receiving some attention over the summer.

In response to a question from Council Member Palmer, Town Manger Roger Stancil explained that the Town did not normally reimburse expenses that had already occurred and would have to think about how the request would fit in with guidelines. If the Council were to direct staff to address the request within Council guidelines then staff would do that over the summer, he said.

Council Member Palmer recommended going ahead and doing whatever possible to make more affordable housing available.

Council Member Cianciolo said that he supported EmPOWERment and all that it did for the community. However, a number of agencies had not received their full funding requests, or any funding at all, he said. Moreover, it would be a big leap to accept a request on the last day of the current session and defer the decision to staff, Council Member Cianciolo said, adding that he was leery of taking that approach.

Council Member Ward said that EmPOWERment did great work, but he did not want the request to leap over competing interests of others. He would support seeing how quickly the Town could respond to the petition in the context of other requests, he said.

Council Member Storrow verified with Ms. Bailey that waiting until September would not cause EmPOWERment to lose opportunities to purchase, but it would render it unable to renovate and put homes on the market.

Mayor pro tem Greene asked other Council members if they wanted the Manager to consider any amount. In response to a question from Council Member Palmer, she explained that the request was outside the normal process and there was no place to address it.

Mr. Stancil pointed out that leftover funds were typically re-appropriated in the next year's budget.

Mayor pro tem Greene confirmed with Interim Planning Director Loryn Clark that the Housing Board would meet for the first time in July and that one of its charges would be to look at the system for evaluating requests for funding, especially those outside the normal funding cycles.

The Manager currently had the authority to approve expenditures from the Affordable Housing Fund of up to \$40,000 without asking for Council approval, Ms. Clark said.

Ms. Bailey explained that EmPOWERment's request was for a grant from the Affordable Housing Fund. It was not an attempt to circumvent the budget process, she said.

Council Member Cianciolo verified with Ms. Clark that EmPOWERment had been allocated about \$6,000 of CDBG funds for its Career Explorers program and about \$13,500 for its rental housing manager position. He was reluctant to approve funding that had not been vetted, he said, adding that he wondered about the possibility of saying that any funds approved tonight would come out of next year's funding.

Council Member Storrow moved to authorize the Manager to provide EmPOWERment, Inc. with funding of up to \$28,000 prior to September, based on approval by the Housing Advisory Board at its July meeting.

COUNCIL MEMBER LEE STORROW MOVED, SECONDED BY COUNCIL MEMBER MATT CZAJKOWSKI, TO AUTHORIZE THE TOWN MANAGER PRIOR TO SEPTEMBER TO PROVIDE FUNDING OF UP TO \$28,000 TO EMPOWERMENT BASED ON APPROVAL OF THE HOUSING ADVISORY BOARD AT ITS JULY 2014 MEETING. THE MOTION WAS ADOPTED BY A VOTE OF 5-2, WITH MAYOR PRO TEM SALLY GREENE, COUNCIL MEMBER MATT CZAJKOWSKI, COUNCIL MEMBER ED HARRISON, COUNCIL MEMBER MARIA T PALMER, AND COUNCIL MEMBER LEE STORROW VOTING AYE AND WITH COUNCIL MEMBER GEORGE CIANCIOLO, AND COUNCIL MEMBER JIM WARD VOTING NAY.

Council Member Bell arrived at 6:21 p.m.

ANNOUNCEMENTS BY COUNCIL MEMBERS: None

CONSENT

2. Approve all Consent Agenda Items. (R-1)

COUNCIL MEMBER JIM WARD MOVED, SECONDED BY COUNCIL MEMBER ED HARRISON, TO ADOPT R-1. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION ADOPTING VARIOUS RESOLUTIONS AND ENACTING VARIOUS ORDINANCES (2014-06-23/R-1)

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS FROM THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (2014-06-23/R-2)

AN ORDINANCE TO AMEND “THE ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 2013 (2014-06-23/O-1)

AN ORDINANCE TO AMEND THE AFFORDABLE HOUSING FUND ORDINANCE (2014-06-23/O-2)

A RESOLUTION APPROVING 2014-2015 FUNDING FOR PERFORMANCE AGREEMENTS WITH HUMAN SERVICE AGENCIES AS RECOMMENDED BY THE HUMAN SERVICES ADVISORY BOARD (2014-06-23/R-2.1)

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ENTER INTO AGREEMENTS WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (2014-06-23/R-3)

A RESOLUTION ACCEPTING AND AWARDED THE BID FOR THE REHABILITATION OF TRINITY COURT AND PRITCHARD PARK (2014-06-23/R-4)

A RESOLUTION AWARDED A CONTRACT FOR RESURFACING OF STREETS (2014-06-23/R-5)

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXECUTE THE NECESSARY DOCUMENTS TO GRANT A SEWER LINE EASEMENT ON TOWN PROPERTY TO OWASA FOR THE INSTALLATION AND MAINTENANCE OF A SEWER LINE ALONG LITTLE CREEK (2014-06-23/R-6)

A RESOLUTION SUPPORTING COMMUNITY USE OF SCHOOL FACILITIES FOR RECREATION (2014-06-23/R-7)

A RESOLUTION ADOPTING A CALENDAR OF COUNCIL MEETINGS THROUGH DECEMBER 2015 (2014-06-23/R-8)

A RESOLUTION TO ADOPT SUMMARY MINUTES OF COUNCIL MEETINGS (2014-06-23/R-9)

4. Approve 2014-2015 Recommended Human Services Performance Agreements. (R-2.1)

Karen Dunn expressed appreciation to the Town for its ongoing support of Club Nova, and the EZ Rider program, which had been an invaluable service to her 84-year-old father, she said.

INFORMATION

13. [Report: Response to Transportation Board Petition Regarding Pedestrian Safety.](#)

Council Member Harrison discussed the Rosemary Street/Columbia Street intersection and said he was in favor of the Transportation Board's recommendations and was particularly grateful for the recommendation for an interval that would allow only pedestrians to cross. He said while traveling down that street after dark he had almost not seen a man crossing in that area on a recent trip.

All other agenda items were accepted as presented.

DISCUSSION

- 13.1 [Proposed Amendments to the Town's Affordable Housing Policies. \(R-9.1\)](#)

Ms. Clark responded to a petition that the Community Home Trust had presented on May 28, 2014 regarding a request that the Council make changes in existing practices. She briefly outlined the Trust's two requests to remove restrictions and explained the Town's process for providing funds. Approval would remove barriers and could encourage lenders (such as the SECU, Self Help Credit Union, and Sun Trust Bank) to provide mortgage financing to potential buyers, Ms. Clark said. She said that the request was in response to challenges that the Home Trust was experiencing a narrowing pool of eligible applicants and pointed out that allowing homes to be sold to higher income limits would mean that less subsidy would be required to address affordability issues.

Council Member Palmer explained that she did not support the request to go higher than the 115 percent income bracket. If the Community Home Trust could not come up with enough applicants then there was something wrong with its outreach, she said, adding that there were many people in Town who were making less than \$85,000 a year and needed assistance with

housing. She did not consider the proposed amendment to be the best use of Town subsidies, she said.

Mayor pro tem Greene commented that when the Town drafted its Inclusionary Zoning Ordinance, the Council learned from affordable housing advocates that there was a need for affordable housing at every range up to 115 percent. It had not been clear at that time that the Trust could invest in that market, but Attorney Tom Kelly had later found a way to do so and the Council had voted to ask the Home Trust to serve that market, she said. Mayor pro tem Greene said that this was a need that had been expressed and discussed by the current and previous Councils.

Council Member Palmer replied that families who were making \$50,000 to \$60,000 had been trying to qualify for Home Trust houses. The Town needed to get credit unions involved and find ways to have more people qualify, she said. Council Member Palmer spoke in favor of having the Community Home Trust remain in the business of building lower cost houses and reaching that population.

COUNCIL MEMBER JIM WARD MOVED, SECONDED BY COUNCIL MEMBER LEE STORROW, TO ADOPT R-9.1. THE MOTION WAS ADOPTED BY A VOTE OF 7-1, WITH MAYOR PRO TEM SALLY GREENE, COUNCIL MEMBER DONNA BELL, COUNCIL MEMBER GEORGE CIANCIOLO, COUNCIL MEMBER MATT CZAJKOWSKI, COUNCIL MEMBER ED HARRISON, COUNCIL MEMBER LEE STORROW, AND COUNCIL MEMBER JIM WARD VOTING AYE AND WITH COUNCIL MEMBER MARIA T PALMER VOTING NAY.

[A RESOLUTION MODIFYING THE GUIDELINES OF THE TOWN'S AFFORDABLE HOUSING PROGRAMS \(2014-06-23/R-9.1\)](#)

Reconsideration of Petition B.

COUNCIL MEMBER ED HARRISON MOVED, SECONDED BY COUNCIL MEMBER JIM WARD, TO RECONSIDER THE MOTION MADE IN PETITION ITEM B. THE MOTION WAS ADOPTED BY A VOTE OF 7-1, WITH MAYOR PRO TEM SALLY GREENE, COUNCIL MEMBER DONNA BELL, COUNCIL MEMBER GEORGE CIANCIOLO, COUNCIL MEMBER ED HARRISON, COUNCIL MEMBER MARIA T PALMER, COUNCIL MEMBER LEE STORROW, AND COUNCIL MEMBER JIM WARD VOTING AYE AND WITH COUNCIL MEMBER MATT CZAJKOWSKI VOTING NAY.

Mayor pro tem Greene said that Council Member Cianciolo had raised a procedural question about the petition from EmPOWERment, Inc. being heard for the first time that night. She confirmed with Town Attorney Ralph Karpinos that consideration of such actions required

unanimous approval. He noted that there had been no objection to considering it and that the Council had then voted on it.

Council Member Ward noted that there could have been an alternative suggestion that the Council appoint a subcommittee of three members to consider the item during the summer recess and make a binding recommendation to the Manager. That would allow the subcommittee to consider all the requests in the petition and perhaps consult with the Housing Board as well, he said.

Council Member Harrison moved to reconsider the resolution and Council Member Cianciolo moved that the Council appoint a subcommittee to address the petition from EmPOWERment during the summer recess and make a recommendation to the Manager of not more than \$50,500 for EmPOWERment and that the Manager act upon that recommendation.

Council Member Storrow noted that there was an existing Council Committee on Affordable Housing that could consider the proposal, and Council Member Cianciolo amended his motion to reflect that.

Council Member Ward expressed concern that this would circumvent the normal process.

THE MOTION WAS ADOPTED BY A VOTE OF 7-1, WITH MAYOR PRO TEM SALLY GREENE, COUNCIL MEMBER DONNA BELL, COUNCIL MEMBER GEORGE CIANCIOLO, COUNCIL MEMBER MATT CZAJKOWSKI, COUNCIL MEMBER ED HARRISON, COUNCIL MEMBER MARIA T PALMER, COUNCIL MEMBER LEE STORROW VOTING AYE AND WITH COUNCIL MEMBER JIM WARD VOTING NAY.

14. [Discuss the Disposal of the Property Located at 523 East Franklin Street through Preservation North Carolina. \(R-10\)\(R-11\)](#)

Council Member Czajkowski asked if the Council would make a decision on this issue tonight.

Mayor pro tem Greene said that Kathleen Turner, of Preservation North Carolina, strongly hoped the Council would make a decision tonight, since the option contract with Preservation NC would expire at the end of July. This was a real estate transaction, so time was of the essence when offers were on the table, Mayor pro tem Greene said. She believed that when Ms. Turner arrived she would urge the Council to make a decision tonight, she said.

Council Member Czajkowski replied that Ms. Turner had previously said that Preservation NC would extend the option. Moreover, he did not put a lot of value in Ms. Turner's advice, since she had previously advised the Town to accept lower offers, he said. He asked again if the Council was going to make a decision tonight.

Mayor pro tem Greene clarified that the Council had made the decision long ago to sell to Preservation NC and she clarified details of that contract.

Council Member Ward asked for more information regarding the difference between the Town selling the building itself on the open market and the contract with Preservation NC.

Town Attorney Ralph Karpinos explained that the Town could sell the property on its own and that the statutes allowed the Town to receive the highest amount of money. The option currently being considered was a private sale to Preservation NC, which intended to sell the property to a third party, and the resolution before the Council would adjust that option, he said.

Council Member Ward clarified with Mr. Karpinos that the resolution authorized the Manager to negotiate the price and that this was among the decisions that the Council had an opportunity to make. The Council could also decide on the minimum price, whether there should be any contingencies, and if there would be a time limit to exercise the option, he said. Or, the Council could adopt the second resolution, which would allow it to make a recommendation but Preservation North Carolina would choose the buyer, Mr. Karpinos said.

Council Member Ward asked for clarification of an emailed recommendation regarding a land lease option, and Mr. Karpinos explained that such an option would not give the Council any more flexibility. A lease of more than 10 years must be treated like a sale, so there would essentially be the same options and alternatives in a long-term lease as there would for a sale, he said.

Stephen Rich, a Boundary Street resident, said he assumed that the final highest bid had already come in. If the Town was accepting higher bids, wouldn't there need to be notification to all concerned parties, he asked, noting that one party was out of Town and would not be able to make a bid tonight. Mr. Rich asked the Council to listen to all that had been written in support of the Arts & Sciences Foundation and to the citizens who support that proposal. He said that he and others did not think the location was appropriate for a religious organization.

Council Member Czajkowski said that the situation raised a question regarding how offers were being considered. He was beginning to feel that the Town should let the option expire and approach it again at the beginning of the next session, he said, since the process thus far had been ad hoc and troubling.

Mayor pro tem Greene clarified with Mr. Karpinos that the Council had before it a resolution that would allow it to determine a minimum purchase price for selling the property to Preservation NC, which would then find a buyer. The proposal is to allow the Town Manager to negotiate a new option that would set that number, she said.

Council Member Cianciolo pointed out that the Town would not choose the buyer if it sold the building itself either, because it would go to the highest bidder.

Mr. Karpinos stated that the only other option he could think of would be to ask the NC General Assembly for the authority to go through a private sale.

Council Member Palmer reviewed the process thus far and said that the goal had been to find someone who would preserve the building and relieve the Town of property for which there had been no return. If any of the proposals met the Town's goals then she did not see any point in waiting until the fall, she said.

Council Member Czajkowski replied that a number of citizens in the room did see a need to wait. He said that the process had been disjointed and unfair and that there should be a set of procedures sent to people with dates after which they would lose the opportunity to buy.

Choosing the best use was not easy, Council Member Czajkowski pointed out, adding that the money from a bid that was substantially higher than others could go a long way toward reaching some Town goals.

Council Member Bell said she thought the process had become overly complicated. She was open to having the Council set a price for talking with buyers, she said, noting that this had been the original purpose. Now that it was clear exactly what the Council was supposed to do, she would like to go back and consider the impact items that Preservation NC had looked at and raise any additional items that the Council wanted to address, she said.

Council Member Czajkowski said he thought Preservation North Carolina had clearly stated at a Council work session that it would do whatever the Council directed it to do. It was the Town's agent and would do what the Council told it to do, he said. Council Member Czajkowski asked what amount the Town should set, adding that he could not fathom leaving it up to Preservation North Carolina to decide among the offers.

Mayor pro tem Greene said the Council was being asked to recommend a buyer who would be the best fit for all interests. The Council should be willing to do so tonight, she said, but added that she was feeling baffled by how to respond to the late, extraordinary offer. Maybe the Council could set a date certain for submitting final offers and then hold a special meeting to make a decision before the option runs out in July, Mayor pro tem Greene said.

Kathleen Turner, of Preservation NC, said that the reason she had recommended having a reasonable time-frame within which to seek Council preferences was that there had been four offers, which was unusual. She explained that Preservation NC had become involved in the process because it was a historic structure and there was a state statute that allowed local governments and counties to enter into negotiated sales for such important buildings. Ms. Turner explained how the process normally worked and said that this one had been different. From Preservation NC's perspective, getting Council guidance on additional factors to consider was important because the four offers were all good ones, she said.

Council Member Ward asked Ms. Turner if Preservation NC would take guidance from the Town regarding which buyer would make the best fit for the surrounding neighbors and community.

Ms. Turner replied that Preservation North Carolina would take any strong opinion the Town had about any of the current three offers and was seeking a recommendation from the Council.

Mayor pro tem Greene asked Ms. Turner to explain why she had earlier said that she hoped the Town would not extend the option and go into fall.

Ms. Turner replied that the option agreement would expire on July 28, 2014, and would have to be amended no matter what the Town did. The longer the Council waited the more opportunity there would be for folks to look elsewhere, she said. Extending and extending might not be best process for this situation, said Ms. Turner.

Council Member Czajkowski remarked that the only fair process was to tell people what they need to do and when -- to set a clear process, with final offers coming in on a certain date. He proposed meeting on the following Monday to do so.

Council Member Cianciolo said he supported Council Member Czajkowski's suggestion. There needed to be clarity for the applicants and the Council, he said.

Katherine Kopp, a Rosemary Street resident, read a letter to the Council listing her reasons for supporting the Arts & Sciences Foundation's bid. The Foundation's proposal gave a specific, well-defined use of the building and demonstrated that they had the funds to buy, renovate and maintain the building, pay taxes or make payments in lieu, she said. Ms. Kopp said that the Arts & Sciences Foundation would be the best fit for the predominately residential neighborhood.

Sallie Shuping Russell, a Rosemary Street resident and a UNC trustee, noted that the Arts & Sciences Foundations was a separate entity from UNC. She described its function and discussed its independence from UNC. Ms. Russell pointed out that concerns could be addressed through putting certain contractual rights in the purchase and sale agreement.

Richard Billington, president of the Chapel Hill Historical Society, made a final plea to the Town to not sell the building,. He said that the Historical Society was grateful to the Town for having allowed it to share the facility and regretted that it would no longer serve the community from that location. Mr. Billington noted that one Council member had discussed a proposal to consider turning Old Town Hall into a center for non-profits. If that were to be done, he hoped that the Historical Society would be considered, Mr. Billington said.

Stanley Robboy, representing Rohr Chabad of UNC, said that the University being nearby was an issue that always came up anytime any new organization wanted to move anywhere. It had been an issue for Chabad as well, but they had found that everyone begins to work well together in a very short time, he said.

Ken Weiss, a Chapel Hill resident, said he had known Rabbi Zalman Bluming and his family for seven years and that they were compassionate, giving, considerate, dedicated, kind and spiritual people. They were exactly the kind of neighbors he would want, Mr. Weiss said, and he suggested checking to see if there had been any complaints by Chabad's neighbors on Mallett Street during the time they had been located there.

Jay Miller, a Chapel Hill resident, mentioned the importance of providing non-profits with affordable space in Town, but said that such space need not be as wonderful as the former library building. He encouraged the Council to consider the higher offers and to use the property tax revenue from that to help non-profits and social service groups.

Jodi Bakst, a Chapel Hill realtor, agreed with those who had spoken on behalf of Chabad. She said that Chabad had been a good neighbor at both of its former locations.

Herman Genderson, a Chapel Hill resident, expressed support for Chabad's proposal and said that many citizens' concerns had not been based on the facts of Chabad's 10-year track record in Town. Chabad was not just a student organization but a responsible community entity with excellent neighborhood relations, he said. Chabad would seamlessly fit into the neighborhood and with the Town's values of diversity, said Mr. Gendersen.

Phil Szostak, also speaking for Chris and Anne Cox as well, said that he and they had offered a project that would not be subject to rezoning. It would be a cultural center designed to be a beacon in Chapel Hill, he said. As an urban designer, Mr. Szostak explained, he saw a great opportunity to keep the cultural vision on Franklin Street. They had given their best bid, but would present a final one when the date for submitting that had been identified, Mr. Szostak said.

Chris Cox, a Chapel Hill resident, added that he was sensitive to the neighbors and the neighborhood but had not had much opportunity to discuss his vision with them because he had not been given a go ahead for such discussions. He had grown up in the area and currently lived across the street and understood what the neighbors wanted, Mr. Cox said.

Randall Roden, a neighbor, encouraged the Council to consider the Cox proposal to continue the same type of activity at the location. He expressed concern about rezoning the property and argued that the Council should seek something there that would benefit the entire community. A broad-based cultural approach would be useful and there was someone willing to finance that, he pointed out.

Edwin Poston, Arts & Sciences Foundation chair, mentioned the Foundation's non-profit 501C3 status and stressed that it was entirely separate from the University. The Foundation would use the building for its offices during normal business hours, not on evenings or weekends, he said. Mr. Poston argued that the Foundation was the best fit for the location and said that it had the resources to renovate and maintain the property and to pay taxes as a for-profit entity.

Lynne Kane, a Chapel Hill resident, spoke in support of the Foundation and said that the Cox proposal was also a viable one. She said she assumed that Chabad was similar to Hillel, which she attended, and that students frequently come and go and many attend dinners there on holidays. Chabad did not seem like a reasonable fit given the other opportunities that were available to the Town, said Ms. Kane.

Rabbi Zalman Bluming, representing Rohr Chabad of UNC, said that Chabad had made the best offer it could and that they wanted to move the process forward. He shared supportive letters

from current neighbors and said that he saw the East Franklin Street location as a wonderful opportunity and looked forward to becoming part of that neighborhood.

Council Member Cianciolo confirmed with Rabbi Bluming that Chabad would outbid any other offer by \$250,000. He expressed some concern about an offer like that, which seemed designed to scare others away and said he assumed there was some limit. Council Member Cianciolo also noted that the Arts and Sciences Foundation had said it would spend about \$1.8 million on renovations and he asked Rabbi Bluming if Chabad had its own estimate of that cost.

Rabbi Bluming replied that Chabad had given a clear offer of \$1.3 million. He said that developer Josh Gurlitz had helped them with the estimate of cost for upgrading and maintaining the building to its highest standards. Rabbi Bluming said that Chabad was committed to making the building a shining diamond in the community.

Council Member Palmer said that the argument that the Arts & Sciences Foundation would be a good choice because no one being there at night and on weekends did not appeal to her. She preferred more of a community feel, with buildings lighted and people walking around, she said. Council Member Palmer confirmed with other Council members that it would be possible to set the price at \$1.3 million in R-10 and then state a preference about uses separately.

Council Member Czajkowski proposed giving the bidders a week to come back with their last and final bids in writing. He moved to defer the item for a week, set another Council meeting, and instruct the Town Attorney, Town Manager and Preservation North Carolina to create a process that would allow the competing parties to submit their best and final offers.

Council Member Ward seconded the motion, adding a friendly amendment stating that the resolution include asking bidders to state their positions on providing payments in lieu of taxes.

Mayor pro tem Greene supported the motion and pointed out that the Council was not bound to take the highest offer and might not do so. She did not think the process had been clear and fair, she said.

Mr. Karpinos pointed out that whether or not offers were contingent upon rezoning would be another factor and that a final time for bids to be submitted to the Manager should be stated.

Council Member Czajkowski accepted those additions and said that bids should not be released to anyone until the Council's Monday meeting.

Mr. Karpinos stated that 5:00 p.m. on Friday would be the deadline for submission then.

Council Member Storrow confirmed with Mayor pro tem Greene that Preservation North Carolina had the right of first refusal and that the Town could attempt to negotiate a right of second refusal.

COUNCIL MEMBER MATT CZAJKOWSKI MOVED, SECONDED BY COUNCIL MEMBER JIM WARD, TO DEFER THE ITEM. THE MOTION WAS ADOPTED BY A VOTE OF 6-2, WITH MAYOR PRO TEM SALLY GREENE, COUNCIL MEMBER GEORGE CIANCIOLO, COUNCIL MEMBER MATT CZAJKOWSKI, COUNCIL MEMBER ED HARRISON, COUNCIL MEMBER LEE STORROW, AND COUNCIL MEMBER JIM WARD VOTING AYE AND WITH COUNCIL MEMBER DONNA BELL, AND COUNCIL MEMBER MARIA T PALMER VOTING NAY.

15. [Consider Revisions to the Town Code Towing and Mobile Phone Regulations. \(O-3\)\(O-4\)](#)

Mr. Karpinos presented his recommendation regarding a recent NC Supreme Court decision regarding a lawsuit that had challenged two Town ordinances. He said that the Council had before it an amendment to Town ordinances with recommendations to repeal the Mobile Phone Ordinance and to make adjustments and deletions to the Towing Ordinance. With regard to the Towing Ordinance, Mr. Karpinos recommended adding a requirement that towing companies must post their maximum fees on their signs.

Attorney Tom Stark, representing George King Towing, said that a two- by two-foot sign at business entrances seemed appropriate but posting one at the exit did not make sense and that having one four- by five-foot sign would be most effective. A six-foot sign would be ineffective because people look at eye level signs when they park, Mr. Stark said. He stated that signs painted on the pavement were the most effective.

Council Member Storrow confirmed with Mr. Karpinos that requiring towing companies to state what the maximum fees were would be consistent with what the Court had said. He said that Town staff could discuss Mr. Stark's comments regarding signage and return to Council with a recommendation.

Council Member Ward remarked that Mr. Stark's comments regarding signs' being located at each access point made sense to him. Heights should be four and six feet, he said, adding that the bottom should not be lower than four feet but the upper limit was not important. Council Member Ward suggested making those changes to O-4.

Council Member Czajkowski commented that the judgement against Chapel Hill would invalidate every towing law in the state.

Mr. Karpinos replied that it would be up to those town councils to advise their elected boards, but the NC Supreme Court had said that local governments did not have the authority under current state law to regulate fees for towing companies.

Mr. Stark stated that it was not his client's desire to pass more cost onto customers. The goal was to have a reasonable amount of signage that would put people on notice, and to do so as cost-effectively as possible, he said.

Council Member Cianciolo asked why "video surveillance" could not be printed on the same sign. Mr. Karpinos replied that the Council had made that judgement three or four years ago and that it could be changed.

Council Member Ward clarified with Mr. Karpinos that he was recommending that Council enact the two ordinances and then allow staff and the Chapel Hill Police Department to consider Council comments and talk with towing companies to determine if there could be another recommendation and options for further adjustments. He said that he was not comfortable with enacting something and then having to change after towing companies had been following those rules.

Mr. Karpinos replied that the rules had been in place from 2012 until they were enjoined two years ago by the NC Superior Court, but the Town had been unable to enforce any of it. The proposed ordinance would make certain adjustments to conform to the Supreme Court's determination, he said. Mr. Karpinos explained that the ordinance would go back in place, as amended, when the injunction was modified sometime over the summer. In the meantime, the Town could hold discussions with the towing companies and staff and come back with suggestions in the fall, he said.

Council Member Ward said that he could support passing the ordinance as long as it did not mean likely switching the rules on anyone multiple times in a year.

Mr. Karpinos replied that the injunction would be modified by the trial court and unlawful provisions would be permanently enjoined. Then the ordinance, including all of the notice provisions that are in the current ordinance, would go back into effect, and the only change would be that the recommendation to require notice of fees on the signs had been struck down. Otherwise, the ordinance was what the Council passed in 2012, with modest changes that had been discussed with Mr. Stark, Mr. Karpinos said. If the Council did not want the ordinance to go into effect, then it should direct that it be repealed, he said. Mr. Karpinos said that he was not comfortable with drafting an ordinance on the floor without input from the Police Department.

Council Member Bell pointed out that the Council's decision about signage had been made after a comprehensive discussion in 2012. She was not comfortable with trying to craft an ordinance on the floor, she said, adding that she would be happy to hear from the Police Department about recent towing patterns.

Council Member Harrison noted that the Town did not currently have a towing ordinance and he proposed enacting the one that was available with whatever instructions the Council needed to send.

Council Member Storrow moved O-3 and O-4 and Council Member Ward seconded O-3.

Council Member Czajkowski said that the Town's passage of its Cell Phone Ordinance had led to a situation that had essentially eliminated the right of all municipalities in North Carolina to regulate towing fees. The Cell Phone Ordinance had been impossible for towing companies to comply with, so they had filed a suit against both ordinances, he said.

Mayor pro tem Greene replied that the Cell Phone Ordinance had been in response to a community conversation and the wishes of constituents. She pointed out that the lower court had given the Town a unanimous opinion. The Court of Appeals decided one way and the Supreme Court decided another way, she said, adding that she did not think the Town needed to apologize for anything.

Council Member Czajkowski pointed out that, at his request, the Town had received a ruling from the state attorney general, saying that the Town did not have the authority to pass the Cell Phone Ordinance.

Mayor pro tem Greene replied that that had been a non-binding opinion.

Council Member Czajkowski noted that people in Town would now pay \$180 when their cars were towed, rather than \$100. That seemed to be "a horrible risk/reward trade-off and should have been seen as such at the time," he said.

Mr. Karpinos said that he had written in memos to the Council that, in the absence of any binding case authority or clear statutory prohibition, there was a reasonable argument that could be made that the Town had the authority to regulate the use of mobile phones by operators of motor vehicles over the age of 18. The Town had made a reasonable argument and the Supreme Court did not agree with it, he said.

Council Member Ward said that he did not see a link between the two issues. The cell phone ban had been a clear response to public safety, which was one of the Council's most important missions, he said. Council Member Ward added that he saw the NC Supreme Court's opinion as temporary and he believed there would eventually be a state-wide or nation-wide response to the hazards of cell phone use while driving. It was a good trade-off to begin that conversation, Council Member Ward said.

COUNCIL MEMBER LEE STORROW MOVED, SECONDED BY COUNCIL MEMBER GEORGE CIANCIOLO, TO ENACT O-3. THE MOTION WAS ADOPTED BY A VOTE OF 7-1, WITH MAYOR PRO TEM SALLY GREENE, COUNCIL MEMBER DONNA BELL, COUNCIL MEMBER GEORGE CIANCIOLO, COUNCIL MEMBER ED HARRISON, COUNCIL MEMBER MARIA T PALMER, COUNCIL MEMBER LEE STORROW, AND COUNCIL MEMBER JIM WARD VOTING AYE AND WITH COUNCIL MEMBER MATT CZAJKOWSKI VOTING NAY.

[AN ORDINANCE REPEALING ARTICLE VII OF CHAPTER 21 OF THE TOWN CODE PROHIBITING THE USE OF MOBILE TELEPHONES BY PERSONS 18 YEARS OF AGE AND OLDER WHILE OPERATING MOTOR VEHICLES \(2014-06-23/O-3\) \(PDF\)](#)

COUNCIL MEMBER LEE STORROW MOVED, SECONDED BY COUNCIL MEMBER GEORGE CIANCIOLO, TO ENACT O-4. THE MOTION WAS ADOPTED BY A VOTE OF 7-1, WITH MAYOR PRO TEM SALLY GREENE, COUNCIL MEMBER DONNA BELL, COUNCIL MEMBER GEORGE CIANCIOLO, COUNCIL MEMBER ED HARRISON, COUNCIL MEMBER MARIA T PALMER, COUNCIL MEMBER LEE STORROW, AND COUNCIL MEMBER JIM WARD VOTING AYE AND WITH COUNCIL MEMBER MATT CZAJKOWSKI VOTING NAY.

[AN ORDINANCE AMENDING CHAPTER 11, ARTICLE XIX OF THE TOWN CODE REGARDING TOWING FROM PRIVATE LOTS \(2014-06-23/O-4\) \(PDF\)](#)

16. [Consider Approving a Development Agreement for Glen Lennox. \(O-5\)](#)

Director of Policy and Strategic Initiatives Mary Jane Nirdlinger noted that the public hearing was the end of the development agreement (DA) negotiation process and that the Council had the opportunity to approve the agreement tonight. She reviewed changes resulting from discussion and presented the consensus recommendations. Areas still to be discussed included transportation improvement triggers, rental housing language, and language to clarify floor area, Ms. Nirdlinger said. She reviewed possible next steps and said that staff was present to answer any remaining Council questions.

Dave Worster, Glen Lennox Steering Committee chair, thanked the development team on behalf of the Church of the Holy Family. He said that the process had been inclusive and that the team had been very responsive to questions and concerns. He noted a small but important detail regarding a proposed median that church members felt would cut off access to their parking areas. Mr. Worster referred the Council's attention to Article VIII and noted that mitigation measures could be installed at a later date, if warranted. Mr. Worster asked to be included in the conversation if that was addressed. He thanked Town Engineering Services Manager Kumar Neppalli, in particular, and urged the Council to approve the DA for Glen Lennox as long as the section on mitigation measures is included.

Molly McConnell, a Glen Lennox resident, praised the collaborative and creative process and said that the developer, Clay Grubb, had shown great humility. Mr. Grubb had listened to residents for 18 months and had retained the multi-cultural socio-economic diversity and integrity of the community, she said. Mr. Grubb and his team had shown great compassion, Ms. McConnell remarked, and said she hoped the collaborative Glen Lennox effort would stand as a model for future development.

Council Member Czajkowski said that Glen Lennox had converted "absolutely frightening citizen hostility" toward the developer and his proposal to the point that they were at now. It had taken four to six years to do so, but Glen Lennox should be the model for other types of discussions, he said.

Council Member Harrison said that he had become involved six years ago when citizens had been summoned to the Church of the Holy Family and presented with the first set of concepts. A year later, Mr. Grubb had changed direction and he and his team had thrown themselves into working with the community, Council Member Harrison said. He pointed out that Glen Lennox had been a redevelopment project.

COUNCIL MEMBER DONNA BELL MOVED, SECONDED BY COUNCIL MEMBER JIM WARD, TO CLOSE THE PUBLIC HEARING. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

COUNCIL MEMBER ED HARRISON MOVED, SECONDED BY COUNCIL MEMBER MATT CZAJKOWSKI, TO ENACT O-5. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

[AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT FOR GLEN LENNOX DEVELOPMENT \(Orange County Parcel Identifier Numbers 9798-26-8547 and 9798-25-4529\)\(2014-06-23/O-5\)](#)

17. [Consider Application for Special Use Permit - Duke Energy Calvander-Eubanks Energy Substation, 1701 Eubanks Road. \(R-12\)\(R-13\)](#)

Planner Eric Feld said that staff had evaluated Duke Energy's special use permit (SUP) application and was recommending adoption of R-A. He displayed a map showing site location and plan. Mr. Feld said that the applicant had not requested modifications to regulations and had agreed to a payment in lieu for construction of a sidewalk along Eubanks Road. He noted two additional stipulations and said that staff believed the corresponding development application was in compliance with the Town's Comprehensive Plan and was recommending approval.

Mayor pro tem Greene asked about the rationale for the \$50,000 payment in lieu.

Mr. Feld explained that there was no capital improvement plan currently in place, but the road might be widened in the future. Therefore, staff was recommending a payment in lieu that could be used for design and construction of a future sidewalk, he said.

James Shapard, speaking for Duke Energy, explained that they had arrived at the \$50,000 amount after talking with Town staff. Staff had recommended \$28,000, but Duke Energy added to that because of the difficult area and their own original estimate of the cost of actual construction, he said. Mr. Shapard also clarified a change pertaining to widening a driveway.

Council Member Palmer expressed gratitude for the sidewalk payment. That made her more willing to approve the SUP, she said, adding that she hoped Eubanks would eventually be developed into a walkable and bikeable road.

COUNCIL MEMBER JIM WARD MOVED, SECONDED BY COUNCIL MEMBER DONNA BELL, TO CLOSE THE PUBLIC HEARING. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

COUNCIL MEMBER JIM WARD MOVED, SECONDED BY COUNCIL MEMBER MARIA T PALMER, TO ADOPT R-12 AS AMENDED. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

18. [Consider Application for Special Use Permit Modification - Southern Orange County Government Services Campus, 2251 Homestead Road. \(R-14\)\(R-15\)\(R-16\)](#)

Senior Planner Kay Pearlstein opened the continuation of a public hearing regarding a government services facility expansion, noting that this was the point in the public process where the Council could take action. She outlined Orange County's 2014 development proposal and said that they had requested a long-term build-out in order to align future needs with budget considerations. Ms. Pearlstein responded to questions from a May 14, 2014 public hearing regarding traffic improvements, a multi-modal path, site and building design, an unimproved right-of-way, residential uses, and removal of invasive exotic plants. She said that the project had received expedited processing and that staff was recommending adoption of revised R-A and also R-C, which would accept portions of the Chapel Ridge Drive public right-of-way.

Roger Waldon, of Clarion Associates, spoke on behalf of Orange County's application. He thanked the Council for the expedited processing and for its comments and questions. The plan was a very good one, which would serve the needs of Orange County and Chapel Hill residents, he said, stating that the applicant accepted all stipulations.

Assistant County Manager Jeff Thompson and Interim County Manager Michael Talbert thanked the Council for its consideration. Mr. Talbert said that the County was in complete agreement with R-A and R-C and was eager to move forward.

Council Member Storrow asked if there had been any more discussion regarding the possibility of putting affordable housing on the property.

Mr. Talbert replied that they had talked about it in generalities but it was not their intent to do so at the start of the process since they want to maximize the site for County services over the next 20 years.

Council Member Ward said that he supported including sharrow painting on the pavement. However, it seemed to him that there should be a climbing lane on the entrance drive going up, he said, and he confirmed with Mr. Waldon that the applicant was agreeable to that.

Council Members Cianciolo and Greene agreed with that suggestion, and Ms. Pearlstein proposed language for adding a condition for a climbing lane to Stipulation 14.

Council Member Ward also recommended pairing the sharrow markings with a sign showing an image of a bicycle and saying, "may use full lane". Ms. Pearlstein added that to the stipulations as well.

COUNCIL MEMBER DONNA BELL MOVED, SECONDED BY COUNCIL MEMBER JIM WARD, TO CLOSE THE PUBLIC HEARING. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

COUNCIL MEMBER JIM WARD MOVED, SECONDED BY COUNCIL MEMBER LEE STORROW, TO ADOPT R-14 AS AMENDED. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

COUNCIL MEMBER JIM WARD MOVED, SECONDED BY COUNCIL MEMBER GEORGE CIANCIOLO, TO ADOPT R-16. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

[A RESOLUTION ACCEPTING A PORTION OF THE RIGHT- OF-WAY DEDICATED TO THE TOWN FOR PUBLIC RIGHT-OF-WAY PURPOSES RUNNING FROM THE WESTERN TERMINUS OF NORTHFIELD DRIVE IN A NORTHERLY DIRECTION TO HOMESTEAD ROAD, A PORTION OF WHICH IS COMPLETED AND OPEN TO THE PUBLIC AND NAMED CHAPEL RIDGE DRIVE \(2014-06-23/R-16\)\(PDF\)](#)

19. [Obey Creek Development Agreement Process: Consider Whether to Proceed to Negotiation Phase. \(R-17\)](#)

Assistant to the Town Manager Jason Damweber gave a PowerPoint presentation regarding the development agreement (DA) process for the 124-acre Obey Creek site and discussed the possibility of moving into the negotiation phase with the developer. He said that staff had received a traffic impact analysis (TIA), an environmental site assessment, and data that delineated site limitations. The developer had also provided more detailed information and Town staff and the technical team had further refined negotiation points for the next phase of the process, Mr. Damweber said. He provided an extensive list of topics that had been discussed at public meetings and that needed to be negotiated. He said that the major points that needed to be

negotiated included: size of development, mix of uses, costs versus benefits, traffic mitigation, design guidelines, off-site bike and pedestrian improvements, development on Town-owned property, and who would pay for what.

Mr. Damweber said that staff believed there was sufficient information to proceed to the negotiation phase of the DA. He noted that some outstanding questions remained related to fiscal impacts and the fact that the Town had not yet received the NC Department of Transportation (DOT) response to the TIA. An alternative to proceeding with negotiations would be to direct staff to work on gathering that information over the summer and returning with a decision to proceed in the fall, he said. Mr. Damweber presented a tentative schedule if the Council decided to proceed to the negotiation phase, which would conclude with a public hearing and decision in March-April 2015. He noted that there would be ongoing opportunities for public comment and questions throughout the process.

Paul Brown, a Chapel Hill resident, said that the Town was not prepared to negotiate because basic information still needed to be obtained and understood. He urged the Council to postpone the process until it was better prepared to negotiate.

Susana Dancy, a Chapel Hill resident, stressed the importance of interweaving Obey Creek with the fabric of Southern Village. She said that it was not clear to the public, or to the Obey Creek Compass Committee (CC), that the Council knew what it wanted. Ms. Dancy provided a list of action items that several Committee members had put together and read the cover letter, which asked for a postponement and made several requests regarding the DA process.

Compass Committee Members Julie Richardson, Susan Lindsay, Snehal Patwardhan, John Newall and Steve Vanderwonde also stated that the Town did not yet have complete information and asked that the Council obtain the necessary data and return to the issue in the fall.

Kimberly Brewer, a Compass Committee and Planning Board member, said that the Phase 2 work had been inadequate. The Council's request to expand the study to include US 15-501 had not been done and the environmental assessment was inadequate, she said. Ms. Brewer stated that there had been no new information and no meaningful exchange at the public information meetings she had attended. She said that the public needed to know that the Council was negotiating with trade-offs in mind and should be pursuing its own vision rather than that of the applicant. Ms. Brewer said she supported the Damweber Plan B.

Debbie Mozgala, a Chapel Hill resident, said she trusted that the Council would involve the public in the negotiation phase. As a preservationist, she saw no purpose in including the proposed slip road but did see reasons to have a two-way street that would circle the entire property, she said. Ms. Mozgala stated that the property should serve the larger community. She asked for more information about a potential retirement community for artists and a Parks and Recreation building that might contain art studios. Ms. Mozgala spoke in favor of including a 1,000-seat community performing arts center, and said that the process should move forward.

Monte Brown, a Compass Committee (CC) member, expressed several objections to the process thus far and noted that the CC had unanimously asked the Council to not proceed with the plan

as presented. He expressed concern about the consultant's source of information and asked the Council to hire a new consultant and to spend as much time addressing the issues as the CC had.

Jeanne Brown, a CC member, urged the Council to choose the Damweber Plan B and to read the document that Susana Dancey had presented. She also asked the Town to hold a public hearing for more discussion, to schedule some additional work sessions in the fall, to give Town staff clear direction on what information the Council needed, and to reiterate the Council's direction to the technical team to look at both sides of the road.

Roger Perry, of East West Partners, noted that the current task was not to make decisions about Obey Creek but to decide if there was going to be a conversation about it. He noted the irony of some speakers asking the Council to take ownership of the process when the Council could not do that until it began the negotiation phase. Mr. Perry stressed that he was not asking for approval but simply asking to decide whether or not the Town wanted to actively pursue the Obey Creek concept. If the positives of his proposal were not sufficient to discuss, then the Town should say so and East West Partners would live with the existing zoning, he said.

Roger Waldon, a development team member, responded to a citizen's comment that there had been no professional planning for the area. There has been much professional planning, for a long time, he said, and he discussed some of that in some detail.

Council Member Palmer noted that the Council would soon go on recess and would not have a chance to review some of the information that would be coming in until the fall. She proposed waiting until then to begin negotiations, adding that she felt encouraged by the Committee's unanimous vote. She pointed out that give and take had not begin with Glen Lennox either until the negotiation phase started.

Council Member Cianciolo said that he felt offended by the tone of some emails accusing the Council of letting others drive the process. The Council had been saying for some time that it wanted to be involved in discussions, he pointed out. Council Member Cianciolo spoke in favor of moving forward in September, contingent upon the Town getting the necessary reports.

Council Member Bell said that she trusted the technical team and other staff members to make technical assessments and that the Council's responsibility was to determine whether or not what was being presented met Town goals. The Council has a Comprehensive Plan and also the Compass Committee's report to help it make those decisions and would do the same with Obey Creek as it had with Glen Lennox, she said.

Council Member Storrow determined from Mr. Damweber that the technical team seemed to be in agreement that there was an opportunity to create synergy and connectivity between Obey Creek and Southern Village. There were infinite possibilities about what could be built on either side and about who would be responsible for developing that, he said, adding that the negotiation phase would be where a conversation about trade-offs and costs would occur.

Council Member Storrow confirmed with Mr. Damweber that the plan was to petition Obey Creek for voluntary annexation. He asked when information regarding the cost of providing services would be available, and Mr. Damweber replied that staff would look at that as part of the fiscal impact study that would be done over the summer.

Council Member Storrow confirmed with Mr. Damweber that the current TIA was not the final one. The Town would make adjustments, as necessary, after receiving feedback from NC DOT, he said.

Engineering Services Manager Kumar Neppalli noted that there were two additional studies being conducted for US 15-501. Those were not related to Obey Creek, but NC DOT wanted to make sure that the Obey Creek recommendation aligned with those, he said. Mr. Neppalli said that the Town would receive comments from DOT within four to six weeks and would receive two studies from DOT and one from the Town's consultant by late fall.

Council Member Ward said he was prepared to say that the Council would initiate the negotiation phase of the DA process subject to receipt and review of the traffic and fiscal impact reports. He proposed having more than three work sessions during that process, however, and stated that the Council should be as informed and invested in the process as it was during Carolina North discussions.

Council member Cianciolo agreed, but noted that any fiscal impact analysis would be hypothetical until the Council actually sat down with the applicant and decided what it wanted.

Council Member Czajkowski stated that East West Partners had never proposed reducing the square footage.

Mr. Perry refuted Council Member Czajkowski's assertion, stating that the original concept plan was for 2.5 million square feet and that East West Partners had reduced it to 1.5 million.

Council Member Czajkowski said that the debate really was over the mix of uses, and Mr. Perry replied that that could only be resolved through conversation with the Council.

Council Member Czajkowski said that it would be resolved when the Town had the data that would enable it to look at the impact of different approaches. He said that he would endorse the developer sitting down with the neighbors, as was done with Glen Lennox. Why not have further discussions between the CC and East West Partners over the summer to try and come up with a plan that everyone could endorse, Council Member Czajkowski asked.

Council Member Palmer remarked that it was not true that everyone in Town wanted a smaller development. She said that she would not object if the square footage increased. Obey Creek needed to happen and needed to be a beautiful development that would bring business, retail and amenities to Chapel Hill, she said. Council Member Palmer said that the CC had done its job and that it would be malpractice for the Council to suggest that the developer negotiate with them. The Council could not allow 16-20 people to decide for the rest of Chapel Hill what would be built on a huge chunk of the Town's last developable land, she said, and she endorsed

Council Member Ward's proposal to make negotiations conditional on receiving information.

Council Member Storrow said that the Council would be setting a dangerous precedent if it started comparing Glen Lennox to every development process going forward. To compare a green fill development to Glen Lennox, a functioning development that the developer could pull income from while going through a six-year project, was like comparing apples to oranges, he said.

Council Member Ward proposed that the Town also obtain information about traffic, environmental and fiscal impact if the property were to be developed with its current zoning.

Council Member Czajkowski said that many in Town were deeply concerned about 1.5 million square feet. Why could a process similar to Glen Lennox not happen with Obey Creek, he asked.

Mr. Perry replied that East West Partners and the CC had reached out to each other in good faith and had sat down and agreed upon many principles. However, the CC could not agree among themselves on the proper density, he pointed out. Mr. Perry pointed out that he had explained in the past that less than a million square feet would not be a viable enterprise and that East West Partners would then be mandated to use the existing zoning -- which it was prepared to do if the Town wanted a smaller development. He said that the larger development could provide things that would benefit the Town in terms of affordable housing, energy conservation and traffic mitigation. Mr. Perry said that East West Partners would not request annexation if it had to do single-family lots because the selling price of homes would be higher if they remained outside Chapel Hill.

Council Member Harrison said that he was very interested in getting the DOT report -- which could be not encouraging -- and the fiscal impact analysis and environmental impact report. He said it was important to find out if the school district actually wanted to use the identified school site. The Town would not be prepared to begin negotiating for at least three months, probably longer, Council Member Harrison predicted. He said there would need to be multiple work sessions, more than had been indicated in the staff's proposed schedule and that the Council might need to change the resolution to reflect that.

Council Member Bell pointed out that there had been much uproar about Southern Village being developed and that it was now being seen as underdeveloped. Council members were not experts in transportation, environment, and so forth, but they were experts regarding the Town's environmental standards and ordinances and whether or not a proposed development meets Town requirements, she said. She asked why the Town had hired a technical committee (using the developer's money) if it had not intended to use that expertise to help it move the process forward. Not heeding the team's opinion would be a fine example of wasting money, she said.

Mayor pro tem Greene agreed that there were many differences between Obey Creek and Glen Lennox. The entire Glen Lennox area had been subject to several different neighborhood conservation districts, she pointed out. Mayor pro tem Greene said that she felt troubled by the

idea of moving into the negotiation phase without having the information indicated in the flow chart in hand. However, it was time for the Council to be in the driver's seat, she said, and she would support going into the negotiation phase tonight contingent upon receiving the fiscal, traffic and environmental reports. Mayor Kleinschmidt had met with neighbors and had offered the first meeting in September as a time for Council and staff to receive and discuss that information, Mayor pro tem Greene said.

COUNCIL MEMBER JIM WARD MOVED, SECONDED BY COUNCIL MEMBER GEORGE CIANCIOLO, TO ADOPT R-17 AS AMENDED. THE MOTION WAS ADOPTED BY A VOTE OF 5-3, WITH MAYOR PRO TEM SALLY GREENE, COUNCIL MEMBER GEORGE CIANCIOLO, COUNCIL MEMBER ED HARRISON, COUNCIL MEMBER MARIA T PALMER, AND COUNCIL MEMBER JIM WARD VOTING AYE AND WITH COUNCIL MEMBER DONNA BELL, COUNCIL MEMBER MATT CZAJKOWSKI, AND COUNCIL MEMBER LEE STORROW VOTING NAY.

[A RESOLUTION AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO ENTER INTO THE NEGOTIATION PHASE OF THE DEVELOPMENT AGREEMENT PROCESS WITH OBEY CREEK VENTURES, LLC FOR THE OBEY CREEK SITE \(2014-06-23/R-17\)](#)

APPOINTMENTS

21. [Appointments to the Cemeteries Advisory Boards.](#)

The Council appointed Mary Hayes, James Merritt and Steve Moore to the Cemeteries Advisory Board.

[Master Ballot \(PDF\)](#)

22. [Appointments to the Historic District Commission.](#)

The Council appointed Benjamin Brodey, Cari Filer, Alan Rimer, Iris Schwintzer and James White to the Historic District Commission.

[Master Ballot \(PDF\)](#)

23. [Appointment to the Housing Advisory Board.](#)

The Council appointed Milicent Bowle to the Housing Advisory Board.

[Master Ballot \(PDF\)](#)

24. [Appointments to the Justice in Action Committee.](#)

The Council appointed Alissa Ellis, Jeff Hall, Andrea Jones and Iris Schwintzer to the Justice in Action Committee.

[Master Ballot \(PDF\)](#)

25. [Appointments to the OWASA Board of Directors.](#)

The Council appointed David Moreau to the OWASA Board of Directors.

[Master Ballot \(PDF\)](#)

26. [Appointments to the Personnel Appeals Committee.](#)

The Council appointed Valerie Bateman, Allen Buansi, Eugene Farrar, Jennifer Vuillermet and Steven Wayling to the Personnel Appeals Committee.

[Master Ballot \(PDF\)](#)

27. [Appointments to the Stormwater Management Utility Advisory Board.](#)

The Council appointed Stephen Bevington, Stefan Klakovich, Carson Stuart, Matthew Witsil and Sally Hoyt to the Stormwater Management Utility Advisory Board.

[Master Ballot \(PDF\)](#)

28. [Council Appointments to Orange County's Solid Waste Advisory Group. \(R-18\)](#)

The Council elected Mayor Mark Kleinschmidt and Council Member Jim Ward to the Orange County's Solid Waste Advisory Group.

[A RESOLUTION DESIGNATING TWO COUNCIL MEMBERS TO THE SOLID WASTE ADVISORY GROUP \(2014-06-23/R-18\)](#)

20. [Appointments to the Board of Adjustment.](#)

The Council appointed Loren Hintz and Paul Bungard to the Board of Adjustment.

[Master Ballot \(PDF\)](#)

The meeting adjourned at 12:17 p.m.

**DRAFT SUMMARY MINUTES OF A WORK SESSION
OF THE CHAPEL HILL TOWN COUNCIL
WEDNESDAY, SEPTEMBER 10, 2014, AT 6:00 P.M.**

Present were Mayor Mark Kleinschmidt, Mayor pro tem Sally Greene, Council Member Donna Bell, Council Member George Cianciolo, Council Member Matt Czajkowski, Council Member Ed Harrison, Council Member Lee Storrow, and Council Member Jim Ward.

Absent: Council Member Maria T Palmer.

Staff members present were Town Manager Roger Stancil, Deputy Town Manager Florentine Miller, Mayoral Aide Jeff Deluca, Assistant to the Town Manager Jason Damweber, Community Sustainability Planner Megan Wooley, Executive Director of Planning and Sustainability Mary Jane Nirdlinger, Police Officer Rick Fahrer, and Communications and Public Affairs Director and Town Clerk Sabrina Oliver.

AGENDA ITEMS

1. Approve Agenda. (no attachment)

Mayor Kleinschmidt called the work session to order at 6 p.m.

Public Comment

Jeanne Brown requested that the Council consider amending the Obey Creek resolution to include the following items: additional work sessions; similar level of detail as used with Glen Lennox; pin down issues on traffic and connectivity, with opportunities for comprehensive review, to compare and evaluate. She also said that in January the Council had asked the Technical Team to look at both sides of the road adding that she wanted that to be part of the conversation.

Amy Ryan, resident of the southern area, said she supported Ms. Brown's proposal. She added that key decision points were how much traffic and households can be added and that the Town needed to negotiate what it wants, and not what the developer wants. She said Council needed to make that data available and get public feedback.

Ben Perry said he wanted to start circling some dates on the calendar for negotiations.

Council approved the agenda by consensus.

Council Member Greene asked if there would be public comment at work sessions. She said she

remembered that they had agreed to allow public comment on development issues. Council members Cianciolo, Harrison and Storrow agreed with Council Member Greene.

2. Discussion of Role of Council Liaisons.

Mayor Kleinschmidt said that advisory boards differed and Council liaisons differed on their attendance at those meetings. He said the role of the Council liaison was loosely defined and that that this discussion had been requested by Council Member Ward for clarification.

Mayor Kleinschmidt said he was seeking support in doing it consistently. Council Member Cianciolo said he found it most helpful if the Council member sits and listens, and not give extra view points and opinions. Mayor Kleinschmidt agreed that it becomes a problem when they become the driver of decisions and discussions. Council Member Ward noted that Council Member Palmer had referred to a board and her as “we”, adding that that comment had provoked his request for this discussion.

Mayor Kleinschmidt said he wanted to make sure that members who were not present be reminded of this and quasi-judicial procedures.

Council Member Storrow said that the important word in the Council liaison charge is “communication”. Mayor Kleinschmidt asked if board members find value in the Council liaison. Council Member Czajkowski said board members should be asked if Council liaisons are valuable or how they could be valuable to advisory boards. Mayor Kleinschmidt added that that would help the Council answer the bi-annual question on “what do liaisons do?” Council Member Czajkowski said liaisons will be more useful to the newly formed boards in the fall. Council Member Greene said the procedures say that liaisons report on board information and Council had never done that.

After a short discussion, Mayor Kleinschmidt said that Council members shouldn’t make themselves part of these boards because Council is asking them for direction. He said the Community Participation Coordinator could develop a process to get feedback from boards. Mr. Stancil said that when dealing with quasi-judicial boards he cautioned any comment, or recommendation from anyone other than board members. He said if a Council member does that, it should be disclosed at the Council meeting. Mayor Kleinschmidt recommended qualifying any answers or comments. Mr. Stancil read a statement from the procedures – “be careful to avoid disqualifying predetermined opinion. Council Member Storrow said he had heard that some members value Council presence and that they should be semi-consistent. Mayor Kleinschmidt said members should remember that they have been appointed liaisons but that they are not a member of the body.

Mayor Kleinschmidt summarized the discussion – survey board members, bring policy back after survey results are available – be clear on Council members’ role in development review process, attendance, reporting requirement, and process when Council member is voting or non-voting member.

3. Discussion of Schedule for Negotiations for the Obey Creek Development Agreement Process.

Megan Wooley, new project manager for the Obey Creek Development Agreement project presented the introduction to the item. She noted that the project was at the end of the comprehensive review phase. She said that Council had requested additional information for the October 1 meeting, including a list of topics to be discussed and a list of questions for negotiations and general consensus. Ms. Wooley said the purpose of tonight's meeting was to receive guidance from and check in with the Council. She said she would provide them with an outline of possible options. The process would begin in early October with a second work session in October, with the process ending in June 2015, she added.

Council Member Cianciolo, asked how many meetings were anticipated. She said they proposed seven negotiation meetings, seven public meetings and three Council meetings/hearings. Council Member Cianciolo asked why there were fewer meetings than there were for Carolina North. Ms. Wooley said it was up to Council to set the number of meetings. Mr. Cianciolo said he thought they should plan for more and be able to do fewer if that was determined. Mayor Kleinschmidt said the comparison slide did not help him. He said that it depends on the process and the area and how many issues to determine the number of meetings needed. Council Member Bell said the front load process is better and that they would have a clearer picture after the October 1 meeting.

Council Member Ward said to add 50 percent more meetings. Council Member Czjakowski said he found Work Sessions more conducive to discussion. Mr. Stancil said they could schedule a Saturday meeting. Council Member Cianciolo said they could have a two to three hour meeting to understand the overview and identify key things that are missing. Council Member Harrison said they could figure out how to schedule future meetings at the October 1 meeting. He said he would also like to have another session on traffic impact. He added that they could have a longer meeting on October 1, followed by a Saturday meeting.

Ms. Wooley said that information will be shared with the Council after it becomes available.

4. Downtown Imagined Update.

Ms. Wooley said Downtown Imagined used to be Rosemary Imagined. She said she was co-project manager with Meg McGurk, Executive Director of Chapel Hill Downtown Partnership. Ms. Wooley presented a PowerPoint. She said the project had been put on hold since 2010. She said they had spent lots of time with residents and those in the Pineknolls and Northside neighborhoods. Ms. Wooley said the Council had adopted the 2020 plan in 2012 that created Rosemary Street as an entrepreneurial enterprise hub. In Spring of 2013 to July of 2014, she said, they worked to create strong visions for Rosemary. She said the plan was to broaden the scope to

all of downtown, with 22 visions for downtown. She added that it was very much in draft form.

Ms. Wooley said next steps were a community meeting on October 21, with it going before the Planning Commission in November, and then to a Public Hearing in January 2015.

Council Member Cianciolo asked about input from investors, next steps, and when a consultant would be brought in.

Ms. Wooley said the purpose of the plan is to show how the Town can grow and thrive in the future, and Ms. McGurk's organization facilitates conversations with investors.

Mayor pro tem Greene asked if they were actively engaged with the Jackson Center. Ms. Wooley said very actively engaged, noting that the Center had seen the plan, attended sessions and was working with the Housing and Community Department, and staying connected with the Northside Community.

Council Member Ward asked how they could see the information that had been gathered. Ms. Wooley said that information could be seen on the 2020 website, where all minutes, etc. were posted. Council Member Ward said he hoped Cameron Avenue was included.

Council Member Harrison said they should be clear up front that this can happen. He recommended putting up signs showing the planning concept, street connections, etc.

Council Member Cianciolo said the Commission said they understand growth but had concerns about protecting the Historical District. He said there needed to be clarity about what the expectations are, so that investors know what is possible.

Mayor Kleinschmidt commented that the engagement level downtown was amazing.

Council Member Ward said there needed to be ways to incentivize the area. Ms. Nirdlinger said she hoped that the conversation includes an unveiling.

Council Member Cianciolo said that what is possible should be based on what the people want and what is feasible financially. Ms. Wooley said that there were implementation steps but not financial steps.

Ms. Wooley announced that the next drop-in meeting will be on October 21.

Council Member Czjakowski asked about the use of microphones at these meetings.

Two members of the public commented on that the thoughtful way the Town was seeking input and that they were impressed with the Saturday session and more negotiation sessions.

Mayor Kleinschmidt adjourned the meeting at 7:47 p.m.

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**DRAFT SUMMARY MINUTES OF A SPECIAL MEETING - OBEY CREEK
OF THE CHAPEL HILL TOWN COUNCIL
SATURDAY, OCTOBER 11, 2014, AT 08:30 A.M.**

Present were Mayor Mark Kleinschmidt, Mayor pro tem Sally Greene, Council Member Donna Bell, Council Member Matt Czajkowski, Council Member Maria T Palmer, Council Member Lee Storrow, Council Member Jim Ward, and Council Member George Cianciolo.

Absent: Council Member Ed Harrison.

Staff members present were Town Manager Roger L Stancil, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Mayoral Aide Jeff Deluca, Community Sustainability Planner Megan Wooley, Planning and Sustainability Executive Director Mary Jane Nirdlinger, Transportation and Long Range Planner David Bonk, Engineering Services Manager Kumar Neppalli, Business Management Director Ken Pennoyer, and Communications and Public Affairs Director and Town Clerk Sabrina Oliver.

Welcome and Purpose/Process

Mayor Kleinschmidt called the meeting together and outlined the process for discussing a development agreement (DA) for Obey Creek property. The Council would talk about transportation issues, fiscal questions related to the potential development, and its priorities, he said. Mayor Kleinschmidt noted that the meeting would also include input from the public.

Sustainability Planner Megan Wooley also outlined the plan and listed topics to be discussed on October 30th and November 3rd.

Mayor pro tem Greene confirmed with Ms. Wooley that an October 23rd meeting had been moved to October 30th.

Public Comment (10 minutes)

Susan Lindsay, an Obey Creek Compass Committee (CC) member, asked that DA negotiations include a discussion of the danger to the public that would result from an increase in traffic on Dogwood Acres Drive. She pointed out that traffic had nearly doubled when Carrboro High School and Southern Community Park opened.

Council Member Cianciolo asked if traffic had reached a maximum on Dogwood Acres Drive, adding that traffic tends to slow down when it reaches a certain volume.

Ms. Lindsay replied that traffic had not increased because there had not yet been any additional development. Traffic had been speeding up, not slowing down, she said.

Jeanne Brown, a Compass Committee member, reminded the Council that the Committee had been adamant that slower traffic should not lead to a widening of the road, which would keep the two sides from being synergistic. She asked if the Town had done geometric and environmental studies regarding a westbound ramp loop on US 15-501 to determine if the loop would be feasible. If not, how long would that take to do, she asked, explaining that she was curious about funding. Ms. Brown asked if the next round of evaluations would look at the impact of stacking and cuing on existing neighborhoods. She requested specific information regarding the park and ride lot and bike/pedestrian options.

Ben Perry, of East West Partners, thanked Town staff for its thoroughness and responsiveness and for working to come up with design solutions to some of the traffic challenges.

Mary Musacchia, a Parks/Greenways/Recreation Commission member, said that she had not seen anything in the plan regarding actual park or recreation space and asked the Council to keep that in mind. She stressed the importance of having safe bicycle routes in the US 15-501 area and said she agreed that Dogwood Acres Drive had become a cut-through street.

Susana Dancy, a CC member, encouraged Council members to be aware that they were discussing only one site within the larger southern Chapel Hill area. The Town already had most of the necessary information but needed to expand the scope of its Technical Team discussions with the Council in order to see the site within that larger context, she said.

Transportation Presentation and Questions & Answers Period

Engineering Services Manager Kumar Neppalli gave a PowerPoint presentation regarding preliminary details of the proposed transportation and circulation plan, including bicycle and pedestrian lanes. He said that the NC Department of Transportation (DOT) fully supported the plan.

Council Member Czajkowski described the experience of riding a bicycle on that "terrifying" stretch of road along US 15-501 and the harrowing problems for motorists and cyclists who try to maneuver through it. The Town had to show that there was a safe way for cyclists to ride there, and motorists needed to understand why cyclists behave as they do, he said.

Long Range & Transportation Manager David Bonk replied that staff recognized that the intersection and bridge would continue to be challenging unless some improvements were made. The Town's recently adopted Bike Plan included a set of proposals for creating better movement across the bridge, he said. Mr. Bonk stated that staff would use that Plan as a basis for requiring improvements as part of the Obey Creek project.

Council Member Palmer stressed the importance of having a safe, off-highway bike trail. Obey Creek would be the Town's opportunity to get it right, she pointed out. Council Member Palmer spoke in favor of connecting to greenways and having a continuous off-road trail for combined modes of transportation.

Mayor pro tem Greene said that she was quite certain that the Bike Plan had recommended a continuation of the Morgan Creek Trail from the James Taylor Bridge into the pasture, with a strip of asphalt going along the edge of the access ramp to beyond Winter Drive and up to Morgan Creek Road. The presumption was that a cyclist could stay on the highway or snake into the neighborhood and have a place to ride, she said. Mayor pro tem Greene called that area a critical missing link in the Town's trail system and said it was essential to fill it in in conjunction with the Obey Creek project. Without that kind of connection, the talk about pedestrian and bicycle connectivity would not reach fruition, she said.

Council Member Ward and Mr. Bonk discussed how cyclists would get from the trail that Mayor pro tem Greene had mentioned to the bike and pedestrian bridge, and Mr. Bonk said that the getting into Town was the dilemma,. He described a couple of possible routes and said that one of them would involve retaining walls and other challenges.

Mr. Bonk pointed out that discussions regarding US 15-501 were limited due to an ongoing study by Public Transit regarding a higher order transit investment in that corridor that would run north to south across Town. Depending on the outcome of that, the Town might have to widen a portion to accommodate a busway and that might create a portion for bikes, he said.

Mr. Neppalli outlined a proposal for a traffic signal/pedestrian crosswalk at entrances to the park and ride lot entrance and to the site. He noted that the DOT would not allow a left turn from the development onto US 15-501 or a left turn out of the park and ride. The Town had been working with the developer to secure an area for a possible left turn in the future, Mr. Neppalli said, noting that much would depend on the DOT agreeing to make a full intersection at that location.

Council Member Czajkowski clarified that if someone coming from Chatham County took a right into Obey Creek, s/he would have to turn right when leaving and drive up to the next intersection to make a U-turn in order to go back to Chatham County. Or, that same person could go to the Market Street section of the development and take a left turn back to Chatham County, he said. Council Member Czajkowski remarked that such a situation could not be described as good transit engineering.

Council Member Palmer noted that the Town had had the same challenge when Weaver Dairy Road was complete, where a driver could no longer turn left on Weaver Dairy Road when coming out of the shopping center. However, it did make the area much safer for pedestrians, she said, adding that she would not have a problem asking shoppers to take one or two more minutes in order to create a safer environment.

Council Member Storrow recommended making the route more intentional by having signage directing traffic toward the Market Street exit.

Council Member Czajkowski said that the problem with a right turn out was that cars would have

to cross several lanes in a short distance in order to make the U-turn. That raised safety concerns and would lead to cars stacking and perhaps affecting internal flow, he said.

Council Member Cianciolo said that he had made a similar turn on NC 54 and it had not been as bad as one might think because the signals had stopped the traffic and there were no cars there when he crossed the lanes. He agreed that the U-turn part was a bit tricky. Council Member Cianciolo suggested that the Town look at accident reports for similar intersections and determine whether or not they are more dangerous than others in Town. He was in favor of anything that would slow traffic down on US 15-501, he said.

Mayor Kleinschmidt said, in summary, that the Council's priorities pertained to traffic, stacking, maneuverability and connectivity. They were asking staff for more information on how engineering tools, such as the timing of traffic lights, could be employed to meet those goals, he said.

Council Member Ward said that the intersection improvements needed to be excellent. He hoped that left turn lanes in and out of the development would ultimately be allowed if the Town felt that pedestrians and cyclists would be well served by the bridge there, he said.

Mr. Neppalli expressed appreciation for the Council's input and said he would respond to the questions that had been raised at the next meeting. Staff would analyze what needed to be fixed, and other things that needed to happen, and return with that information, he said.

Council Member Ward stressed that the Dogwood Acres Drive traffic issue needed to be addressed. There should at least be sidewalks along both sides of the street, he said. He confirmed with Mr. Neppalli that push buttons would be installed at intersections as part of the signaling design.

Mr. Neppalli concluded his PowerPoint presentation and described a possible ramp from US 15-501 to Columbia Street, which would be similar to one at Glen Lennox. The preliminary estimate for that was \$750,000 to \$1 million, he said, and he mentioned possible funding sources.

In response to a question from Council Member Storrow, Mr. Neppalli said that the Town would know within a few months whether or not the project would be funded through the Transportation Improvements Program (TIP) and which of three options the DOT would approve. Based on the scoring the project had received he thought it might not be funded in the coming TIP, he said. The Town would receive detailed cost estimates and would then work with the Metropolitan Planning Organization (MPO) and others to identify funding sources, Mr. Neppalli explained.

Council Member Czajkowski asked Chuck Edwards, of NC DOT, if there was any likelihood that the DOT would agree to slowing traffic by creating an urban boulevard along US 15-501.

Mr. Edwards commented on the need to balance safety, mobility, and access to properties. The Complete Streets Guidelines would provide some information on ways to accommodate those

modal needs, he said, adding that the DOT would collaborate with the Town on establishing a speed limit.

Council Member Czajkowski asked when the Town would have a definitive view on that, and Mr. Edwards pointed out that the DOT did not yet have much detail from the Town. He said that there was certainly an opportunity to set a precedent on what the community would want on that entire corridor.

Mayor Kleinschmidt commented that the MPO had been grateful for what felt like a change in culture at the DOT over the last several years. There was a willingness to talk with communities about their desires, which leads to a meeting of minds rather than conflicts, he pointed out.

Public Comment

Mayor Kleinschmidt pointed out that documents from staff were still works in progress. He asked for patience and suggested that Council members provide comments and feedback to the Town Manager.

Ms. Dancy said that the Compass Committee had discussed the importance of planning how bikes, pedestrians, transit and cars would intersect and connect. She recommended using the adopted greenways and pedestrian plans as primary tools rather than as an afterthought. Thinking first about how bicycles and pedestrians would get to the parcels would help shape the way the buildings would be planned, she pointed out. Ms. Dancy mentioned that design speed was 10-15 mph faster than posted traffic speed and recommended designing for slower traffic.

Ms. Brown stressed the importance of thinking beyond the short stretch of road that had been discussed earlier and addressing how more people could be brought via transit to the development's retail. She mentioned that there had been some talk about the potential for recreational biking in the area, and she commented further about connectivity.

Council Member Czajkowski asked Ms. Brown to expand on the Compass Committee's main recommendations, and she said that the Committee had recommended making the bridge a special place that people would want to use. It had also recommended doing something at the park and ride lot that would anchor Southern Village and Market Street businesses and connect Southern Village to Obey Creek, she said. It was important that the connections flow, Ms. Brown pointed out, adding that connections needed to be made early on in the process.

Council Member Czajkowski suggested charging the Town's development team with exploring what getting Victor Dover and his team involved would cost and what the timeline would be.

Planning & Sustainability Executive Director Mary Jane Nirdlinger replied that staff had already requested that information and expected a response the following week.

Ms. Brown pointed out that the Town owned property south of Dogwood Acres Drive.

Ms. Musacchia urged the Council to look at the concept as including the entire southern part of Chapel Hill. She pointed out that Fan Branch Trail and other greenways were in the area and urged the Council to think about connecting from the bridge into those trails in a bike and pedestrian friendly way. Greenways were primarily recreational and traffic in greenways moved at a different speed from bicycle commuters, she said. Ms. Musacchia asked the Council to be cautious when thinking about creating commuter facilities in the greenway.

Council Member Ward replied that greenways were a great resource for commuting and said he thought those uses needed to coexist with cyclists being respectful of other users.

Mayor Kleinschmidt said he understood Ms. Musacchia's point, that there was a true commuting route along US 15-501 that would be attractive if it could be made safe for bicycles. She had meant that that should be a priority rather than displacing commuter traffic onto the greenway that winds through Southern Village and up around Morgan Creek, he said.

Council Member Czajkowski remarked that there was disagreement among Council members about whether recreational greenways should serve bicycle commuters. He said that commuting cyclists wanted the shortest, fastest route and that most other advanced communities did not tell them that they had to do that on greenways, which are primarily viewed as recreational. The Town should focus on having cyclists on the road, Council Member Czajkowski said.

Council Member Bell mentioned a trail from Carrboro to Chapel Hill that served as both a recreational space and a commuter route to the University. People had learned, over time, how to respect each other and be patient, she said.

Council Member Palmer said that the Town could accommodate both purposes and make sure that roads are safe for cyclists who do not choose to use greenways. Perhaps making it easier to share the space was a matter of design, she said, noting that those who use it for recreation purposes would know the times when commuters would be there.

Council Member Czajkowski stressed the importance of having open and honest discussions about how greenways were being used and how they would be built for bicycle commuting. He requested that the Carrboro Bicycle Alliance, as well as the Bicycle Alliance of Chapel Hill, provide their perspectives at a future Council meeting.

Mayor Kleinschmidt said that those groups had been invited to the next transportation work session. He then proposed that the Council begin the fiscal discussion, noting that they would discuss how the issues interconnect at a later point.

Fiscal Report Presentation and Questions & Answers Period

Business Management Director Ken Pennoyer presented an overview of his preliminary fiscal analysis that included assumptions, developmental scenarios, revenues, costs, and the bottom

line. He said that the analysis differed from others that the Town had seen in several ways: it was based on assumptions about future events; it assessed the effects of actions that would be executed by other parties; and, there was a timing element that was not currently known that would have an impact on the financial aspects.

Mr. Pennoyer gave a PowerPoint presentation and discussed an annexation analysis model that looked at the cost of extending Town services to a built-out development and the revenue that would be generated by that development. He listed the assumptions on which the analysis had been built and compared two scenarios: one based on what was allowed within existing single-family residential zoning; and one based on about 1.5 million square feet of mixed use development.

Mr. Pennoyer said that the major revenue sources would be property taxes, sales taxes, and one-time revenues such as permit and inspection fees. He explained that the estimated assessed value of the property would be about \$300 million under development scenario and about \$45 million under the current zoning scenario. Three overlapping jurisdictions (Town, county, and school district) would share the property tax burden, Mr. Pennoyer said, and he showed a graph of annual and one-time revenues for those three jurisdictions. Major recurring Town costs included public safety, public works, parks/recreation/library services, and capital, he said, and he reviewed the cost estimation method that he had used.

Council Member Ward confirmed with Mr. Pennoyer that there would be more information coming regarding the expected level of service costs for Transit and that a further analysis would include those elements.

Council Member Palmer expressed concern that the Town would pay for a self-supporting enterprise fund model in other ways, such as having more cars on the road or fewer people able to access retail. She recommended that the Council think about whether or not public transportation should be an enterprise fund (anymore than lighting was) and said she hoped that would not be the goal of further analysis.

Mayor Kleinschmidt pointed out that the Town had been evaluating the sustainability of its transit system and the Council would receive a report on that in January. The current cost of providing transit was considerably more than the funds generated by taxes, he said. The entire system would have to be rejiggered and sustainability issues needed to be dealt with system-wide, Mayor Kleinschmidt said.

Council Member Czajkowski noted that federal and state funding for capital equipment had been greatly reduced and probably would not be returned. He said that the Town had multiple goals and that the Council faced the unpleasant challenge of prioritizing among them. Council Member Czajkowski noted that there was a limit to how much property tax revenue could be generated. He proposed that Mr. Pennoyer put his financial model online so that others could collaborate.

Mr. Pennoyer continued his presentation and said that the bottom line in both scenarios was positive, with revenues exceeding costs. The development plan scenario would yield \$979,698

per year and the current zoning scenario would yield about \$9,206 per year, he said.

In response to a comment by Council Member Ward, Mr. Pennoyer agreed to round out the estimates and add footnotes indicating that they were preliminary and that some information was missing. He pointed out that any fiscal analysis was just one of many factors to consider and that others included environmental factors, traffic, and community character.

Mayor Kleinschmidt said that, considering the caveats regarding the assumptions, having an order of magnitude might help the Council assess the information. For example, what pieces of information should be viewed as indicators of a plus or minus in decisions regarding what direction to take, he explained.

Mr. Pennoyer pointed out that, ultimately, the Council had the ability to control the cost of transit, through policy decisions and also in collaboration with the three funding partners. He noted that meeting that demand was a policy decision and not a financial certainty, and said that it was not possible to predict the amount of sales that some store would generate in a future market that was currently unknown. The numbers he had generated were only estimates based on assumptions based on other assumptions, Mr. Pennoyer said.

Mayor Kleinschmidt said that the Council and community needed some policy analysis tools to use when assessing such data as the enormous differences in revenue and cost between the two scenarios.

Council Member Storrow said it would be interesting to explore development principles regarding the impact on communities. He confirmed with Mr. Pennoyer that Orange County sets impact fees and said that he had learned from the school board that certain types of housing lead to more children. Council Member Storrow expressed particular interest in the idea of "cannibalization" (retail dollars moving from one Town business to another), and said he hoped that Obey Creek retail would differ from the current stock. He stressed the importance of being intentional and avoiding, for example, building a 16-screen movie theater at Obey Creek if doing so would injure a current theater at Southern Village.

Mr. Pennoyer stated that 673 multi-family homes would generate an estimated 56 new students and 79 single-family homes would generate 48 new students. These estimates were based on information from the school district, he said.

Council Member Cianciolo noted that the project was proposing adding 2 percent to the Town's population while generating 6 percent of its current transit income. That reflected a favorable disproportion, he pointed out, but he noted that the Town had not decided on the level of service that it expected to provide to the area. Without knowing that, any cost estimate was difficult and the question of who would be responsible for paying it arose, he said. Council Member Cianciolo urged the Council to grapple with that issue sooner rather than later.

Council Member Czajkowski said that the model Mr. Pennoyer had provided, based on annexation, served the Council well in that it allowed one to isolate assumptions, discuss them separately, and attach probabilities. He reviewed some of those assumptions and variables and

said that taking such an approach would allow the Council to show citizens how it reaches conclusions. Council Member Czajkowski proposed hiring an expert to come in and explain about concentric circles for retail revenues based on different scenarios.

Council Member Bell requested a map of what the possible three- to six-mile community center area would look like. With regard to "cannibalization" of retail, she said that other communities had found that putting in a junior anchor had drawn smaller stores to open around it. It hadn't lead to cannibalization, but had lead to change, she said.

Council Member Ward confirmed that the internal roads would be private and he asked for information on what degree, if any, that would impact transit service to the area. Would the bus go only on US 15-501 and not go inside Obey Creek, he asked. He also asked if there was a way within the process to make sure that funding would be available when a new fire truck and associated staffing was needed. Council Member Ward said that he wanted to explore Obey Creek being a revenue generator for the county and the degree to which the Town could look to the county to be a financial partner.

Public Comment

Ms. Lindsay reminded the Council that the stated rationale for such projects had been to increase the Town's commercial tax base. She pointed out that 54 percent of the proposed development would be residential and said that would not produce the desired tax revenue. Ms. Lindsay stressed the importance of taking pressure off property taxes.

Ms. Lindsay said that the concept regarding traffic and slip roads had changed in the revised concept. In addition, there were no junior anchors shown in the new slide, she said, and she suggested asking East West Partners if their thinking had changed. Ms. Lindsay said that the current memo was more realistic in its assumption that northern Chapel Hill and the Governors Club would be served by Durham and Southpoint, respectively.

Roger Waldon, of Clarion Associates, commented, with regard to the earlier discussion about bicycling, that the City of Charlotte and others in Mecklenburg County were looking at having greenways serve as transportation corridors in order to reduce single-occupancy auto use and to encourage multi-modal transportation.

Ben Perry said that East West Partners had put a lot of thought into the right location for the pedestrian bridge across US 15-501. That did not mean that it could not be discussed further, he said. Mr. Perry explained that the choice had been made based on the different grades on the two sides of the road, the location between the two entrances, and the easiest route from the Weaver St. Market area to the activity hub of Obey Creek.

Steve Vanderwoude shared his professional opinion that the Town had all the leverage in the project. The Town should push as far as it could and seek everything it wanted from the developer, he said, adding that some other owner would be willing to accommodate if the current

owner was not.

Lynne Brestler, a Compass Committee member, said that 5:00 pm meetings were difficult for working people to attend and 6:00 pm would be better. She noted that there would be no public works component of the Town's costs if the roads were private. Ms. Brestler said there was a possibility that the residential component would have to maintain more of the public services, such as road maintenance, trash pick-up and snow removal, and the model should allow for the fact that public works might have to come in at some point. She recommended designing the greenway to be longer and with a separate pedestrian area if the plan was to allow bicycle commuters.

Ms. Brown said that she was looking forward to hearing Transit Director Brian Litchfield's opinion about the best transit scenario. The traffic analysis was crucial, she said, adding that knowing where the people might come from would be helpful to Mr. Litchfield. Ms. Brown mentioned that there had been discussions about the cost of a fire truck but not about the fire station expansion, and she recommended adding noise, light and building orientation to the list of major topics for discussion.

Priorities Discussion

Ms. Nirdlinger summarized the process thus far and asked if the draft list of Council and staff topics was correct. She reviewed some of the questions that had been raised that day and also the main topics for Transit that Council members had mentioned. Ms. Nirdlinger asked if Council members still preferred to discuss transportation first and last, or if they wanted to discuss it throughout the process.

Council Member Cianciolo commented that the topic of Town-owned land was on the staff list but not on the Council's list.

Ms. Nirdlinger explained that the staff list included items that staff would develop and bring to the Council. It would then become a Council topic through the negotiation sessions, she said.

Council Members Czajkowski and Greene said that transportation issues should be discussed throughout.

Council Member Bell pointed out a 2,000-trip difference between figures for total daytime and total 24-hour trips and suggested checking those figures. She asked for information on what the result would be of not doing anything new regarding bus service, and she requested a coordinated map showing the Bicycle, Pedestrian and Greenways recommendations. Council Member Bell proposed that a discussion about the pedestrian bridge be included in the park and ride conversation on October 30th. She said that the Town needed more residential units on the ground to support retail and office, and she suggested that staff inform Council members which aspects were already covered by ordinances.

Council Member Palmer expressed concerned about the Council spending time "in the weeds" when the Town had a professional staff and experts on its advisory boards and commissions to do that. She said that Chapel Hill did not need more single-family homes but did need to increase the diversity of its housing options, maximize the available space, and preserve the environment by building a mixed-use, dense development. If transit would bring in 6 percent of the revenues while adding only 2 percent of the trips, it would be a win for the Town, which could then add routes, she said. Council Member Palmer asked that any analysis include the entire zone and determine how Obey Creek would benefit Southern Village and other communities.

Council Member Storrow said that he was most interested in how the different mix of uses could help achieve other goals of the current phase. He expressed agreement with Council Member Bell regarding the residential component and said he wanted to know what could be done to maximize and increase the project's commercial components.

Mayor pro tem Greene agreed, noting that an original goal was to grow the commercial tax base and take the burden off residential. However, rather than just saying the Town needed more housing, she would like a clear analysis from staff showing that what was being proposed was appropriate, she said.

Council Member Cianciolo asked staff to report on any negative aspect of having private roads, in terms of maintenance, traffic safety and police-related issues.

Council Member Ward stressed the importance of not building private homes in a way that would keep the public away from prime areas. He said it was important to him that there be great public spaces in the development. Council Member Ward said that he was beginning to think that it would benefit the Town in the long term to have public streets, at least the primary ones, but wanted to explore the pros and cons of that. He proposed having much greater protection of the stream during construction and building that into the development agreement. In addition, recreational programming for the 80 acres should be included in the plan, said Council Member Ward. .

Mayor Kleinschmidt stated, in summary, that the Council generally liked the way staff had distributed the issues and had some specific interests that could marry well with the outline staff had presented. He noted that a priorities discussion would occur at a later meeting.

Council Member Cianciolo pointed out that residents of Dogwood Acres had asked about mitigation of traffic effects on their neighborhood. Orange County might use some of its potential benefits to mitigate some of those effects, he said.

Public Comment (10 Minutes)

Ms. Dancy pointed out that Obey Creek differed from other DAs in that there was no plan showing density and street layout for the southern part of Town. She encouraged the Council to

think big, articulate its vision, and act accordingly. The public had not yet heard that vision from the Council, Ms. Dancy said.

Revised Schedule, Conclusion and Next Steps

Ms. Wooley discussed the process schedule, which included a Council business meeting on October 15, a public hearing on October 21 and a work session on October 30 that would include the transit/bridge/park & ride discussion and any continuation of the prioritization conversation. The concept plan would be presented on November 3 and the Council could discuss its vision for the area at that meeting, she said.

Council Member Czajkowski mentioned the difficulty for some of getting to 5:00 p.m. meetings, and Ms. Wooley explained that meetings depended on the availability of Council Chambers if they were to be videotaped.

Council Member Czajkowski said that the next important session should be for the Council to receive guidance regarding the larger, southern Chapel Hill area from Victor Dover. Moreover, staff needed to come back with scenario modeling so the Council could look at alternatives, he said, stressing that those were all critical issues in the Council's decision path.

Council Member Ward commented that the content of the November 13 meeting seemed premature, since it would be a first step in negotiations and he was not ready to have that conversation. Council members needed to discuss this among themselves before sitting down with the developer and discussing what items were in play, he said.

Ms. Nirdlinger noted a caveat on the page that said meeting topics would vary based on the Council's progress.

Council Member Ward replied that the dates and times were fine but listing topics for discussion could give the community the impression that those items would be discussed.

Ms. Wooley said that it would be helpful to staff to know if the dates work. They could rework the topics, she said.

Council Member Palmer said that the meeting scheduled for October 21 bothered her because it was at a bad time and the Council would be discussing a topic that would still have to be presented to Town boards and commissions.

Council Member Cianciolo replied that the purpose of that meeting was to present information to the general public

Council Member Palmer replied that it looked as though there was only one terrible time for the Council to receive input from the public.

Ms. Nirdlinger said that opportunities for public participation had been included throughout the process. With regard to advisory board participation, she said, it was more effective with complex projects such as this to have a single presentation rather than going to each board individually. Ms. Nirdlinger offered to check with the boards and commissions regarding their progress on Obey Creek discussions.

In response to a request by Council Member Ward, Ms. Nirdlinger reviewed the process for informing and involving advisory boards and commission. Council Member Ward confirmed with her that joint board meetings would be helpful with regard to the Obey Creek project and urged her to arrange those.

Town Manager Roger Stancil proposed revising the schedule to change the information item scheduled for October 15th to a discussion item.

Council Member Storrow suggested trying to find a space in addition to Council Chambers where meetings could be videotaped. Even if meetings could not be broadcast right away, they could be put online at a later date, he said.

The meeting was adjourned at 1:26 p.m.



TOWN OF CHAPEL HILL NORTH CAROLINA

MEMORANDUM

Meeting Date: 01/26/2015
AGENDA #5

TO: Roger L. Stancil, Town Manager

FROM: Christopher C. Blue, Chief of Police
Dan Jones, Fire Chief

SUBJECT: Update on Chapel Hill Accidental Alarm Program

Recommended Council Action

- That the Council receive this report.

Context with Key Issues

- The purpose of this memorandum is to provide information about the first year of the Chapel Hill Accidental Alarm Program.

Explanation of Recommendation

- In October, 2013, Council passed an ordinance designed to reduce the number of accidental alarms requiring public safety response. The ordinance became effective Jan. 1, 2014 with a six-month period of public education prior to initiating enforcement.
- Education and registration initiatives included:
 - Information/registration sessions at the Public Library, University Mall, The Cedars, and Seymour Center, community watch groups, the Chapel Hill/Carrboro Chamber of Commerce, and the Downtown Partnership.
 - Hand delivery of informational postcards to residential and commercial properties identified in 2012-2013 for having multiple accidental activations.
 - Distribution of educational materials when public safety responded to alarms.
 - Fire Department cooperation with the University and UNC Hospitals to facilitate enforcement of this ordinance.
- 3,333 alarms have been registered since the beginning of the program (2463-residential, 870-commercial).
- 70 appeals have been filed with five being upheld as of December 31, 2014. Examples of reasons for appeals include steam setting off a smoke alarm and unfamiliarity with the ordinance. We expect these to taper off over time.
- The Police Department responded to approximately 35% fewer alarms from July 2014–Dec. 2014 than the same period in 2013.
- The Fire Department has not seen a significant reduction in the number of alarm calls as compared to 2013, but has documented approximately 50% of those being accidental, and continues to educate alarm users with anticipation of reductions in the long term. We believe that the implementation of this program has significantly increased awareness of the need to maintain and properly manage alarm systems. As we continue education and the issuance of penalties, we expect reductions in Fire Department responses.

Fiscal Note

- The Town began assessing fines in July of 2014 after the six-month public education period. As of December 31, 2014 the Town has issued \$50,355 in fines and has collected approximately \$30,000.

Council Goal:

- Grow Town & Gown Collaboration



TOWN OF CHAPEL HILL NORTH CAROLINA

MEMORANDUM

Meeting Date: 01/26/2015
AGENDA #6

TO: Mayor and Town Council

FROM: Roger L. Stancil, Town Manager

SUBJECT: Presentation of the Compensation Task Force Recommendation

Presentation Purpose

- Following last year's completion of the Compensation and Classification initiative that resulted in revised job descriptions, a market pay study and appropriate reclassifications of positions, I appointed an Employee Compensation Task Force to work with me to develop recommendations for a compensation system that would retain and attract an excellent work force for the future.
- Tonight I have asked the Task Force to present their recommendations to you so you can hear directly from employees about their ideas, ask questions about the recommendations and provide any feedback to me.
- The Task Force recommendation does not require Council action.

Context with Key Issues

- The Compensation Task Force comprised 20 employees and included representatives from every Town department. The group met a number of times over the course of approximately one year to consider information and formulate their recommendations.
- The charge of the Compensation Task Force was to recommend the foundations of a compensation system for the future that:
 - is sustainable, affordable and equitable;
 - focuses on identified and prioritized needs; and
 - values employees' contributions to the Town.
- The group considered the Compensation and Classification Study, as well as current compensation methods and alternative compensation options.
- The group also conducted an employee survey that received 458 responses from regular and temporary employees.

Next Steps

- Our goal is to use your feedback on the Task Force recommendations and the Council's Compensation Philosophy that was developed in 2012-13 to develop policy guidance for Council consideration that will provide direction for budget development.

Attachments

- November 2014 Compensation Task Force Recommendations to Town Manager
- Compensation Task Force Membership
- 2013 Council Compensation Policy



Compensation Task Force Recommendations

Report to Town Manager, November 2014

Part I: Recommendations

Foundational Goals:

- Financially sustainable (i.e., funding will be available)
- Equitable and objective compensation
- Easy to understand by employees

Compensation Goals: *(Additional details provided below.)*

- Award raises based on performance
- Remain competitive with the market
- Clearly define a process for career progression

Goal: Award raises based on performance

Strategy A: Pay Matrix

Pay Matrix Linking Pay to Performance

Performance Rating Level	Outcome
Below Acceptable Performance	
All employees	No pay increase
Acceptable Performance*	
All employees	X% of market rate of pay grade added to base pay
Outstanding Performance* +	
Employees whose <u>base pay is below the market rate</u> of their pay grade	X% of market rate of pay grade added to base pay + additional Y% of market rate of pay grade added to base pay
Employees whose <u>base pay is at or above the market rate</u> of their pay grade	X% of market rate of pay grade added to base pay + additional Y% of market rate of pay grade given as a one-time bonus

*X% of market rate of pay grade is the same percentage for both Acceptable and Outstanding Performance.

+For those in the Outstanding Performance category, Y% of market rate of pay grade is the same percentage for both those below and above the market rate of their pay grade.

Example A

Employee A receives an Acceptable Performance rating on his annual review. Town Council has approved a 3% raise this year for employees receiving a rating of Acceptable Performance and above. Employee A currently makes an annual salary of \$30,000, and the market rate for Employee A's pay grade is \$36,718. Employee A will receive a raise of \$1,102 (3% of \$36,718) added to his base pay.

Example B

Employee B receives an Outstanding Performance rating on her annual review. Town Council has approved a 3% raise this year for employees receiving a rating of Acceptable Performance and above, and an additional 2% raise for employees receiving an Outstanding Performance rating. Employee B currently makes an annual salary of \$30,000, which is below the market rate for Employee B's pay grade (\$36,718). Employee B will receive a raise of \$1,102 (3% of \$36,718) added to her base pay AND an additional \$734 (2% of \$36,718) added to her base pay.

Example C

Employee C receives an Outstanding Performance rating on his annual review. Town Council has approved a 3% raise this year for employees receiving a rating of Acceptable Performance and above, and an additional 2% raise for employees receiving an Outstanding Performance rating. Employee C currently makes an annual salary of \$40,000, which is above the market rate for Employee C's pay grade (\$36,718). Employee C will receive a raise of \$1,102 (3% of \$36,718) added to his base pay AND an additional \$734 (2% of \$36,718) as a one-time bonus.

Strategy B: Longevity Award

- Keep the same schedule and amount as the current longevity award program
- An employee with below acceptable performance will be given the chance to improve performance under a performance improvement plan. If the employee demonstrates improvement within three months, he or she will be eligible for longevity pay that year. If the employee does not show improvement, he or she will not be eligible for longevity pay that year.

System Adjustments:

- Adjust the EPMDS to include a third tier performance rating (e.g., Outstanding) which is higher than the Acceptable performance rating
- Definitions for ALL performance ratings must be clearly defined
- Improve EPMDS to reflect actual duties and additional accomplishments
- For financial sustainability, plan on an implementation strategy to fund the new pay matrix and longevity awards

Goal: Remain competitive with the market**Strategy: Market Studies and Compensation Metrics**

- Conduct market studies for all positions at least every 5 years
- Annually review compensation metrics such as:
 - Progress made towards moving employees' pay to the market rate of pay grade
 - Cost of Living (COL)
 - Others as appropriate

System Adjustments:

- Better articulate Town benefits to potential new hires so that they understand the value of the pay and benefit package (include information about Wellness Clinic)
- Do exit interviews to get a sense of why people are leaving and where they are going
- Employees given a choice to participate in an exit interview through Human Resources Development, or Ombuds

Goal: Clearly define a process for career progression**Strategy:**

- Create transparent career progression system for all employees to develop new skills, demonstrate additional responsibilities, and to meet the department's needs for specialized skill sets, which also takes into account time in position
- Identify a method to ensure fairness and consistency across departments

Examples of career pathways:

- Specialization
- Higher levels
- Advancement within the same job family based on skills attained
- Cross-training for another position (within or outside the department)
- Mentoring to progress to senior leadership roles
- Recruitment within the Town for higher level leadership roles

Part II: Process

The Compensation Task Force met fourteen times for two-hour-long meetings between January and September 2014. The task force was provided with information on how compensation works, the recent compensation and classification study, current problems related to compensation, and alternative compensation options.

The task force gathered feedback from employees through informal meetings with colleagues and through a survey sent to all Town employees in April 2014. Survey questions were developed by the task force based on issues it felt it could not answer for all employees. We received responses from 455 employees of which 427 were regular full-time or part-time and 28 program support employees. The survey was used as a means of ensuring that the task force was accurately representing employee interests across the Town. Using this feedback, the task force developed three foundational goals and three compensation goals for permanent employees. Wage compression and a compensation system for program support employees were discussed and deemed to be outside the purview of this task force.

The task force presented these recommendations to the Senior Management Team in August 2014, and evaluated feedback from SMT to develop its final recommendations to the Town Manager.

Compensation Task Force Members

Communications and Public Affairs

- Jennifer Phillips

Fire

- Lisa Edwards
- David Sasser
- Jacob Sinkiewicz

Housing

- Darrell Wall

Library

- Krystal Black

Parks and Recreation

- Robert Minick
- Susie Whaley
- Steve Wright

Planning

- Megan Wooley

Police

- Milton Durham
- Beth Vazquez
- Russ Woody

Public Works

- Shelton Burnette
- Trish D'Arconte
- Angie Turner

Technology Solutions

- Ross Tompkins

Transit

- John Kiely
- Joe McMiller
- Sheila Neville

COMPENSATION PHILOSOPHY

TOWN OF CHAPEL HILL, NORTH CAROLINA

January 18, 2013 (incorporating Council Comment from work session)

Our goal of providing outstanding services to our residents is supported by a compensation system for the Town of Chapel Hill that allows us to retain and recruit employees who provide excellent service consistent with the Town's adopted values of RESPECT.

The total compensation system will follow these principles:

- We will offer total compensation that is competitive with our employment markets.
- As part of the Town's annual budget process, we will consider employee compensation equally with the Town's other resource requirements, such as operating and capital expenses.
- We will support employees in their efforts to reach their highest potential through various work assignments, formal training, informal learning, cross-training and on-the-job training.
- We will provide incentives for outstanding customer service, performance, skill development, teamwork and goal attainment.
- We will encourage and develop leadership and career progression within our workforce.

Total compensation is defined as:

- Direct pay, which is comprised of wages and salaries (base pay);
- Benefits, including but not limited to health/life insurance, supplemental retirement plans and paid leave;
- Incentives, formal recognition and other rewards for customer service, performance, skill development, teamwork and goal attainment

We acknowledge that the compensation system is constrained by economic and budget realities. We acknowledge that elements of compensation may have different emphases depending upon the Town's financial realities, market conditions and other factors.

We further acknowledge that the Town has many different types of positions with variable skill requirements, work settings and market constraints. As a result, different pay structures and practices may be necessary to support them. Our goal is an equitable system consistently applied that fairly and adequately rewards all employees for the jobs they do.



TOWN OF CHAPEL HILL NORTH CAROLINA

MEMORANDUM

Meeting Date: 01/26/2015
AGENDA #7

TO: Roger L. Stancil, Town Manager

FROM: Ephesus/Fordham Renewal Staff Team

SUBJECT: Ephesus/Fordham Form District Renewal Progress Report

Recommended Council Action

That the Council:

- Receive a report and presentation detailing the progress of renewal in the Ephesus/Fordham Form District;
- Receive the attached information about a) preliminary options for pedestrian bridge crossings in the District and b) the environmental, financial, and regulatory impacts of developing floodplain maps based on future build out conditions; and
- Adopt the attached resolution to: (a) call a public hearing on Monday, April 20, 2015 to consider text amendments to the Form District regulations in the Land Use Management Ordinance; and (b) refer the staff's proposed amendments to the Planning Commission for its recommendation.

Background Information

- On May 12, 2014, the Town Council amended the Land Use Management Ordinance by enacting new zoning regulations in the Ephesus Church Road/Fordham Boulevard focus area.
- In concert with the new zoning regulations, on May 12, 2014 the Council adopted a resolution on continued action ([2014-05-12/R-7](#))¹, which included the following provision: "BE IT FURTHER RESOLVED that the Town Manager shall provide regular reports to the Council on the progress of the associated work, with said reports provided to the Council over the course of ten years, beginning with biannual reports delivered during the first two years (beginning by January 2015), and annual reports during the subsequent eight years."
- The attached progress report provides a status update for the action items included in the Resolution on Continued Action.

Explanation of Recommendation

- Action items 5, 16 and 17 of the May 12 Resolution on Continued Action call for reports on: (5) options for a pedestrian bridge; (16) impacts of developing floodplain maps based on future build-out conditions; and (17) progress associated with the work in the Ephesus District. We recommend that the Council receive each of these reports.

¹ http://chapelhill.granicus.com/MetaViewer.php?view_id=7&clip_id=2096&meta_id=88595

- Action item 6 of the May 12 Resolution on Continued Action states that the Town Manager shall recommend whether any future updates to the Land Use Management Ordinance should be incorporated into the form district regulations. Possible improvements to the regulations have been identified by the staff and we recommend adoption of the attached resolution calling a public hearing to consider text amendments to the Form District Regulations (Section 3.11) in the Land Use Management Ordinance and referring the item to the Planning Commission.

Fiscal Note

- There are no fiscal impacts associated with providing this report.

Council Goal:

- Create A Place for Everyone
- Facilitate Getting Around
- Develop Good Places, New Spaces
- Nurture Our Community
- Support Community Prosperity and Engagement

Attachments

- Resolution to Call a Public Hearing
- Ephesus/Fordham Form District Renewal Staff Progress Report and Attachments
 - Pedestrian Bridge Options Report
 - Future Conditions Floodplain Maps Report

A RESOLUTION CALLING A PUBLIC HEARING TO CONSIDER TEXT AMENDMENTS TO THE FORM DISTRICT REGULATIONS IN THE LAND USE MANAGEMENT ORDINANCE (2015-01-26/R-4)

WHEREAS, on May 12, 2014, Council amended the Land Use Management Ordinance to establish Form District Regulations; and

WHEREAS, on May 12, 2014, Council adopted a resolution on continued action directing the Town Manager to recommend to the Council whether any future updates to the Land Use Management Ordinance should also be incorporated in Form District Regulations; and

WHEREAS, on May 12, 2014, the Council enacted amendments to the Town of Chapel Hill Zoning Atlas to apply the form district regulations to Areas 5-12 of the Ephesus Church/Fordham Boulevard planning area; and

WHEREAS, on January 26, 2015, the Town Manager provided a report to the Council that detailed progress of renewal in the Ephesus/Fordham Form District, including information about possible types of amendments to the Form District Regulations; and

WHEREAS, during technical review for the first Form District Permit and Certificate of Appropriateness proposals, the Town Manager, upon recommendation by the staff, has identified opportunities to provide clearer and more consistent language for standards, definitions and administrative processes described within the Ephesus/Fordham Form District regulations.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council calls a Public Hearing for April 20, 2015, at 7:00 p.m. in the Council Chamber, Chapel Hill Town Hall, 405 Martin Luther King Jr. Boulevard, to consider text amendments to the Ephesus/Fordham Form District regulations (Section 3.11) in the Land Use Management Ordinance.

BE IT FURTHER RESOLVED that the Council refers to the Planning Commission for its consideration and recommendation the proposed text amendments to the Ephesus/Fordham Form District regulations (Section 3.11) in the Land Use Management Ordinance.

This the 26th day of January, 2015.

MEMORANDUM

TO: Roger L. Stancil, Town Manager

FROM: Ephesus/Fordham Renewal Staff Team

SUBJECT: Ephesus/Fordham Form District Renewal Progress Report

DATE: January 26, 2015

OVERVIEW

Tonight we present to the Council the first report detailing the progress of renewal in the [Ephesus/Fordham Form District](#)¹—a commercial node of Chapel Hill characterized by existing plazas and shopping centers located near the intersection of Ephesus Church Road and Fordham Boulevard. On May 12, 2014, the Council approved a [Resolution on Continued Action](#)² directing the Town Manager to provide regular reports to the Council regarding progress in the Ephesus/Fordham Form District (“the District”), beginning by January 2015.

This report provides an overview of the anticipated physical changes in the District and addresses key topics that highlighted in the Council’s adopted Resolution on Continued Action. To date, the Ephesus/Fordham Form District has been the focus of multiple Council actions designed to achieve renewal as part of a long-term vision for the community, including:

- [Enactment of an ordinance creating Form District Regulations \(i.e., a form-based code\) within the Land Use Management Ordinance](#)³;
- [Enactment of ordinances rezoning most properties within the District](#)⁴;
- [Adoption of a resolution directing the Town Manager to take continued action for renewal of the Ephesus/Fordham Form District](#)⁵;
- [Adoption of a resolution creating a Municipal Service District to finance the management of stormwater improvements in the Ephesus/Fordham Form District](#)⁶;
- [Adoption of a resolution authorizing the Town Manager to continue with roadway design, negotiate with property owners for public right-of-way and easement agreements, and proceed to bid the projects for construction](#)⁷;

¹ <http://www.townofchapelhill.org/town-hall/departments-services/chapel-hill-2020/future-focus-areas/the-ephesus-fordham-district>

² http://chapelhill.granicus.com/MetaViewer.php?view_id=7&clip_id=2096&meta_id=88595

³ http://chapelhill.granicus.com/MetaViewer.php?view_id=7&clip_id=2096&meta_id=88591

⁴ http://chapelhill.granicus.com/MetaViewer.php?view_id=&clip_id=2096&meta_id=88175

⁵ http://chapelhill.granicus.com/MetaViewer.php?view_id=7&clip_id=2096&meta_id=88595

⁶ http://chapelhill.granicus.com/MetaViewer.php?view_id=&clip_id=2099&meta_id=88375

⁷ <http://chapelhillpublic.novusagenda.com/AttachmentViewer.aspx?AttachmentID=14172&ItemID=2936>

- [Reprioritization of Lower Booker Creek Subwatershed upon adoption of the Stormwater Management Master Plan](#)⁸; and
- [Adoption of a resolution establishing a pilot rebate incentive program for sustainable building design in the District](#)⁹.

The District was the subject of the [Ephesus Church Road/Fordham Boulevard Small Area Planning/Traffic Analysis](#)¹⁰ in June of 2011. The adoption of the [Chapel Hill 2020 Comprehensive Plan](#)¹¹ reiterated the implementation steps from that plan. An update to this report is expected to be delivered in the fall of 2015. Future updates will occur biannually through 2016 and then annually until 2024.

SUMMARY OF DISCUSSION TOPICS

The following discussion topics describe the Town's progress toward the implementation of action items identified by the Town Manager in the [Resolution on Continued Action \(2014-05-12/R-7\)](#). The Resolution on Continued Action was designed in response to Council interests regarding implementation of the Ephesus/Fordham Form District. Each action item from the resolution has been numbered and then categorized to simplify the reporting process. The full list of action items appears in the summary table below and is followed by a series of detailed updates.

Action Item	Category Type
1. Execute necessary documents related to DHIC's low income housing project.	Affordable Housing
2. Develop a pilot program to encourage the development of affordable housing for a range of incomes within the district and throughout Town consistent with the Affordable Housing Strategy and the Affordable Rental Housing Strategy; and work with the Housing Advisory Board to develop the program standards, provide an update to the Council in October, and recommend a program design to the Council in January, 2015.	Affordable Housing

⁸ http://chapelhill.granicus.com/MetaViewer.php?view_id=&clip_id=2172&meta_id=91427

⁹ http://chapelhill.granicus.com/MetaViewer.php?view_id=7&clip_id=2245&meta_id=93693

¹⁰ <http://www.townofchapelhill.org/home/showdocument?id=8980>

¹¹ <http://www.townofchapelhill.org/home/showdocument?id=15001>

Action Item	Category Type
3. Develop a pilot program to rebate development fees in accordance with sustainable design principles that target performance in energy and water resources for the Ephesus/Fordham Form District.	Green Building and Energy Efficiency
4. Present new roadway designs to the Council at the 70% phase of construction drawing and provide additional detail on the phasing and order of the public improvements.	Connectivity
5. Report on the feasibility and/or options for a pedestrian bridge at the update on 70% roadway construction drawings or in the first six-month renewal progress monitoring update.	Connectivity
6. Recommend to the Council whether any future updates to the Land Use Management Ordinance should also be incorporated in form district regulations.	Administrative Processes
7. Seek opportunities for new parks and recreation facilities in the Ephesus/Fordham Form District.	Connectivity, Public Amenities
8. Develop and implement a scorecard of metrics to provide a basis for monitoring renewal progress in the Ephesus/Fordham Form District.	Administrative Processes
9. Provide an annual report to the Council on payment-in-lieu funds collected in the Ephesus/Fordham Form District.	Public Amenities
10. Explore opportunities for establishing a farmers' market in or near the Ephesus/Fordham Form District.	Public Amenities
11. Prioritize the Booker Creek Subwatershed studies in the Stormwater Master Plan.	Stormwater Management

Action Item	Category Type
12. Explore upstream stormwater improvements in the Booker Creek Watershed.	Stormwater Management
13. Schedule a Council work session to discuss finance and investments.	Administrative Processes
14. Collaborate with the Chapel Hill-Carrboro City Schools staff as they consider updates to the Schools Adequate Public Facilities Ordinance.	Administrative Processes
15. Develop and implement Special Appearance District review criteria for the Community Design Commission.	Administrative Processes
16. Provide a report on the environmental, financial, and regulatory impacts of developing floodplain maps based on future build -out conditions.	Stormwater Management
17. Provide regular reports to the Council on the progress of the associated work, with said reports provided to the Council over the course of ten years, beginning with biannual reports delivered during the first two years (beginning by January 2015), and annual reports during the subsequent eight years.	Administrative Processes
18. Inform the Town Council and provide the Council with a copy of any applications for a Form Based Code District Permit and for a Certificate of Appropriateness for a project in the Form Based Code District and shall post notice of receipt of said applications on the Town's Website; and, the Council may choose to hold a work session for any such applications prior to the Town Manager or the CDC taking action on the applications.	Applications for New Development

Administrative Processes

Action Item #6: “The Town Manager shall recommend to the Council whether any future updates to the Land Use Management Ordinance should also be incorporated in form district regulations.”

Status: The Town’s technical review staff is in the process of compiling a list of recommended improvements to the Form District Regulations. The recommendations are likely to include two key updates: (1) an affordable housing program for the portions of the District west of Elliott Road (see action item #2 below); and (2) ways of providing clearer and more consistent language for standards, definitions and administrative processes. Such recommendations will be presented to the Planning Commission in March. If adopted, the resolution attached to this agenda item would set the public hearing for Land Use Management Ordinance text amendments—specifically those pertaining to the Ephesus/Fordham Form District (Section 3.11). The proposed date of the public hearing is April 20, 2015 and the attached Resolution would set this date.

Action Item #8: “The Town Manager shall develop and implement a scorecard of metrics to provide a basis for monitoring renewal progress in the Ephesus/Fordham Form District.”

Status: The staff has developed an initial metrics report using an ESRI product called a Story Map. The Story Map combines a narrative with different GIS mapping tools to tell the story of an area. The Ephesus/Fordham Story Map is designed to be updated on a regular basis as change occurs in the District. The staff has highlighted key indicators such as connectivity, stormwater management, affordable housing, green building, public amenities and other topics that indicate progress towards District revitalization. As renewal of the District evolves and new information becomes available, we look for continued input from the Council on the metrics and narratives most valuable in telling the story of the Ephesus District. Following the 1/26 presentation, a link to the Ephesus/Fordham District Story Map will be provided to the Council and featured on the Town’s website.

Action Item #13: “The Town Manager shall schedule a Council work session to discuss finance and investments.”

Status: A work session will be scheduled in the fall when bid values for Phase 1 roadway improvements are known.

Action Item #14: “The Town Manager shall collaborate with the Chapel Hill-Carrboro City Schools staff as they consider updates to the Schools Adequate Public Facilities Ordinance.”

Status: There have been no official updates to the Schools Adequate Public Facilities Ordinance (SAPFO) since the Council adopted the Resolution on Continued Action; however, Town Manager directed the staff to participate in meetings with the Schools staff as they develop drafts for an updated Ordinance. Such updates have been provided to the Council—and will continue to be—as they become available. The 2015 SAPFO Annual Report is tentatively scheduled to go to the Council on March 23, 2015.

Action Item #15: “The Town Manager shall develop and implement Special Appearance District review criteria for the Community Design Commission.”

Status: Town Staff is drafting a request for qualifications (RFQ) for the purpose of developing design guidelines that would complement the form-based zoning regulations in the Ephesus/Fordham Form District. We intend to select a firm by March/April of 2015. As part of selecting a qualified firm, we plan to seek input and a recommendation from the Community Design Commission.

Action Item #17: “The Town Manager shall provide regular reports to the Council on the progress of the associated work, with said reports provided to the Council over the course of ten years, beginning with biannual reports delivered during the first two years (beginning by January 2015), and annual reports during the subsequent eight years.”

Status: The staff has developed this report as the first installment of a series of regular reports to the Council regarding the progress and activities taking place in the Ephesus/Fordham Form District.

Affordable Housing

Action Item #1: “The Town Manager shall execute necessary documents related to DHIC’s low income housing project.”

Status: On October 29, 2014, the Council approved an extension of the timing for DHIC, Inc. to obtain Low Income Housing Tax Credit Funding (now August 2015) and the closing date for the Town to convey the property to DHIC (now April 2016). The amendments have been executed. Staff is working with DHIC as they prepare to submit a 2015 Low Income Housing Tax Credit application in January.

Action Item #2: “The Town Manager shall develop a pilot program to encourage the development of affordable housing for a range of incomes within the district and throughout Town consistent with the Affordable Housing Strategy and the Affordable Rental Housing Strategy. The Town Manager shall work with the Housing Advisory Board to develop the program standards, provide an update to the Council in October, and recommend a program design to the Council in January, 2015.”

Status: On October 29, 2014, the Council held public hearings to receive public comment on: 1) a proposed Land Use Management Ordinance Text Amendment to establish a new Walkable Mixed Use-5A (WX-5A) zoning district to create incentives for the development of affordable housing; and 2) rezoning Areas 1, 2, 3 and 4 (see [Zoning Map](#))¹² to WX-5A. On November 24, the Council continued the hearings to February 9, 2015. At the February 9 Council Business Meeting, the staff will recommend that the public hearing be continued to April 20, 2015. In the interim, the Housing Advisory Board and Planning Commission will review the staff’s updated proposal and provide recommendations to the Council.

Applications for New Development

Action Item #18: “The Town Manager shall inform the Town Council and provide the Council with a copy of any applications for a Form Based Code District Permit and for a Certificate of Appropriateness for a project in the Form Based Code District and shall post notice of receipt of said applications on the Town’s Website; and, the Council may choose to hold a work session for any such applications prior to the Town Manager or the CDC taking action on the applications.”

Status: The Town Manager forwarded Certificate of Appropriateness and Form District Permit application materials for the proposed Village Plaza Apartments to the Council on September 2, 2014. The Council received a work session-style presentation about the staff review of the Village Plaza Apartments application materials during the October 27, 2014 business meeting. The Community Design Commission approved a Certificate of Appropriateness application for the Village Plaza Apartments on October 28, 2014. The Town approved a Form District Permit for the Village Plaza Apartments on January 8, 2015.

The Town Manager shared with the Council on January 15, 2015 copies of the Certificate of Appropriateness and Form District Permit application materials for the proposed CVS at Rams Plaza and Rams Plaza Outparcel. CVS at Rams Plaza and the Rams Plaza Outparcel are the second and third applications, respectively, submitted under the Ephesus/Fordham Form District zoning regulations. The Council is tentatively scheduled

¹² <http://chapelhillpublic.novusagenda.com/AttachmentViewer.aspx?AttachmentID=14098&ItemID=2920>

to receive a work session-style presentation about the staff review of the CVS at Rams Plaza application materials at the February 9, 2015 Council Business Meeting. The timing of this report is subject to the staff's finding of a complete application submittal.

Connectivity

Action Item #4: "The Town Manager shall present new roadway designs to the Council at the 70% phase of construction drawing and provide additional detail on the phasing and order of the public improvements."

Status: The Council received a presentation on November 10, 2014 regarding the 70% phase of construction drawings and the Town's right-of-way/easement needs. The Council authorized the Town Manager and Town Attorney to negotiate and enter into agreements with the owners of the properties abutting the proposed street construction and to proceed toward 90% plans for the Town-initiated transportation improvement projects in order to be prepared for bidding and construction of the projects. The 90% plans were completed on January 12, 2015. This information can be found on the [Ephesus Fordham District](http://www.townofchapelhill.org/town-hall/departments-services/chapel-hill-2020/future-focus-areas/the-ephesus-fordham-district)¹³ page of the Town's web site.

RFP for Phase I roadway improvements – Per the Phase I Roadway Projects schedule presented at the November 10, 2014 Council meeting, we project that the Town funded projects will be bid in July 2015 with the award and construction to follow no later than September 2015. The estimated construction period is six to nine months. The improvements will be phased as follows: (1) Ephesus Church Road/Fordham Boulevard intersection; (2) Fordham Boulevard at Existing Slip Lane/Rams Plaza Access; and (3) Fordham Boulevard at the Superstreet U-Turn.

NCDOT TIP roadway improvements reimbursement – The North Carolina Department of Transportation (NCDOT) has added project U-5550 Fordham Boulevard/Ephesus Church Road intersection to the 2012-2018 Transportation Improvement Program (TIP). The Town will be eligible for up to \$2.17 million in reimbursement for construction costs in fiscal year 2018. Town staff is currently working with NCDOT to initiate the Memorandum of Understanding to start the official NCDOT review of the project.

¹³ <http://www.townofchapelhill.org/town-hall/departments-services/chapel-hill-2020/future-focus-areas/the-ephesus-fordham-district>

Action Item #5: The Town Manager shall report on the feasibility and/or options for a pedestrian bridge at the update on 70% roadway construction drawings or in the first six-month renewal progress monitoring update.

Status: Staff is currently working with Stewart Engineering to study a range of options for constructing a pedestrian bridge across Fordham Boulevard and other possible locations within the district. Additional information, including potential locations and provisional cost estimates are found in the attachment labeled “Pedestrian Bridge Options Report”. Upon reviewing the options for the District and when considering the larger context for connectivity in this part of Town, we recommend a broader discussion that includes additional options for connections to the 54 corridor, specifically areas like the Glen Lennox development. The staff plans to return at the March 9, 2015 Council Business Meeting to present a broader set of options for this topic.

Action Item #7: “The Town Manager shall seek opportunities for new parks and recreation facilities in the Ephesus/Fordham Form District.”

Status: A portion of the Lower Booker Creek Trail is approved to be renovated as part of the Village Plaza Apartments project. The north streetscape and sidewalk of the project will provide a connection to the trail that will allow for a new point of access from South Elliott Road.

The staff has also been in communication with the owner of the American Legion land as they consider the future of that property, which is located east of the district on the other side of Legion Road across from the Europa Center. At this time, the owner has elected to retain the property.

Green Building and Energy Efficiency

Action Item #3: “The Town Manager shall develop a pilot program to rebate development fees in accordance with sustainable design principles that target performance in energy and water resources for the Ephesus/Fordham Form District.”

Status: Throughout the fall of 2014, the Environmental Stewardship Advisory Board and Council Committee on Sustainability, Energy and Environment considered the terms of a pilot rebate program to incentivize sustainable building design in the District. On November 24, 2014, the Council adopted a [resolution](#)¹⁴ authorizing a 35% rebate on permitting fees associated with the construction or renovation of qualifying development proposals. Qualified proposals must achieve an ENERGY STAR 1-100 score of 75 and

¹⁴ http://chapelhill.granicus.com/MetaViewer.php?view_id=7&clip_id=2245&meta_id=93693

meet the State's water performance standard for public buildings (NC Session Law 2007-546).

Public Amenities

Action Item #7: "The Town Manager shall seek opportunities for new parks and recreation facilities in the Ephesus/Fordham Form District."

Status: Land in the District is predominantly privately owned and relatively high in value; however, we continue to evaluate opportunities for new Parks & Recreation facilities.

Action Item #9: "The Town Manager shall provide an annual report to the Council on payment-in-lieu funds collected in the Ephesus/Fordham Form District."

Status: To date, the Town has collected \$89,712 in payment-in-lieu funds for recreation space. The Town has collected \$17,000 in payment-in-lieu funds for transit amenities associated with a relocated bus stop.

Action Item #10: "The Town Manager shall explore opportunities for establishing a farmers' market in or near the Ephesus/Fordham Form District."

Status: At this time, we are engaged in discussions with representatives of the Chapel Hill Farmers' Market at University Mall, Hope Gardens, and the Downtown Partnership to possibly establish a pilot farmers' market program at 140 West. Staff has also participated in conversations with representatives of the Chapel Hill Farmers' Market and Hope Gardens who have contemplated the idea of a satellite market at the Town-owned property on Homestead Road. Accordingly, staff has not yet initiated conversations regarding other farmers' market opportunities in the District.

Stormwater Management

Action Item #11: "The Town Manager shall prioritize the Booker Creek Subwatershed studies in the Stormwater Master Plan."

Status: The Council adopted the Stormwater Master Plan on September 29, 2014. The Plan included a prioritization of the remaining subwatersheds for study. The priorities were modified to reflect the direction of the Town Council as contained in a resolution adopted on May 12, 2014. That resolution directed the Town Manager to prioritize the remaining Booker Creek subwatersheds for study and explore upstream stormwater

improvements in the Booker Creek Watershed.

Action Item #12: “The Town Manager shall explore upstream stormwater improvements in the Booker Creek Watershed.”

Status: Subwatershed studies are a key component in the process of identifying and reviewing drainage problems, assessing flooding and water quality issues, and developing integrated subwatershed plans for improvements that identify projects to add to the Plan’s project lists for the infrastructure and water quality Capital Improvements Projects and the Drainage Partnership Program. The completed subwatershed plans will provide a comprehensive understanding of the scope of potential improvements, facilitating a Town-wide prioritization of proposed projects. The Meadowmont and Little Creek Arm subwatershed studies would follow the Booker Creek subwatershed studies in order to assist in the evaluation of the benefits from proposed projects in the Booker Creek watershed. Staff recommendations for prioritization of identified projects will be provided once the evaluation is completed.

Action Item #16: “The Town Manager shall provide a report on the environmental, financial, and regulatory impacts of developing floodplain maps based on future build-out conditions.”

- Status: A report on the impacts of developing future conditions floodplain maps is found in the attachment labeled “Floodplain Maps Report.”

TENTATIVE SCHEDULE OF RENEWAL ACTIONS

This section describes Council action and other advancements to date (rows in gray), as well as the tentative schedule for important upcoming meetings and milestones related to the Ephesus/Fordham renewal.

Renewal Action	Venue	Date
Enacted Form District Regulations	Council Business Meeting	May 12, 2014
Rezoned areas #5-12 in the Ephesus/Fordham District	Council Business Meeting	May 12, 2014
Prioritized Booker Creek subwatershed studies in the Stormwater Master Plan <i>(Action Item #11)</i>	Council Business Meeting	September 29, 2014
Received presentation on 70% phase of roadway construction drawings and phasing of public improvements <i>(Action Item #4)</i>	Council Business Meeting	November 10, 2014
Adopted pilot rebate incentive program for sustainable design <i>(Action Item #3)</i>	Council Business Meeting	November 24, 2014
Completed of 90% phase of roadway construction drawings	Administrative	January 12, 2015
Report on pedestrian bridge options or feasibility <i>(Action Item #5)</i>	Council Business Meeting	January 26, 2015
Report on impacts from future conditions floodplain mapping <i>(Action Item #16)</i>	Council Business Meeting	January 26, 2015
Discussion on financial partnership with Town for Ephesus/Fordham District <i>(Action Item #13)</i>	Board of County Commissioners Work Session	January 27, 2015




Renewal Action	Venue	Date
Consider Pilot program for affordable housing, with a rezoning of Areas # 1-4 <i>(Action Item #2)</i>	Council Public Hearing	April 20, 2015
Consider LUMO amendments to Form District Regulations <i>(Action Item #6)</i>	Council Public Hearing	April 20, 2015 <i>(tentative date contingent upon Council action)</i>
Streetscape standards target completion	Administrative	June 2015
Consider bid for Phase I roadway improvements	Council Business Meeting	September 16, 2015 <i>(tentative date based on project schedule)</i>
Design guidelines target completion <i>(Action Item #15)</i>	Administrative	Fall 2015
Discussion on finance and investments <i>(Action Item #13)</i>	Council Work Session	Fall 2015
Explore upstream improvements in Booker Creek Watershed target completion <i>(Action Item #12)</i>	Administrative	Summer 2016
NCDOT TIP roadway improvements reimbursement	Administrative	2018

RECOMMENDED COUNCIL ACTION

We recommend that the Council:

- Receive a report and presentation detailing the progress of renewal in the Ephesus/Fordham Form District;
- Receive the attached information about: a) preliminary options for pedestrian bridge crossings in the District; and b) the environmental, financial, and regulatory impacts of developing floodplain maps based on future build-out conditions; and
- Adopt the attached resolution to: (a) call a public hearing on Monday, April 20, 2015 to consider text amendments to the Ephesus/Fordham Form District regulations (Section 3.11) in the Land Use Management Ordinance; and (b) refer the staff's proposed amendments to the Planning Commission for its recommendation.

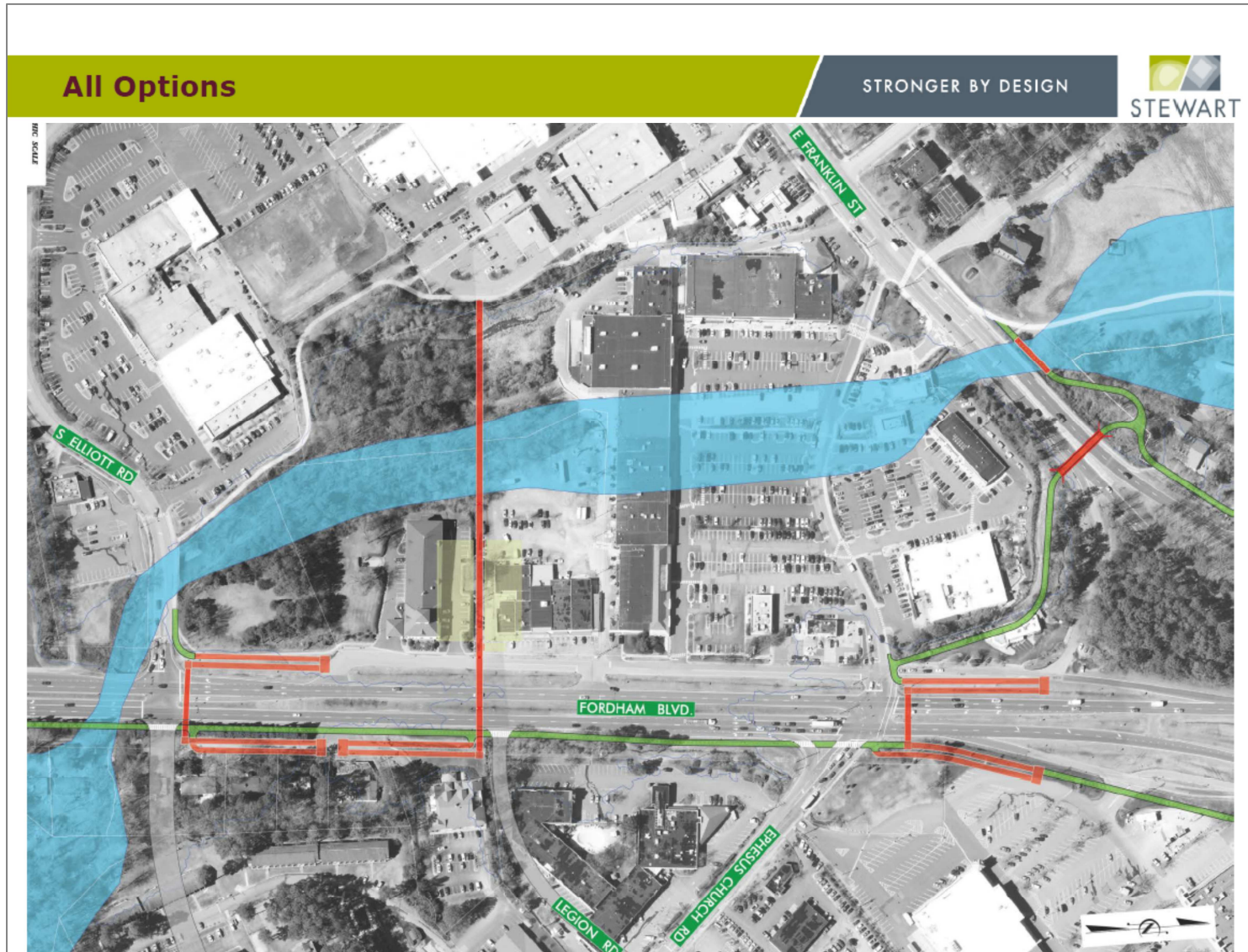
Table 1. Preliminary options for possible bridge types in the Ephesus/Fordham District.

Bridge Types		STRONGER BY DESIGN		STEWART
Type	Span Range	Cost	Application Notes	
 <p>Prefab Steel Truss</p>	Up to 100' Up to 200' Over 200'	\$200-\$250/SqFt \$250-\$350/SqFt \$400+/Sqft	<ul style="list-style-type: none"> • “Traditional” transportation construction • Compressed construction schedule • Designs can be customized • Large cranes required on longer spans • Requires large lay-down areas 	
 <p>Cored Slab/Box Beam</p>	Cored up to 70' Box up to 110'	\$130-\$150 \$140-4160	<ul style="list-style-type: none"> • “Traditional” transportation construction • Low cost • Limited design flexibility • Limited aesthetic treatments 	
 <p>Suspension</p>	250' – 450'	\$350-\$450 SqFt	<ul style="list-style-type: none"> • Extremely flexible design for long spans • High aesthetic/branding value • Smaller construction equipment • Light environmental impact • Costly 	

Information provided by Stewart Engineering

ATTACHMENT – Pedestrian Bridge Options

Map 1. Preliminary options for possible bridge locations in the Ephesus/Fordham District.



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Information provided by Stewart Engineering

FUTURE CONDITIONS FLOODPLAIN MAPPING REPORT

This report, dated January 21, 2015, was prepared by the Stormwater Management division of the Town of Chapel Hill Public Works Department.

BACKGROUND

Floodplains - Floodplains are low-lying lands next to rivers and streams. When left in a natural state, floodplain systems store and dissipate floods without adverse impacts on humans, buildings, roads and other infrastructure. Natural floodplains provide open space, water quality improvements, habitat for wildlife, fertile land for agriculture, and opportunities for outdoor recreation.

As buildings, roads, and parking lots are built where forests and meadows used to be, the land's natural ability to store and absorb water decreases. Coupled with changing weather patterns, this construction can make floods more severe and increase everyone's chance of being flooded

The National Flood Insurance Program (NFIP) - The National Flood Insurance Program is a federal program created in 1968 to provide flood insurance to people who live in areas with the greatest risk of flooding, called Special Flood Hazard Areas. The program provides an alternative to disaster assistance and reduces the escalating costs of repairing damage to buildings and their contents caused by floods. The program provides flood insurance, while at the same time encouraging the sensible management and use of floodplains to reduce flood damage.

The NFIP offers flood insurance to homeowners, renters and business owners, provided their communities use the program's strategies for reducing flood risk, including adopting and enforcing floodplain management ordinances to reduce future flood damage. In order to make flood insurance available to residents, towns and cities must adopt and enforce a Flood Damage Prevention Ordinance. Buildings constructed in compliance with NFIP building standards suffer much less damage than those not built to such standards, and can be insured at lower rates.

The first flood hazard boundary maps for the Town of Chapel Hill were created in 1974. Preparation of Flood Insurance Rate Maps (FIRMs) and enactment of a Flood Damage Prevention Ordinance in 1978 made it possible for the Town of Chapel Hill to participate in the NFIP.

The Flood Damage Prevention Ordinance (Code of Ordinances-Chapter 5; Article IV) was revised in 2007 and contains standards for any development in federally mapped Special Flood Hazard Areas.

Flood Insurance Rate Maps (FIRMs) - Rivers, streams and coastlines are expected to flood since all bodies of water have floodplains but they all have unique probabilities of flooding. Probability, in flood mapping, is a statistical term having to do with the size of a flood and the odds of that size of flood occurring in any year. For each river, engineers assign statistical probabilities to different size floods. This is done to understand what might be a common or ordinary flood for a particular river versus a less

ATTACHMENT – Future Conditions Floodplain Mapping Report

likely or a severe flood for that same river. In order to have common standards, the NFIP adopted a baseline probability called the base flood.

The base flood is the one-percent annual chance flood. The one-percent annual chance flood is the flood that has a one-percent (one out of 100) chance of occurring in any given year. The base flood, which is also informally referred to as the 100-year flood, is the national standard used by the NFIP and all Federal agencies for the purposes of requiring the purchase of flood insurance and regulating new development and redevelopment.

Flood hazard information presented on FIRMs is based on the existing conditions of the floodplain and watershed. When the mapping of flood hazards was initiated under the NFIP, the intent was to reassess each community's flood hazards periodically and, if needed, revise the flood map for that community. Flood hazards may change significantly between assessments in areas experiencing rapid urban growth. Currently, revised FIRMs for Orange County have been preliminarily published and are expected to become final later this year. The maps will be replacing the revised maps that were finalized in 2007.

Future-conditions hydrology and mapping- Future-conditions hydrology models the flood discharges associated with projected future land-use conditions based on a community's zoning maps and/or comprehensive land-use plans and without consideration of projected future construction of flood detention structures or projected future hydraulic modifications within a stream or other waterway, such as bridge and culvert construction, fill, and excavation.

Future land-use development is uncertain and difficult to predict and is not, typically considered in the context of the FEMA guidelines for mapping.

There have been an increase in communities experiencing rapid urban growth throughout the United States developing future-conditions hydrology and create their own maps to regulate floodplain development. This has resulted in two sets of maps being produced for a community: future-conditions maps for local floodplain management and existing-conditions maps for NFIP/FEMA regulations. There were many communities, such as Chapel Hill, that are smaller and have less developable land pursuing future-conditions hydrology and mapping

By displaying future-conditions floodplains on the FIRM, the communities are alerting the public that flood hazards may increase in the future due to urban development.

Some of the communities experiencing rapid urban growth and development that have chosen to develop some level of future-conditions hydrology and create their own maps, include Tucson, Arizona; Denver, Colorado; Las Vegas, Nevada; Charlotte, Greensboro and Raleigh, North Carolina; Tulsa, Oklahoma; Dallas/Fort Worth, Texas; and the Washington, DC metropolitan area.

REGULATORY REQUIREMENTS AND IMPACTS

The Flood Damage Prevention Ordinance regulates development in special flood hazard areas. The stricter requirements in the ordinance regulate many facets of development in the floodplain such as;

ATTACHMENT – Future Conditions Floodplain Mapping Report

- Construction of new structures,
- Modifications or improvements to existing structures,
- Land clearing, Excavation, filling and grading,
- Paving,
- Dredging, and
- Permanent storage of materials and/or equipment.

The regulations require homeowners and property owners to consider building construction and design techniques, flood-damage resistant materials, placement of utilities and service equipment and siting considerations when developing the floodplain.

Future-conditions hydrology and mapping would require a revision of the Flood Damage Prevention Ordinance to regulate the future-conditions flood zone resulting in some increase to the number of properties that must adhere to the regulations.

ENVIRONMENTAL IMPACTS

Future-conditions hydrology and mapping is not intended to regulate activities outside of the special flood hazard areas and would not directly have significant impact on future conditions flooding.

The benefits of future-conditions hydrology and mapping would include reducing the damage to buildings and their contents caused by flooding in the expanded flood zone due to the more stringent construction regulations. Most of the regulated development that occurs in the floodplain in Chapel Hill is focused around residential (single and multi-family) renovations and additions and mechanical equipment replacement. Because of the Town's stream buffers regulations and Flood Damage Prevention Ordinance there is not much new development in the special flood hazard areas.

FINANCIAL IMPACTS

The financial impacts of future-conditions hydrology and mapping would include the cost of the additional modeling and mapping, additional staff time for review and inspections, construction and additional construction and design cost for the homeowners and property owners added to the future-conditions flood zone.

Modeling and mapping – In 2005, the cost for modeling the future-conditions hydrology in Raleigh was approximately \$725,000. The resulting maps are not currently effective and are the city is waiting for the next FEMA map update to implement the future-conditions mapping. The city is expecting to be reimbursed for the financial outlay by the state mapping program but that would not happen until after the map revisions are finalized. Since the maps would need to be routinely updated in order to remain valid and to update future conditions assumptions, the next round of future-conditions hydrology and mapping would probably need to commence shortly after the revised maps are finalized.

ATTACHMENT – Future Conditions Floodplain Mapping Report

Charlotte-Mecklenburg is working on the second round of future-conditions hydrology and mapping. The field work was begun for the first round of mapping by Charlotte-Mecklenburg around 1997 and preliminary maps were completed around 2000 and approved by FEMA in 2004 at a cost of \$2 million dollars (60% local funds and 40% State and Federal funds). The first phase of the second round of mapping was completed in 2007 and FEMA eventually approved the maps in 2014 for that phase of mapping.

Chapel Hill would have a much smaller area to study for modeling the future-conditions hydrology so the costs would be less for our smaller area. However, cost would not be expected to be reduced proportionally to the square mileage studied. There was not any cost information readily available for communities, such as Chapel Hill, that are smaller and have less developable land pursuing future-conditions hydrology and mapping to compare costs from the larger communities.

Staff time for review and inspections – Staff must properly review all plans and elevation certificates for compliance with the Flood Damage Prevention Ordinance and perform periodic and timely on-site inspections to confirm visually that development is following the approved plans. The best way to do this is with a series of inspections at appropriate stages in the construction process and with a final inspection and as-built elevation certificate review to confirm that everything was done according to the approved plans. At this time the Town does not charge additional review or inspection fees for work done in the floodplain.

Construction and design cost for the homeowners and property owners – These costs would include Elevation Certificates prepared by licensed surveyors, additional design costs to assure compliance with the regulations and higher construction costs to meet the regulations.



**TOWN OF CHAPEL HILL
NORTH CAROLINA
MEMORANDUM**

Meeting Date: 01/26/2015
AGENDA #8

TO: Roger L. Stancil, Town Manager

FROM: Mary Jane Nirdlinger, Planning and Sustainability
Gene Poveromo, Development Manager

SUBJECT: Consider Application for Special Use Permit, The Edge-Planned Mixed Use Development

Recommended Council Action

- That the Council continue the public hearing, receive evidence in support of and in opposition to the Special Use Permit application and consider the following options:
 - a. Receive the information presented by the staff and the applicant tonight, offer feedback, and recess action on the Special Use Permit to a future date;
 - b. Adopt Revised Resolution A approving the Special Use Permit with stipulations;
 - c. Adopt Resolution C authorizing the Town Manager and Town Attorney to discuss outlining a process for a draft Land Development Agreement with the applicant.

Background

- On [November 17, 2014](#)¹, the Council opened a public hearing to consider an application for a 55-acre mixed-use development located on the north side of Eubanks Road, including up to 932,000 square feet of floor area with 23 or more buildings ranging in height from one to seven stories. The public hearing was continued to [December 3, 2014](#)².

Key Review Considerations

- During the Public Hearings several topics were discussed including:
 - The applicant's affordable housing tax credit proposal, and how it might affect future applications from [DHIC](#)³ (Downtown Housing Improvement Corporation).
 - Potential fiscal impacts and economic development opportunities anticipated with the proposed project.
 - Opportunities and adjustments to the application that could attract a larger percentage of retail land use.
 - How to manage or mitigate traffic impacts within the Northwood neighborhood as well as options for improving the I-40, Eubanks, NC 86 intersections.

¹ <http://chapelhillpublic.novusagenda.com/Bluesheet.aspx?itemid=2954&meetingid=295>

² <http://chapelhillpublic.novusagenda.com/Bluesheet.aspx?itemid=2989&meetingid=309>

³ <http://dhic.org/index.shtml>

- Improving pedestrian and bicycle connectivity between Eubanks Road and the Chapel Hill North/Timberlyne shopping centers.
- The need for more public open space and increased tree canopy.

Explanation of Recommendations

- We believe there is evidence in the record for the Council to make the required findings, and, if determined reasonable by the Council, to approve some or all of the requested modifications as recommended by staff.
- We also recognized that the amount of new information presented tonight, and the required time for the Council to ask questions and seek clarification on some topics, may require the Council to recess this item to a future date.
- Moreover, we believe there is an opportunity for the Council and applicant to enter into a dialogue, apart from the Special Use Permit process, to discuss a mutually beneficial partnership to construct roadway improvements along Eubanks Road as well as some of the requested modifications to the Land Use Management Ordinance.

Fiscal Note

- Increased tax base
- Increased use of some Town services

Chapel Hill 2020 Goal:

- Create A Place for Everyone
- Facilitate Getting Around
- Develop Good Places, New Spaces
- Nurture Our Community
- Support Community Prosperity and Engagement

Attachments

- Manager Cover Memorandum
- Staff Memorandum
- Staff Report, including Exhibits
 - Exhibit 1 – Changes proposed by applicant
 - Exhibit 2 - Requested modifications and staff recommendation
 - Exhibit 3 – List of existing commercial centers in Chapel Hill
- Resolution A, Revised, approving the Special Use Permit
- Resolution B, denying the Special Use Permit
- Resolution C, Authorizing Manager to begin discussing a land use development agreement
- Applicant's proposed changes in response to Council comments & list of proposed modifications
- Design Guidelines January 19, 2015
- House Bill 182 traffic calming on NCDOT streets
- Eubanks Road Park & Ride street cross sections with pedestrian cross-walks
- Sketch of potential roadway improvements at I-40, Eubanks Road
- Memo from HNTB on potential transit impacts at Eubank Rd park & ride lot

- Applicant's November 21, 2014 Preliminary Fiscal Impact Report
- December 12, 2014 chart comparing Obey Creek and The Edge land use numbers

MEMORANDUM

TO: Mayor and Town Council

FROM: Roger L. Stancil, Town Manager

SUBJECT: Considering an Application for Special Use Permit, The Edge-Planned Mixed Use Development

This evening, the Council continues its discussion of the proposed Special Use Permit application for The Edge. Successful development of this site that meets the interests of both the Town and the developer is complex and presents multiple challenges, including:

- Access challenged by location adjacent to the I-40/Martin Luther King Jr. Blvd. interchange and the Eubanks Road/Martin Luther King Jr. Blvd intersections.
- Constraints from a Resource Conservation District on the site.
- Limited visibility to bypass traffic on Interstate 40.
- Small local population base to support commercial.

During the public hearings, the Council and applicant expressed an interest in a higher density mixed-use development that included commercial floor area (multi-family, retail) greater than the project currently proposed by the applicant. The applicant has indicated that they cannot pursue a higher level of development without Town participation in the roadway improvements along Eubanks Road, additional modifications to the regulations, direct visibility to I-40 and improvements to the I-40 interchange.

Due to the complexities associated with this project, the amount of new information being presented tonight, and the limitations of the SUP process, the Council may determine that they need more time before acting on this proposal. If the Council concurs, I recommend that the Council continue the public hearing, receive evidence in support of and in opposition to the Special Use Permit application, offer feedback and recess action on the Special Use Permit to a future date.

Alternatively, the Council could adopt Revised Resolution A approving the Special Use Permit with stipulations and adopt Resolution C authorizing the Town Manager and Town Attorney to discuss a supplemental Land Development Agreement with the applicant for consideration by the Council that would address the additional considerations for a higher level of development.

MEMORANDUM

TO: Roger L. Stancil, Town Manager

FROM: Mary Jane Nirdlinger, Planning and Sustainability
Gene Poveromo, Development Manager

SUBJECT: Considering an Application for Special Use Permit, The Edge-Planned Mixed Use Development

INTRODUCTION

Because this is a Special Use Permit application (and not a development agreement conversation with the applicant like the Glen Lennox and Obey Creek process), the Council is limited in its ability to discuss and negotiate due to the quasi-judicial nature of this proceeding. The staff reviewed the information presented to-date and identified the items that may be considered a part of the Special Use Permit review process and topics that could be part of a land use development agreement.

SPECIAL USE PERMIT FINDINGS & MODIFICATIONS

Although there are key points arising in the discussion of this application, such as improvements to the I-40 interchange, the Council's decision on this proposal is required to be based on the record of proceedings. The findings of fact to support the issuance of a special use permit in this case must be based on competent, material and substantial evidence. With respect to the applicant's request for modifications of regulations the Council has more discretion and flexibility. The Council may agree with the applicant and grant, in whole or in part, some or all of the requested modifications of regulations, if in its discretion the Council is satisfied that identifiable public purposes are achieved that justify those modifications which are proposed to be granted. Alternately, the Council may determine that some or all of the modifications are not warranted, or not fully warranted, with respect to the proposed public purpose being served and could approve the Special Use Permit without some or all of the requested modifications, or with some adjustments to them.

[See Exhibit 2 in the Staff Report - Chart of proposed modifications and staff recommendation]

PROCESS

Tonight, staff will respond to questions and concerns discussed during the [November 17](#)¹ and [December 3, 2014](#)² public hearings. Please refer to the Staff Report for additional information.

¹ <http://chapelhillpublic.novusagenda.com/Bluesheet.aspx?itemid=2954&meetingid=295>

² <http://chapelhillpublic.novusagenda.com/Bluesheet.aspx?itemid=2989&meetingid=309>

Special Use Permit: Staff will offer for Council's consideration a Revised Resolution A approving the Special Use Permit at the level of development proposed by the applicant. The staff is recommending that the Council consider acting on Revised Resolution A, approving a Special Use Permit with conditions that are directly related to the level of development proposed for the site.

We believe that the Council could make a determination that the staff recommended modifications to the regulations (Exhibit 2 – Staff Report) are aligned with the level of potential development in the Special Use Permit. On the other hand, the Council may determine that the modifications are not warranted, or not fully warranted, with respect to the proposed public purpose being served and could approve the Special Use Permit without some or all of the requested modifications, or with some adjustment to them. Because of the amount of new information presented tonight, the Council may defer action on the Special Use Permit and allow the staff and applicant to return with additional details and a revised Resolution.

Revised Resolution A does not include conditions associated with the Town's participation in roadway improvements and it does not recommend modifications to the I-40 buffer.

Land use development agreement: If the Council wishes to discuss options that would be related to a higher level of development and/or a partnership on funding the roadway improvements, we recommend that the Council enact Resolution C. Resolution C would authorize the Town Manager and Town Attorney to enter into discussion with the applicant and to return to Council with an outline for a possible land use development agreement.

Some of the topics associated with this project that might be incorporated into a land use development agreement include; Eubanks Road cost sharing, building and infrastructure encroachments into the Resource Conservation District and I-40 landscape buffer area, off-site signage, transit capacity impacts, energy management and affordable housing.

NEXT STEPS

The key decisions and discussion topics before the Council tonight are:

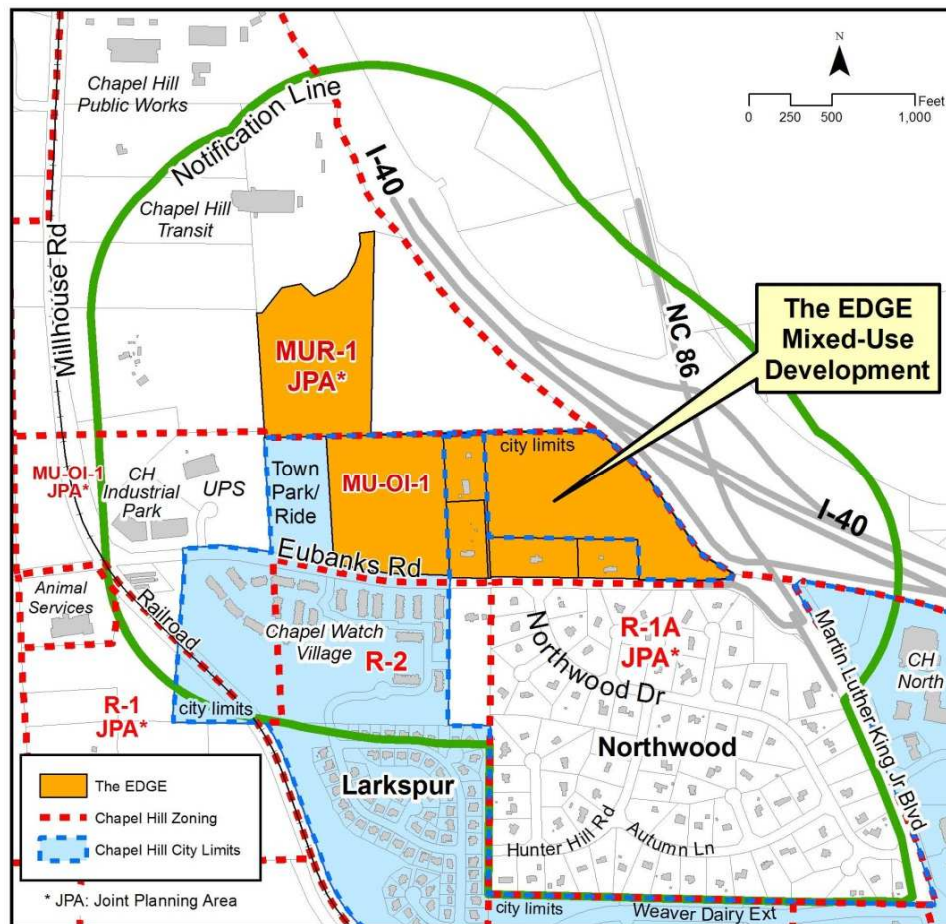
1. **Resolution A, Revised** - Taking action on the Special Use Permit Application including:
 - a. Making a determination that public purposes are satisfied to an equivalent or greater degree by granting some or all of the requested modifications to the regulations; and
 - b. Deciding if the request to modify the I-40 buffer area should be approved as part of the Special Use Permit or a negotiated agreement.
2. **Resolution C** - Consider authorizing the Town Manager and Town Attorney to discuss a draft land use development agreement with the Applicant to:
 - a. Respond to the applicant's request for the Town to enter into a partnership to fund Eubanks Roadway improvements; and
 - b. Think through options and opportunities (i.e. off-site signage, building encroachment into the RCD and I-40 buffer) to make the site more attractive to larger commercial and retail uses.

STAFF REPORT

SUBJECT: Considering an Application for Special Use Permit, The Edge-Planned Mixed Use Development

INTRODUCTION

Tonight the Council continues the [December 3, 2014](#)¹ Public Hearing on a Special Use Permit Planned Mixed Use Development application from Northwood Ravin. The proposed mixed-use development, The Edge, is located on a 53.75-acre site on the north side of Eubanks Road. Proposed plans include 23 or more low to mid-rise buildings (multi-family, commercial/retail, office, bank, and hotel) with 600,000 to 932,000 square feet of floor area.



On [November 17, 2014](#)² the Council opened the Public Hearing. On [December 3, 2014](#), the Council continued the Hearing and received additional staff presentations on Economic Development, Affordable Housing and staff comments on the applicant's [Fiscal Impact Report](#).³

¹ <http://chapelhillpublic.novusagenda.com/Bluesheet.aspx?itemid=2989&meetingid=309>

² <http://chapelhillpublic.novusagenda.com/Bluesheet.aspx?itemid=2954&meetingid=29>

³ <http://chapelhillpublic.novusagenda.com/AttachmentViewer.aspx?AttachmentID=14339&ItemID=2989>

In addition to offering the applicant feedback on the application, the Council on December 3 asked the staff and applicant to explore opportunities for greater commercial development on the site.

PROPOSED CHANGES TO THE APPLICATION

Subsequent to the December 3, 2014 public hearing the applicant submitted a memorandum (attached, dated January 16, 2015) describing proposed changes to the application. A chart comparing the proposed changes to the original application, and staff recommendation can be found at the end of this report (Exhibit 1).

Some of the changes, in response to Council questions and concerns, include:

- Increasing open public space (5,000 sq. ft. to 10,000 sq. ft.),
- Increasing tree canopy coverage (20% to 25%),
- Installing pedestrian crosswalks at signalized intersection (Eubanks Rd./Street 2),
- Providing pedestrian crosswalk (MLK Jr. Blvd.) and sidewalk to Chapel Hill North,
- Community Design Commission (CDC) approval for any significant changes to the Design Guidelines, and
- Committing to certain energy management standards.

Revised Resolution A includes all of the above changes.

Other changes to the application are focused on clarifying previously proposed modifications to the regulations including:

- Reducing I-40 buffer width to 50' – clarification: reduce buffer width is proposed to be cleared, re-graded and re-landscaped. Landscaping plan to be approved by the CDC.
- Gateway Sign at Eubanks– clarification: located in buffer area; sign to be approved by the CDC

Another change to the application includes a request for a second Gateway Sign along I-40. The proposed location for this Gateway sign is near the beginning of the I-40 off ramp, at the edge of I-40 buffer area.

Except for recommending the Eubanks Road Gateway sign in the I-40 buffer (as recommended in the Northern Area Task Force Report), and CDC approval of the sign, Revised Resolution A does not include the other proposed modifications for the I-40 buffer. For additional discussion regarding the I-40 buffer, please refer to the Permitted Modifications of Regulation section in this memorandum.

KEY CONSIDERATIONS FROM THE PUBLIC HEARINGS

The below is a list of topics and items of interest that were discussed during the November 17 and December 3, 2014 public hearings.

Affordable Housing

1. The applicant's proposal to seek tax credits expires 5 years from the Special Use Permit approval date. Is the applicant willing to extend that date to 10 years? Or is the applicant willing to donate land within the development if the tax credit plans do not work out as intended? [November 17]

Staff Response: We understand that the applicant is willing to adjust their affordable housing proposal if the Town is willing to participate in a cost-sharing plan for improvements to Eubanks Road. Because this is a Special Use Permit application, the Council is limited in its ability to discuss and negotiate due to the quasi-judicial nature of this proceeding. We recommend that any discussions between the applicant and Council on a Eubanks Road cost-sharing agreement occur separately from the Special Use Permit process.

2. Is the applicant willing to consider locating the affordable units among the market rate units? [November 17]

Staff Response: The applicant's current proposal does not commit to locating units among the market rate dwellings.

3. What other options besides a tax credit is the applicant willing to offer for Council consideration: payment-in-lieu, development of units off-site? [November 17]

Staff Response: The applicant's current proposal does not commit to payment-in-lieu or developing units off-site.

4. What is the likelihood that two proposals (DHIC and The Edge) would be approved for tax-credits in the same year? [December 3]

Staff Response: Securing tax credits for an affordable housing proposal is an extremely competitive process. Although the lack of adequate affordable housing in Chapel Hill is recognized as something that the community needs to address, when compared to other communities, Chapel Hill's affordable housing situation is healthier than that of many other communities seeking credits. We believe it would be unlikely that two proposals from Chapel Hill would be approved in the same year.

Revised Resolution A includes a stipulation that requires the applicant to not compete with DHIC in the same year. If the applicant agrees to comply with this stipulation, we believe it would help the Council make the determination that some of the modifications to regulations, as requested by the applicant, are warranted based on public purposes being achieved.

Complete Streets

1. A Council member asked the applicant to propose some type of Complete Street network with the proposed project. [November 17]

Staff Response: A Complete Streets network would attempt to accommodate pedestrians, bicyclists, and transit. We believe that this street network and associated bicycle amenities generally meets the intent of a Complete Streets network.

Design Guidelines

1. It seems that the proposed Design Guidelines are intended to allow some flexibility with the final site plan and at the same time offer some assurance that the final development will be attractive and predictable. What might stronger design guidelines look like? [November 17]

Staff Response: We believe that the applicant's proposed design guidelines include some basic foundational elements (street cross sections) as well as some specific elements (building materials) that will permit flexibility and predictability as the project begins to develop. As the applicant begins to market the project to prospective tenants, we believe the design guidelines will help create a sense of place as well as invite occasion to be tweaked along the way.

The applicant has submitted the Design Guidelines document, dated January 19, 2015 (attached), as a part of the Special Use Permit approval. Revised Resolution A notes the Design Guidelines as part of the approved permit. The Revised Resolution also stipulates that any substantial amendment to the January 19, 2015 Design Guidelines, as determined by the Town Manager, requires the Community Design Commission's review and approval. We believe this stipulation, along with the Community Design Commission's review and approval of building elevations will result in a stronger document.

Economic Development

1. The Council expressed support for a development that would have a greater percentage of non-residential floor area than the amount proposed by the developer. Some Council members suggested more vertical development (residential over retail). Retail on the ground floor and residential above can activate a streetscape. The Council asked the applicant to describe why a vertical and more intensive non-residential development is not practicable. [November 17]
2. It was noted that the conceptual site plan did not look like the conceptual illustrative building plan. The applicant was asked to return with an illustrative image that reflected the conceptual site plan. [November 17]

Staff Response: The Economic Development Officer and applicant responded to these statements during the [December 3, 2014 Council](#)⁴ meeting (starting time on video 1:57:18).

3. What about a public/private partnership to encourage economic development? [December 3]

Staff Response: A public/private partnership would require a separate agreement

Energy Management

1. The applicant was asked to consider complying with the Town's energy management Special Use Permit standard that the plan incorporates a "20 percent more energy efficient" feature to

⁴ http://chapelhill.granicus.com/MediaPlayer.php?view_id=7&clip_id=2251

outperform the American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE) energy efficiency standard in place at the time of approval. [November 17]

Staff Response: In addition to submitting an Energy Management Plan with each Zoning Compliance Permit, the applicant is also proposing that the buildings at the project will obtain a nationally recognized “green” program certificate (examples include LEED, National Association of Home Builders Green, Green Globes etc.). Revised Resolution A includes a stipulation requiring these energy management practices.

Eubanks Road Improvements

1. The plans for Eubanks Road include a pedestrian crossing at an intersection (“Street 1”) that does not include a traffic signal. Can a pedestrian-activated signal be added to this proposed pedestrian crossing? [November 17]

Staff Response: In response to this concern, the applicant is willing to locate the pedestrian crossing to “Street 2” where a traffic signal is already proposed. This improvement is stipulated in Revised Resolution A. Based on the applicant agreeing to this stipulation, we believe the Council could make a finding in support of the Special Use Permit Standards and Finding of Fact #1 [*That the use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare*].

2. The Northwood neighborhood expressed concern with the potential for cut-through traffic. Because this project is located outside Town limits, the neighborhood would have to create a homeowners group and work with NCDOT to install traffic calming features [November 17, December 3]

Staff Response: House Bill 182 (attached) outlines the necessary steps for installing traffic calming devices on subdivision roads maintained by NCDOT. At this time the applicant has stated that they are not willing to offer any financial assistance to help off-set the cost of traffic calming features in the Northwood neighborhood. The Council is unable to expend Town funds on traffic calming improvements in Northwood because this neighborhood is located outside Town limits,

3. During the December 3, 2014 meeting, the applicant presented Eubanks Road cross-section and Public Street A plans as part of a PowerPoint presentation. The Council asked the applicant to provide copies of these plans.

Staff Response: The Eubanks Road plans, and plans for Public Street A showing pedestrian crosswalks to the Park & Ride, is attached to this memorandum.

4. Does the proposed Eubanks Road cross-section match up with the existing, proposed cross-section in Carrboro? [December 3]

Staff Response: The proposed Eubanks Road cross-section will match up with the existing cross section (five foot sidewalk and on street bike lane) in front of the Chapel Watch development. The existing cross-section in Carrboro, does not include sidewalks, or bicycle lanes.

Eubanks Road, I-40 Interchange

1. In addition to limited visibility along I-40, traffic congestion at the Eubanks Road/I-40 Interchange was recognized as a major hurdle to attracting retail tenants. Because this intersection is a problem, and will likely continue to be a problem whether or not the Special Use Permit is approved, what options can be pursued to address this matter? [December 3]

Staff Response: In order to fully address the traffic congestion at this intersection, we believe it will be necessary to undertake a major redesign of the traffic pattern. We have discussed this matter with NCDOT, and they have offered a preliminary roadway design (attached). The drawing, provided by NC DOT - Congestion Management, shows the concept that NC DOT believes would accommodate traffic generated by the higher square feet numbers as previously proposed (roughly 250,000SF Retail, 100,000SF Office, 120,000SF Hotel and residential mixed in). It is a concept not previously used in North Carolina and would mix traffic directions until it gets beyond the curve in the road when traffic would be shifted back to traditional lanes. The drawing is labeled with street names and traffic direction to provide a better understanding.

We believe this improvement may cost between 7 and 10 million dollars and could take several years for approval. The applicant has stated that they are not in a position to offer financing for this level of improvement. We believe there may be other options that the Council could consider outside this Special Use Permit process, such as a land use development agreement with the applicant, if the Council wishes to investigate improving this interchange. Revised Resolution A does not include any stipulations associated with the I-40 interchange.

Fiscal Impact Report

1. The staff presented a brief analysis on the applicant's Preliminary Fiscal Report. During the discussion staff noted that they had not completed an analysis of the impacts associated with storm water management and transit. In response to a Council question, staff also indicated that they could look into doing an analysis of potential jobs created by the proposed project. [December 3]

Staff Response:

Stormwater fees are based on an estimated impervious surface of 1,475 ERU's⁵ which equates to annual revenue of \$36,507. Whether this annual revenue is sufficient to pay the annual costs for maintaining the stormwater facilities needed for the proposed development can only be determined when a plan of development for the site has progressed to the point such that ownership and quantities of infrastructure elements such as streets, stormwater, etc. can be better ascertained and thus operation and maintenance costs to the Town determined.

Transit - We are currently working on developing cost estimates based on trip demand projections and service impacts based on those projections. We hope to have something to share with the Council tonight.

Employment projections - We project that under Scenario 1, approximately 327 jobs would be created, based on 60,000 square feet of office and 140,000 square feet of retail. Scenario 2

⁵ Equivalent rate units: 1 ERU = 1,000 square feet of impervious area

would generate approximately 491 jobs (70,000 square feet of office and 262,290 square feet of retail, hospitality).

Martin Luther King Jr Blvd

1. The Council discussed a desire for a safe pedestrian connection between this development and the nearby Chapel Hill North and Timberlyne shopping centers. [November 17, December 3]

Staff Response: The applicant has stated in their revised application they would provide a pedestrian connection between their project and the Chapel Hill North shopping center. Revised Resolution A includes a stipulation requiring that the applicant provide a pedestrian connection between their project and the Chapel Hill North shopping center. Based on the applicant agreeing to this stipulation, we believe, that the Council could make a finding in support of the Special Use Permit Standards and Finding of Fact #1 [*That the use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare*].

Mix of Use

1. The applicant stated that it could be difficult to develop the site with at least 15% of the floor area devoted to retail use. The Council asked for additional information on this matter [November 17]

Staff Response: The Economic Development Officer and applicant responded to these statements during the [December 3, 2014 Council](#)⁶ meeting (starting time on video 1:57:18).

2. There seems to be a lack of day care facilities in the community. Would you consider day care as a possible use or maybe a Montessori School? [November 17]

Staff Response: Council approval of Revised Resolution A would allow the applicant to construct a day care or school.

Public Green Space

1. Because the applicant is seeking to modify the regulations and reduce the minimum tree canopy requirement, the applicant should provide more public green space. Structured parking and/or increasing vertical building heights could allow more green space. [November 17]

Staff Response: The applicant has stated in their revised application materials, that they would increase the minimum public green space area from 5,000 to 10,000 sq. ft. Revised Resolution A includes a stipulation requiring that the applicant provide a minimum of 10,000 square feet of public greens space.

Resource Conservation District (RCD) – building in the RCD

⁶ http://chapelhill.granicus.com/MediaPlayer.php?view_id=7&clip_id=2251

1. One idea to provide greater visibility from I-40 included moving the development closer to the interstate. [December 3]

Staff Response: This option would require the Council to amend the Land Use Management Ordinance (LUMO) and allow construction within the RCD. We believe that a discussion on this topic should be considered outside this Special Use Permit process. This topic could be discussed as part of a land use development agreement negotiation or as part of the discussion of a text amendment to the LUMO.

Signage, off-site

In order to increase visibility and attract vehicles along Interstate-40, what options can we consider for off-site signage? For example, the Town Operation Center is visible from the Interstate. Can we enter into a partnership with developer on signage? [December 3]

Staff Response: The current Land Use Management Ordinance does not allow for off-site signage. We believe that a discussion on this topic should be considered outside this Special Use Permit process, such as a land use development agreement or as part of the discussion of a text amendment to LUMO

Transit Capacity Analysis

1. The Transportation and Connectivity Advisory Board recommended that the town conduct a transit impact analysis of the Eubanks Road Park and Ride Lot. [November 17]

Staff Response: Subsequent to the November 17 public hearing, town staff asked the town's traffic consultant to update the Traffic Impact Study and offer an opinion on the potential transit service impacts due to anticipated transit trips generated by The Edge. A copy of that analysis and associated maps is attached. A finding of the study is that proposed 2019 build out of The Edge is anticipated to result in ridership numbers that will exceed the ridership capacity for the AM peak southbound NS Route and the PM peak northbound NS Route.

Off-setting the cost of this impact could be a conversation between the Town and the applicant that is separate from the Special Use Permit review process or part of a land use development agreement process.

Tree Canopy

The applicant is seeking a modification to the 30% tree canopy standard. In order to increase tree canopy, it was suggested that the applicant convert single-story structures into multi-story structures. In lieu of vertical construction, the Council asked the applicant to offer other options for complying with the tree canopy requirements. [November 17]

Staff response: The applicant has stated they would increase the tree canopy coverage from 20% to 25% or make a payment to the town's Tree Mitigation Fund (\$500 per 500 sq. ft. of canopy) to make up for the shortfall. Revised Resolution A does not support the proposed modification. We recommend that the project comply with the 30% canopy coverage requirement or make up for the shortfall with a payment-in-lieu to the town's Tree Mitigation Fund.

EVALUATION OF THE APPLICATION

Tonight, based on evidence in the record thus far, we provide the following evaluation of this application based on the following sections in the Land Use Management Ordinance (LUMO):

- Section 4.5.2 Standards and Findings of Fact; and
- Section 4.5.6 Permitted Modifications of Regulation

Each is discussed below.

Standards and Findings of Fact

No special use permit shall be recommended by the town manager or planning board for approval and no special use permit shall be approved by the town council unless each of the following findings is made concerning the proposed special use or planned development:

- (1) That the use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;*
- (2) That the use or development complies with all required regulations and standards of this chapter, including all applicable provisions of articles 3 and 5, the applicable specific standards contained in the supplemental use regulations (article 6), and with all other applicable regulations;*
- (3) That the use or development is located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property, or that the use or development is a public necessity; and*
- (4) That the use or development conforms with the general plans for the physical development of the town as embodied in this appendix and in the comprehensive plan.*
[Section 4.5.2 LUMO]

Tonight, based on evidence in the record thus far, we provide the following evaluation of this application based on the four findings of fact that the Council must consider for granting a Special Use Permit. Further evidence may be presented for the Council's consideration as part of the continued public hearing process. We believe the evidence in the record to date can be summarized as follows:

Finding #1: *That the use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare.*

Evidence in Support	<p>The applicant's Statement of Justification includes the following:</p> <ul style="list-style-type: none"> • <i>The improvements proposed to Eubanks Road and Martin Luther King Jr. Boulevard at the intersection with Eubanks Road not only address the daily volumes from this development but also incorporate thru lanes, turn lanes and storage volumes to improve the corridor for existing traffic.</i>
Evidence in Opposition	To date, no evidence in opposition has been submitted or identified

	by staff.
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Staff Response: We believe, based on the evidence entered into the record to date, that the Council could make the finding that the development would be located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare and the Special Use Permit is approved with the conditions and modifications in Revised Resolution A. Of particular note are the stipulations requiring pedestrian improvement along Eubanks Road, a pedestrian connection to Chapel Hill North, and providing 10,000 sq. ft. of public space.

Finding #2: *That the use or development complies with all the required regulations and standards of this Chapter, including all applicable provisions of the Land Use Management Ordinance.*

Evidence in Support	<p>The applicant's Statement of Justification includes the following:</p> <ul style="list-style-type: none"> • <i>The EDGE is designed to meet the intent of the current zoning, the LUMO, and other Town standards and largely follows the prescribed dimensional standards of Section 3.5.1 Mixed Use Districts, MU-OI-1 and MU-R-1.</i> • <i>This project proposes modifications to the dimensional standards of the MU-OI-1 and MU-R-1 districts requirements and other LUMO regulations</i>
Evidence in Opposition	To date, no evidence in opposition has been submitted or identified by staff.

Staff Response: We believe, based on the evidence entered into the record to date and the stipulations in Revised Resolution A, that the Council could make the finding that the development would comply with all required regulations and standards except for the requested modifications to regulations. Please see the Proposed Modification of the Regulations section in this memorandum for discussion of this issue.

Finding #3: *That the use or development is located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property, or that the use or development is a public necessity.*

Evidence in Support	During the November 17, 2014 Public Hearing, the applicant entered into evidence a limited report of a real property appraisal.
Evidence in Opposition	To date, no evidence in opposition has been submitted or identified by staff.

Staff Response: We believe, based on the evidence entered into the record to date, that the Council could make the finding that the proposed development is designed in a way that would maintain or enhance the value of contiguous properties if the Special Use Permit is approved with the conditions and modifications in Revised Resolution A.

Finding #4: *That the use or development conforms with the general plans for the physical development of the Town as embodied in this appendix and in the comprehensive plan.*

Evidence in Support	<p>The applicant's Statement of Justification includes the following:</p> <ul style="list-style-type: none"> • <i>The EDGE property has been shown by the Town as a future Development Opportunity Area in the Northern Area Task Force report published in August, 2007, the latest revision to the Land Use Plan adopted in June, 2011 and as re-stated in the 2020 Comprehensive Plan adopted on June 25, 2012. The goals of each of these efforts have been to provide a guiding vision for how new development could integrate into the existing community and respect existing residents in both physical and financial impacts.</i>
Evidence in Opposition	To date, no evidence in opposition has been submitted or identified by staff.

Staff Response: We believe, based on the evidence entered into the record to date, that the Council could make the finding that the development conforms to the general plans for physical development of the Town as embodied in the 2020 Comprehensive Plan. We think The Edge proposal generally complies with the land use plan and themes in the 2020 Comprehensive Plan. Relevant goals and objectives in the Comprehensive Plan include, but are not limited to:

- Balance and sustain finances by increasing revenues and decreasing expenses (CPE.1)
- A well-conceived and planned, carefully thought-out integrated, and balanced transportation system that recognizes the importance of automobiles, but encourages and facilitates the growth and use of other means of transportation such as bicycles, pedestrian, and public transportation options (GA.1)
- A connected community that links neighborhoods, business, and schools through the provision of greenways, sidewalks, bike facilities and public transportation (GA.2)
- Connected to a comprehensive regional transportation system (GA.3)
- Open and accessible common space for community gathering, cultural uses, and community development (GPNS.7)
- Support the Parks and Recreation Master Plan and the Greenways Master Plan to provide recreation opportunities and ensure safe pedestrian and bicycle connections (NOC.5)

Permitted Modifications of Regulation

Where actions, designs, or solutions proposed by the applicant are not literally in accord with applicable special use regulations, general regulations, or other regulations in this appendix, but the town council makes a finding in the particular case that public purposes are satisfied to an equivalent or greater degree, the town council may make specific modification of the regulations in the particular case. Any modification of regulations shall be explicitly indicated in the special use permit, or modification of special use permit. [Section 4.5.6 LUMO]

Council Findings and Public Purpose: Granting modifications to the regulations is a discretionary decision (legislative) by Council, and is different from Special Use Permit findings (quasi-judicial), which requires the Council to make the findings based on the submission of evidence.

The Council has the ability to modify regulations, according to Section 4.5.6 of the Land Use Management Ordinance if it makes a finding as to each modification that public purposes are satisfied to an equivalent or greater degree. For each of the below requests, if Council does not agree that public purposes are satisfied to an equivalent or greater degree, the Council may choose to not support the requested modification to regulations or may approve a lesser version thereof.

If the Council in its discretion finds that the modifications to regulations are not warranted, the proposed development could be denied or approved without some or all of the modifications. In the alternative, the applicant may request an opportunity to adjust the proposed project to comply with those regulations which the Council is not willing to modify.

Staff Evaluation: In order to accommodate the proposed density and achieve the goal in the comprehensive plan to develop this site into an economic opportunity, the applicant is seeking modifications to the regulations. Below is an evaluation of the application based on the finding that public purposes are satisfied to an equivalent or greater degree. Exhibit 2 and the applicant's revised materials describe the proposed modifications.

- a. Building Height: Increase the primary building height along Public Streets 'A' & 'B' from 44 feet to 59 feet; and
- b. Building Setbacks: Reduce the 75-foot perimeter parking lot setback to zero and 50-foot perimeter street setbacks to 20 feet; and
- c. Mix of Land Use Percentages: Change the mix of land use percentages (residential, commercial, office) required in the Office Institutional-1 and Residential-1 Mixed Use Districts; and
- d. Tree Survey: Increase the diameter at breast height standard from 6 inches to 12 inches; and
- e. Landscape Buffer Widths: Reduce proposed landscape buffer widths around the perimeter (Park & Ride lot, Erber property, Eubanks, new Road A & B) of the site; and
- f. Signage: Allow multiple ground signs along Eubanks Road, increase the size, height, display area of wall signs, and
- g. Burial of utilities underground: Underground installation of new or relocated utilities is not required for activities located outside the boundary of the development or associated with the reconstruction of Eubanks Road.

Staff Response: Council may, at its discretion, make specific modifications in this particular case. We believe based on the information presented at the public hearings, including the preliminary findings of the Fiscal Impact Report, that the Council can make the public purpose finding that the economic development potential, created by granting modifications for items a. through g.

above, as granted in Revised Resolution A, are warranted based on the public purpose, economic development, being served to an equal or greater degree.

For additional specific details on the modifications as requested by the applicant, please refer to the applicant's Statement of Justification, included in the Applicant's Materials attached to the [November 17, 2014](#)⁷ Public Hearing Agenda Item and the revised application materials attached to this agenda item.

The applicant is also seeking three additional modifications:

- h. Tree Canopy Percentage: Reduce the minimum tree canopy coverage from 30% to 25%.

Staff Response: The Planning Commission recommended a target tree canopy of 30%. Revised Resolution A requires a tree canopy of 30% or a payment-in-lieu to the town's Tree Mitigation Fund.

- i. Gateway Signage: Add a 30-foot high iconic gateway-private art sign feature (as approved by the Community Design Commission) with expanded text and signage near the Eubanks/Road Martin Luther King Jr. Blvd. intersection.

Staff Response: The Northern Area Task Force Report recommended locating art or an entranceway feature near the Eubanks Road-Martin Luther King Jr Blvd. intersection. Revised Resolution A would allow the construction of a Gateway sign in this location, as requested by the applicant, once the project achieves a commercial floor area threshold of 50,000 square feet of floor area. This sign would be similar in size to other commercial centers in town that are permitted to install signs of up to 14 feet in height. For comparison, a list of commercial centers and associated floor areas is attached as Exhibit 3. The Resolution also requires that the Community Design Commission review and approve the sign.

We believe that the Council can make the public purpose finding that the economic development potential, created by granting modifications for the above item is warranted based on the public purpose, economic development, being served to an equal or greater degree. Alternately, the Council may make a public finding that the commercial floor area threshold trigger should be something other than the 50,000 square feet as recommended in Revised Resolution A.

- j. I-40 - Buffer Width and Vegetation: Reduce the buffer width from 100 feet to 50 feet; lower the existing grade so the interior of the site is more visible from the I-40 ramp and NC 86 southbound traffic; and re-landscape with less than the require buffers planting materials.
- k. Signage and Storm Water Basin in the I-40 Buffer: Locate storm water basin and a Gateway sign at the northeast corner of the site, in the landscape buffer area.

⁷ <http://chapelhillpublic.novusagenda.com/Bluesheet.aspx?itemid=2954&meetingid=295>

Staff Response: The Land Use Management Ordinance requires a 100-foot wide Type “E” buffer along Interstate 40. We believe that in order to limit bill boards along the highway, the concept of this buffer originated during the preliminary construction of Interstate 40, approximately 30 years ago. Similar undisturbed vegetative buffers are evident along I-40 in Orange, Durham, and Wake and Johnson counties.

The applicant believes the clearing, grading, and selective landscaping of this buffer area, as well as locating two “Gateway” sign in the buffer, is necessary in order for this project to succeed. Although we can appreciate this position, we believe that, because this buffer area is part of cohesive, mostly uninterrupted highway buffer edge that extends beyond the Town’s jurisdiction, and because there is no guarantee that the clearing of the buffer will directly result in the desired commercial development intensity, we believe this topic should be a conversation between the Town and the applicant that is separate from the Special Use Permit review process and part of a land use development agreement process.

We anticipate that the applicant will offer the Council additional information tonight on this particular modification request.

For additional specific details on the above modifications, as requested by the applicant, please refer to the applicant’s Statement of Justification, included in the Applicant’s Materials attached to the [November 17, 2014](#)⁸ Public Hearing Agenda Item and the revised application materials attached to this agenda item.

REVISED RESOLUTION A

Subsequent to the November 17, 2014 Public Hearing, Revised Resolution A includes the following changes:

1. Modifications
 - a. Signage at entrance drives: allow office and residential use on development identification sign
 - b. Eubanks Road Gateway Sign: allow 24-hour illumination; allow signs larger than 144 sq. ft., allow encroachment into the I-40 buffer;
 - c. Tree Canopy: increase from 25% to 30%
 - d. Eubanks Rd. utilities above ground: requires applicant to prove economic hardship or danger to public safety
2. Affordable Housing
 - a. Stipulates applicant’s proposed 5 year tax credit program.
 - b. Requires applicant not compete with DHIC for tax credits.
 - c. Prohibits WRH Realty from acting as property Management Company.
3. Pedestrian Improvements

⁸ <http://chapelhillpublic.novusagenda.com/Bluesheet.aspx?itemid=2954&meetingid=295>

- a. A pedestrian sidewalk along the south side of Eubanks Road, between Martin Luther King Jr. Blvd. and Chapel Watch Village.
 - b. A pedestrian crosswalk on Martin Luther King Jr. Blvd. and sidewalk connection to Chapel Hill North commercial center.
 - c. A high visibility pedestrian crossing on Eubanks Road at Street #2 (intersection with traffic signal at Northwood Dr).
 - d. Pedestrian crosswalks on Road A, between residential development and park and ride lot.
4. Design Guidelines
 - a. Design Guidelines approved as a formal part of the Special Use Permit.
 - b. Requires Community Design Commission to review any proposed substantial changes to the Design Guidelines.
5. Energy Management
 - a. Each project that includes buildings will obtain a nationally recognized “green” certification (examples include, but are not limited to: LEED, NAHB, Green Globes, etc.). The certification will be obtained within one year of the final certificate of occupancy for the respective project.
6. Public Open Space
 - a. Open Public Space: That the project shall provide a minimum of 10,000 square feet of passive recreation, open space, common public squares or green areas.

EXHIBIT 1- PROPOSED CHANGES
Comparing the original application and
Proposed Changes

	Column A	Column B	Staff Recommendation
	Original Application	Revised Application	Revised Resolution A
Open Public Space	5,000 sq. ft.	10,000 sq. ft.	Column B
Tree Canopy	20%	25%	30%
Eubanks Rd Pedestrian Crossing	Not located at a signalized intersection	Located at signalized intersection (Northwood Dr)	Column B
Pedestrian Connection to Chapel Hill North	Not proposed	Pedestrian crossing on MLK and sidewalk connection to CH North sidewalk (east side of MLK)	Column B
Design Guidelines`	Not approved as part of the SUP approval	Approved as part of SUP and CDC approval required for significant changes	Column B
Energy Management Plan (EMP)	EMP provided with all ZCP's that include buildings with goal of providing more efficiency than current ASHRAE	In addition to EMP's commitment to obtain a nationally recognized "green" program certification for each building(s)	Column B
I-40 100' Buffer	Reduce from 100' – 50 and re-landscape	Re-grade 50' buffer width, clear for visibility and re-landscape to maintain visibility.	No - part of a separate agreement outside SUP process
Gateway Sign #1 Eubanks Rd	Located outside I-40 buffer	Located in I-40 buffer	Column B
	No CDC approval	CDC approval	
Gateway Sign #2	Not proposed	Northeast corner of site inside I-40 buffer	No - part of a separate agreement outside SUP process

EXHIBIT 2 - MODIFICATIONS
Comparing LUMO Regulations to requested modification

Land Use Management Regulations (standard in parentheses)		Modification Request	Staff Recommendations
1	Mix of Uses (MU-R1 & MU-OI) (varies)	Range of max. & min.	YES
2	Tree survey (6" caliper)	12" caliper	
3	Building heights Road A & B (44 feet)	59 feet	
4	Perimeter setbacks		
4a	Parking (75 feet)	0 feet	YES
4b	Building (50 feet)	20 feet	
5	Eubanks Rd utilities (buried)	above ground	
6	Signage		
6a	Development identification signs (2 signs)	(6 signs)	YES
6b	Development identification display area (20 sq. ft.)	40 sq. ft.	
6c	Tenants & trademark per sign (1)	3	
6d	Building & business id sign area (5% of façade)	10%	YES (for buildings facing I-40 ramp)
6e	Building identification sign height (24-feet)	top of bldg.	
6f	Anchor tenant sign size (50% of dev. sign size)	75%	YES (with 25,000 sq. ft. of commercial development)
6g	Register logo size (50%)	75%	
6h	Internally illuminated (50% max display area)	100%	
7	Gateway Sign (Commercial center sign)		
7a	Height (14 feet)	30 feet	YES (One sign with 50,000 sq. ft. of commercial development)
7b	Display area (75 sq. ft.)	200 sq. ft.	
7c	Overall Sign Area (144 sq. ft.)	No limit	
7d	Anchor tenant (unlimited)	5	
7e	Illumination during non-business hrs. (No)	Yes	
7f	Location (Eubanks & MLK) (outside bufferyard)	In I-40 buffer	
8	Landscape buffer widths		
8a	North Property (Park & Ride) (20 feet)	0 feet	YES (with the submission of a Zoning Compliance Permit for adjacent building footprint)
8b	North Property (Erber property) (20-feet)	10 feet	
8c	Eubanks Rd (30 feet)	10 feet	
8d	Roads A & B (20 feet)	15 feet	
8	Tree canopy coverage (30%)	25%	30% or payment to the town's tree mitigation fund
9	Interstate 40 buffer		
9a	Width (100 feet)	50 feet	Maintain 100' buffer, retain existing vegetation, no signage or storm water encroachments
9b	Landscaping (Type E Plantings)	Graded, replanted	
9c	Encroachments (perpendicular utilities, paths, greenways)	Storm water facility, Gateway sign at northeast corner	

EXHIBIT 3 - COMMERCIAL CENTERS
Floor area chart

	Commercial Centers	Est. square footage	Thoroughfare	Speed Limit
1	Chapel Hill North	95,820	Martin Luther King Jr Blvd	35 mph (WDR to Perkins) 45 mph Perkins to I-40
2	East 54	55,000	NC 54	35 mph
3	Eastgate	152,603	E Franklin and Fordham Blvd	35 mph (Franklin) 45 mph (Fordham)
4	Elliott Rd (Mark Properties)	100,000	Elliott Rd and Fordham Blvd	35 mph (Franklin) 45 mph (Fordham)
5	Glenwood Square	53,000	NC 54	35 mph
6	Meadowmont	96,740	NC 54	35 mph west bound 45 mph east bound
7	Rams Plaza	127,421	Fordham Blvd	45 mph
8	Southern Village	62,500	15-501 South	45 mph
9	Timberlyne	112,925	Weaver Dairy Rd	35 mph
10	University Mall	400,000	Estes and Fordham	35 mph (Estes) 45 mph (Fordham)
11	Village Plaza (Whole Foods)	75,000	Elliott and E Franklin	35 mph

PROJECT FACT SHEET REQUIREMENTS
Check List of Regulations and Standards
Special Use Permit Application

<i>The Edge Mixed Use</i>	STAFF EVALUATION BASED ON MU-OI-1, MU- R1 and PLANNED MIXED-USE	
	COMPLIANCE	NONCOMPLIANCE
<i>Use Permitted</i>	√	
Gross Land Area	√	
Minimum Lot Width	√	
Maximum Floor Area	√	
Maximum # Dwelling Units	√	
Minimum Recreation Space	√ w stipulations	
Impervious Surface Limits	√	
Land Disturbance Minimized	√	
Minimum # Vehicular Parking Spaces	√ w stipulations	
Minimum # Bicycle Parking Spaces	√ w stipulations	
Minimum Setbacks	√	
Maximum Primary Height Limits	√ (with modifications)	
Maximum Secondary Height Limits	√	
Minimum Landscape Bufferyards	√ (with modifications)	
Minimum Land Disturbance in the Resource Conservation District	√	
Steep Slopes Compliance	√	
Stormwater Management (Including New Jordan Nutrient Loading Regs.)	√ (with stipulations)	
Parking Lot Screening	√	
Public Water and Sewer	√	
Adequate Public Schools Facilities	√	
Affordable Housing	7-13%	
Signage	√ (with modifications)	
Tree Canopy Coverage	√ (with modifications)	

NA = Not Applicable

Prepared: September 19, 2014

REVISED RESOLUTION A**A RESOLUTION APPROVING AN APPLICATION FOR SPECIAL USE PERMIT
PLANNED MIXED-USE DEVELOPMENT FOR THE EDGE (PROJECT #13-104)(2015-
01-26/R-5)**

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that a Planned Development-Mixed Use Special Use Permit application, proposed by Northwood Ravin, for The Edge, located at 1900, 2012, 2014, 2100 Eubanks Road on property identified as Orange County Property Identifier Numbers 9870-98-7045, 9870-98-7294, 9870-99-0117, 9880-07-1883, 9880-07-6840, and 9880-08-4202, located in the Mixed-Use Office-Institutional-1 and Mixed-Use Residential-1, if developed according to the Site Plan dated February 25, 2014 and revised September 22, 2014, Eubanks Road and Road A site plans, dated January 19, 2015 and the Design Guidelines dated January 20, 2015 and the Eubanks Road Park and Ride Exhibit Option 1 dated June 2, 2014, the conditions listed below would:

1. Be located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
2. Comply with all required regulations and standards of the Land Use Management Ordinance;
3. Be located, designed, and operated so as to maintain or enhance the value of contiguous property; and
4. Conform with the general plans for the physical development of the Town as embodied in the Land Use Management Ordinance and in the 2020 Comprehensive Plan.

Modifications to Regulations

BE IT FURTHER RESOLVED by the Town Council of Chapel Hill that it finds, in this particular case, that the proposed development with the following requested modifications to regulations satisfies public purposes to an equivalent or greater degree:

1. Modification of Table 3.8-1 of the Land Use Management Ordinance to modify the intensity regulations as regards the primary building height along Public Streets 'A' & 'B' to allow a Primary Building Height of 59 feet instead of 44 feet.

This finding is based on a determination that public purposes are satisfied to an equivalent or greater degree as the proposal would generate increased economic development and expand the non-residential tax base.

2. Modification of Section 3.5.1.e.3.G & I (MU-OI-1 Land Use Intensities) and 5.5.1.f.3.G & I (MU-R-1 Land Use Intensities) of the Land Use Management Ordinance to modify the 75-foot perimeter parking lot setbacks to zero and the 50-foot perimeter setback to

20-foot setbacks

This finding is based on a determination that public purposes are satisfied to an equivalent or greater degree as the proposal would generate increased economic development and expand the non-residential tax base.

3. Modification of Table 5.6.6-1 of the Land Use Management Ordinance to modify the landscape bufferyards as noted in the below table:

Location	Modified Buffer
Eubanks Road	Reduce from 30' Type C to 10' Type C
Park & Ride Lot (north line)	Reduce from 20' Type C to zero
Erber (north property line)	Reduce from 20' Type C to 10' type C
Public Street 'A' & 'B'	Reduce from 20' Type C to 15' Type A

Eubanks Road Gateway Sign: That as recommended in the Northern Area Task Force Report, the Eubanks Road Gateway Sign may be located in the I-40 buffer area.

This finding is based on a determination that public purposes are satisfied to an equivalent or greater degree as the proposal would generate increased economic development and expand the non-residential tax base.

4. Modification Section 5.14.11 (Sign in Mixed Use O-I and R-1 Districts) and Section 5.14.12 (Commercial Ground Sign) of the Land Use Management Ordinance to modify the sign regulations to clarify applicability as noted below:
 - a. Section 5.14.11.(b).(1) Signs
 - Development identification signs: increase maximum number from 1 to 2 signs at each principal access point, and 1 at each right-in, right-out access point
 - Display areas square footage: increase from 20 sq. ft. to 40 sq. ft.

That that following modifications shall be approved with the submission of a Zoning Compliance Permit for 25,000 sq. ft. of commercial floor area:

- Anchor tenant, including office and residential use, names, increase maximum number from 1 to 3
 - Letters, registered logo: increase percent of the size from 50% to 75%
- b. Section 5.14.11. (b) .2.
 - Building identification signs: increase maximum display area from 5% of the building façade to 10% for buildings facing the I-40 ramp; and allow the sign height to increase from approximately 24-feet to the top level of the building for building facing the I-40 ramp.
 - c. Section 5.14.11. (b). (3)
 - Identification signs for individual establishments: increase maximum display area from 5% of the building façade to 10% for wall signs facing the I-40 ramp; and allow the sign to be located at the top level of the building for building facing the I-40 ramp

d. Section 5.14.11. (b). (4).

That that following modifications shall be approved with the submission of a Zoning Compliance Permit for 25,000 sq. ft. of commercial floor area:

- Internally illuminated sign: maximum size shall be increased from one-half of the maximum to the same as the maximum allowable size

e. Section 5.14.12. (a). (3).

That that following modifications shall be approved with the submission of a Zoning Compliance Permit for 50,000 sq. ft. of commercial floor area:

Specifically for the Gateway-sign feature to be located in the southeast corner of the property at the Eubanks Road and Martin Luther King Jr. Blvd. intersection

- Height: increase the maximum height from 14 feet to 30 feet
- Illumination permitted during non-business hours

f. Section 5.14.12.(a).(5)

That that following modifications shall be approved with the submission of a Zoning Compliance Permit for 50,000 sq. ft. of commercial floor area:

Specifically for the Gateway-sign feature to be located in the southeast corner of the property at the Eubanks Road and Martin Luther King Jr. Blvd. intersection

- Overall sign area: overall dimensional square footage or sign structure proportions may be greater than the dimension limits for commercial center signage
Display area: increase the maximum display area from 75 to 200 sq. ft.; display area may include up to 5 tenants/use signs; project logo/Icon excluded from the 200 sq. ft. display area limit

This finding is based on a determination that public purposes are satisfied to an equivalent or greater degree as the proposal would generate increased economic development and expand the non-residential tax base.

5. Modification of Section 3.5.1.e.2.C. (Permitted Uses and Development Intensities Mixed Use - OI-1); and Section 3.5.1.f.2.C (Permitted Uses and Development Intensities Mixed Use - R-1) of the Land Use Management Ordinance to modify the mixed of proposed land uses to allow:

- a. Minimum of 43% residential, 15% commercial* and 6% office/clinic; and
- b. Maximum of 75% residential, 44% commercial* and 29% office/clinic

*Commercial use includes hotel square footage

This finding is based on a determination that public purposes are satisfied to an equivalent or greater degree as the proposal would generate increased economic development and expand the non-residential tax base.

6. Modification of Section 5.7.6.a.2.iii. (Rare and Specimen Tree Defined) to increase the diameter at breast height standard for tree survey requirements from 6 inches to 12 inches.

This finding is based on a determination that public purposes are satisfied to an equivalent or greater degree as the proposal would generate increased economic development and expand the non-residential tax base.

7. Modification of Section 5.12.2 (Other Utilities) to limit underground utility installation to the internal development site; work associated with Eubank Road is not required to locate utilities underground if the applicant can demonstrate that the burial would create economic hardship or a danger to public health or safety as it relates to the size, nature, timing, and scope of the proposed development.

This finding is based on a determination that public purposes are satisfied to an equivalent or greater degree as the proposal would generate increased economic development and expand the non-residential tax base.

BE IT FURTHER RESOLVED that the Town Council hereby approves the application for a Special Use Permit for The Edge in accordance with the plans listed above and with the conditions listed below.

Stipulations Specific to the Development

1. Construction Deadline: That construction begin by January 26, 2015 (2 years from the date of approval), to be completed by January 26, 2025 (10 years from the date of approval).
2. Detailed Plan Review and Approval: Town staff will review the individual building proposals for compliance with the Special Use Permit, including Resolution A, the Land Use Management Ordinance and the applicant's Design Guidelines. The Community Design Commission would then review and approve final building elevations and site lighting for each new building, before construction could begin.

Prior to the issuance of a Zoning Compliance Permit, final detailed site plans, grading plans, utility/lighting plans, stormwater management plans (with hydrologic calculations), landscape plans, and landscape maintenance plans shall be approved. Such plans shall conform to plans approved by the Council and demonstrate compliance with all applicable regulations and standards of the Land Use Management Ordinance and the Design Manual.

Plans, plats, and associated detailed requirements as set forth in the stipulations of this resolution and incorporated into the Special Use Permit shall be reviewed and approved by the Town Manager, or his designee, as well as outside agencies, such as NCDOT, OWASA and Duke Energy, where indicated.

3. Design Guidelines Certification: That the submission of each Final Plan includes a signed and sealed certification that the proposed plans comply with the approved Design Guidelines for The Edge project.

4. Petition for Voluntary Annexation: That prior to the issuance of a Zoning Compliance for a building, or prior to recording a newly created subdivision lot, the applicant submit a valid and sufficient Petition for Voluntary Annexation. The property may be recombined prior to the submission of the annexation petition.
5. Subdivision of Lots: That all proposed new lots shall front or have direct access to a public street right-of-way, or a public-street easement, or private street easement that is built to Town standards. New lots fronting a private street easement must provide documentation that the lot has direct access to public right of way or public street easement. That review and approval of new subdivision lots shall be processed as an administrative approval of a minor subdivision or commercial subdivision during Final Plan Review process.
6. Substantial Changes in Vehicular Access or Circulation: If, as determined by the Town Manager, the applicant submits a Final Plan application that proposes substantial changes to internal vehicular access or circulation, including substantial realignment or elimination of Street 1, 2, 3, 4, the Town Manager shall refer the applicant to the Council for a review of a modification of the Special Use Permit. The addition of streets within Blocks shall not be considered a substantial change.

Eubanks Road Park and Ride Lot

7. Eubanks Road Park and Ride Lot Site Modifications: That the applicant shall be responsible for all improvements and modification to the Eubanks Road Park and Ride Lot, as shown by site plan Option 1 or Option 2. In addition to the improvements identified by the site plan, the applicant shall also be responsible for the following:
 - a. Construct public Street 'A' including the traffic circle as shown on Option 1 or Option 2;
 - b. Signalize the intersection of Eubanks Road and Street 'A';
 - c. Relocate existing park and ride egress movements away from Eubanks Road;
 - d. Revise the park and ride westernmost entrance to allow only right-in turning movements;
 - e. Survey additional right-of-way along the park and ride Eubanks Road frontage and along the park and ride eastern property line.
8. Construction Phasing Plan: That the submission of the first Final Plan application shall include a construction phasing plan, demonstrating how the modifications to the park and ride lot, and other construction activities associated with the development of The Edge, will not impede or negatively impact the day to day operations of the park and ride lot. That a construction phasing plan shall be reviewed and approved by the Town Manager, prior to the issuance of the first Zoning Compliance Permit.
9. Federal Transit Administration Approval: That the submission of the first Final Plan application shall include documentation from the Federal Transit Administration (FTA) confirming that the FTA has reviewed and approved the proposed changes (Option 1 or Option 2) to the park and ride lot. That the documentation shall refer to and provide a copy of the approved site plan, reviewed and approved by the FTA, as well as any conditions or stipulations imposed by the FTA. That if the FTA approves a site plan that is substantially

different from Option 1 or Option 2, the Town Manager may refer the applicant back to the Council for approval of the modified plan. The Town will assist with the applicant in working with the FTA to receive approval.

10. Land Use Intensity: This Special Use Permit authorizes the following:

Land Use Intensity	
Gross Land Area	53.75 acres
Number of Buildings (Range)	10 to 35 buildings (excluding accessory buildings, garages, etc.)
Height (Range)	25' to 90'
Floor Area (Range)	600,000 to 935,290 sq. ft.
Maximum # of uses with drive in windows	5 (max. 3 on Eubanks Rd.)
Vehicular Parking Spaces (Range)	In accordance with LUMO
Maximum Impervious Surface	37.63 acres
Minimum Tree Canopy Coverage	30% based on floor area

11. Permitted Uses: The follow uses are permitted within The Edge development:

USE and Type
Business, commercial, retail
ATM – drive up, bank, barber shop, business (convenience, general, wholesale) club, daycare, drive in window, funeral home, gasoline sales as an accessory use, hotel, place of assembly, publishing, printing, recreation facility, veterinary clinic
Institutional
Essential services, place of worship, public cultural facilities, public use & service facility, school, vocational school
Office
Business – office type, clinic
Residential
Duplex, group care, manufactured home park, multi-family, single-family, rooming house, tourist home

12. Uses requiring a Special Use Permit: The following uses are allowed with an approved Special Use Permit: Telecommunication antenna and service stations.

Affordable Housing

13. Affordable Housing, 5 year commitment: That the applicant shall allocate land within The Edge to accommodate a minimum of 50 affordable rental housing units. That the applicant or its designee shall pursue the financing approval and development of an affordable rental community of no less than 50 units on the allocated land targeting renters at 80% or less of the area median income. The applicant or its designee shall pursue the financing approval for a period of no less than 5 years after final approval of the Special Use Permit.
- The proposed affordable housing project site shall be designated by the applicant and will be held as such while the applicant or its designee seeks financing approval. The

internal location of the affordable site may be adjusted by the applicant as the mixture of uses at The Edge is determined, but land for the affordable project will be held during the financing period.

- b. If financing is secured:
 - i. Units must be provided for households earning 80% or less of the area median income;
 - ii. Rents for the units shall not exceed the limits imposed by the approved financing, which are typically governed by the HUD Fair Market Rent for the Durham-Chapel Hill MSA;
 - iii. The affordable units shall remain affordable for a period of 15-30 years based on the requirements of the financing program; and
 - iv. Management/monitoring/reporting of the units shall be by a professional management team with the ability to manage affordable housing communities including those financed with Low Income Housing Tax Credits.
- c. Upon a determination by the Town Manager that the applicant's affordable housing proposal meets the criteria set out herein, the applicant and the Town Manager, on behalf of the Town, shall execute an Affordable Housing Performance Agreement incorporating the terms of the proposal prior to issuance of a Zoning Compliance Permit, for the affordable project building permit or certificate of occupancy, or similar regulatory trigger, as determined reasonable by the Town Manager. That Agreement, as well as the Special Use Permit herein approved shall be recorded at the Office of the Orange County Register of Deeds and shall be binding upon the applicant and its successors in interest.
- d. If financing approval for an affordable housing development is not secured within 5 years of final approval of the Special Use Permit, the applicant may choose to extend the financing period in which case the Town Manager, or his designee, shall help the applicant determine how the project could support the Town's affordable housing goals. The applicant may also choose to use the land in accordance with the terms of the Special Use Permit.

14. Affordable Housing Management: That the affordable housing management service company for this project may not be WRH Realty.

Transportation

15. Subsequent Transportation Impact Analysis (TIA) Updates: The Edge project will track the number of trips generated by development proposed on each Final Plans (ZCP) submittal against the trip threshold in the approved traffic study dated August 26, 2013 by HNTB. If the number of proposed trips exceeds 500 daily vehicular trips above the maximum in the approved traffic impact study, an updated study may be required. The cost of preparation of the TIA shall be borne by the developer and shall be conducted by the Town's TIA consultant. The Edge project will only be required to address additional roadway mitigation measures found to be required by the increased trip generation from The Edge project and

not for additional trips from other developments, increased background traffic or from the Town's facilities.

16. Eubanks Road Improvements: That the following improvements, along the Eubanks Road frontage, must be constructed within a publically dedicated right-of-way, prior to the issuance of the second Certificate of Occupancy:
- A 105-foot wide right-of-way, and 89-foot wide cross-section, (or greater to provide for wider bicycle lanes where necessary); if deemed applicable, the Town Manager may approve a variable width right-of-way
 - Through lanes, turn lanes, median, 5-foot wide bicycle lanes, standard curb & gutter and 5-foot wide concrete sidewalk;
 - A 5-foot wide concrete sidewalk, on the south side of Eubank Road, between the intersection of Martin Luther King Jr. Blvd and the easternmost edge of the existing sidewalk adjacent to the Chapel Watch Village development (sidewalk not required if adjacent to proposed Ramsley Subdivision, if Ramsley sidewalk is constructed prior to this development);
 - 5-foot bicycle lane adjacent to the Ramsley Subdivision;
 - A high visibility pedestrian crossing between the Eubanks Road south side sidewalk and the intersection of Street #2; and
 - Medians wider than 4 feet shall either be planted or have pavers.

The design must be approved by the Town of Chapel Hill and the North Carolina Department of Transportation (NCDOT) prior to issuance of a Zoning Compliance Permit.

17. Eubank Road Traffic Signals: That prior to the issuance of the second certificate of occupancy, unless modified by an approved phasing plan, the applicant shall install traffic signals and provide traffic signal timing plans for the intersections of: a) Street #2 and Eubanks Road; and b) Eubanks Road and Public Street 'A.' The timing of the traffic signal installations is subject to approval of the NCDOT and the Town of Chapel Hill.
18. Martin Luther King Jr. Blvd. Improvements: That the applicant construct the following improvements at the Martin Luther King Jr. Blvd./Eubanks Rd. intersection within a dedicated public right-of-way, prior to the issuance of the second certificate of occupancy, unless modified by an approved phasing plan:
- Martin Luther King Jr. Blvd.
 - Dual northbound left-turn lanes with 300 feet of vehicle storage.
 - Southbound right-turn lane, including 4-foot wide shoulder, including maximum available storage, subject to NCDOT approval.
 - Eubanks Road
 - Eastbound left-turn lane with 500 feet of vehicle storage.
 - Delineate two eastbound lanes as separate left-turn and right-turn lanes only
 - Utilize right-turn overlap signal phasing for the southbound and eastbound turn lanes
 - All required traffic signal modifications, associated with the improvements to the intersection shall be installed by the applicant.

The design, including traffic signal timing, shall be submitted for approval by the NCDOT and the Town prior to issuance of a Zoning Compliance Permit.

19. Construction of Public Street 'A':

- a. That prior to receiving the first Certificate of Occupancy for any structure located within Blocks 'E' or 'F', that the applicant construct, within a publically dedicated right-of-way, Public Street 'A,' from Eubanks Road to the intersection with Public Street 'B.' Public Street 'A' shall have a minimum of:
 - i. Standard curb & gutter,
 - ii. Street tree plantings within a minimum 6-foot wide planting zone with structural soil and supplemental drainage or a minimum 8-foot wide planting zone with native soil,
 - iii. Two 11-foot wide travel lanes,
 - iv. Two 5-foot wide bicycle lanes measured from the curb,
 - v. 5-foot wide concrete sidewalk on the east side,
 - vi. Pedestrian crosswalks,
 - vii. 10-foot wide multi-use path on the west side, with the dedication of a 76 foot wide public right-of-way; if deemed applicable, the Town Manager may approve a variable width right-of-way.

A temporary turnaround at the western end shall be constructed and may be removed when the street is extended.

- b. That prior to receiving the first Certificate of Occupancy for any structure located within Block 'G', that the applicant construct, within a publically dedicated right-of-way, Public Street 'A,' from its intersection with Public Street 'B' to the western property boundary. Public Street 'A' shall have a minimum of:
 - i. Standard curb & gutter,
 - ii. Street tree plantings within a minimum 6-foot wide planting zone with structural soil and supplemental drainage or a minimum 8-foot wide planting zone with native soil,
 - iii. Two 11-foot wide travel lanes,
 - iv. Two 5foot wide bicycle lanes measured from the curb,
 - v. 5-foot wide concrete sidewalk on the east side,
 - vi. Pedestrian cross-walks;
 - vii. 10-foot wide multi-use path on the west side, with the dedication of a variable width (approximately 76 feet wide) public right-of-way; if deemed applicable, the Town Manager may approve a variable width right-of-way

20. Eubanks Road/Public Street 'A' Intersection: At the intersection of Public Street 'A' and Eubanks Road, within a 79-foot wide publically dedicated right-of-way, Public Street 'A' shall have:

- c. One 11-foot wide lane for ingress; and
- d. Two 11-foot wide lanes for egress.

If deemed applicable, the Town Manager may approve a variable width right-of-way.

21. Eubanks Road Park and Ride Lot and Public Street 'A': That if deemed necessary by the Town Manager, in order to coordinate the redesign of the Eubanks Road Park and Ride Lot ingress and egress lanes, the construction of the portion of Public Street 'A' to its intersection with Public Street 'B' may occur prior to the issuance of the first Certificate of Occupancy for Blocks 'E', 'F' or 'G.'
22. Maintaining Access During Construction: The applicant shall maintain transit vehicular and park and ride access to the Eubanks Road Park and Ride Lot during construction activity on The Edge site at all times.
23. Construction of Public Street 'B': That prior to a first Certificate of Occupancy for Block 'G' unless modified by an approved phasing plan, and within a 60-foot wide publically dedicated right-of-way, construct Public Street 'B' from the intersection of Public Street 'A' to the eastern property line as shown on the proposed plans. Public Street 'B' shall be:
 - e. 27 feet wide from back of curb to back of curb;
 - f. Standard curb and gutter, 5-foot wide sidewalk on the south side;
 - g. 10-foot wide multi-use path, on the north side; and
 - h. Street tree plantings within a minimum 6-foot wide planting zone with structural soil with supplemental drainage or a minimum 8-foot wide planting zone with native soil,
24. Performance Bond: Prior to commencing construction activity for required improvements in the public right-of-way, a performance bond shall be provided to the Town to ensure that improvements are in accordance with Town standards.
25. Public Right-of-Way Dedication Plat: That prior to the issuance of a Certificate of Occupancy, the applicant submit a recorded right-of-way dedicated plat for all required public roadway improvements associated with that phase of the development. That the plat shall be reviewed and approved by the Town Manager and NCDOT prior to recordation.
26. Internal Street- Public Access, Private Maintenance: Excluding Public Streets 'A' and 'B', all streets within the development will be privately maintained. Public access easements, providing public ingress and egress, to and connecting all development Blocks, providing access to Streets 'A', 'B' and Eubanks Road, must be recorded prior to the issuance of Certificate of Occupancy for the Block or phase being developed.
27. Internal Street Design and Standards: That the design of all internal streets, including Streets 1, 2, 3, and 4, and any streets within Block D or F, shall be consistent with complete streets concepts and constructed to Town standard or greater for safety, geometrics, drainage, and pavement design. Angle parking on streets shall have maximum angle of 45 degrees and shall be designed so vehicles will not back across two lanes of traffic or into pedestrian crossings. That the striping of Streets 2 and 4 will incorporate sharrow lane marking to provide bicycle connection between the Eubanks Road bike lanes, the eastern multi-model path in Block 'D' and the path along Public Street 'A.'
28. Internal Sidewalk Widths: Internal streets 1, 2, 3 & 4 fronting commercial space shall have minimum sidewalk widths of 8 feet and minimum planting zone widths of 6 feet between the

curb and sidewalk. Sidewalks not fronting commercial space shall have a minimum width of 5 feet. In locations not fronting commercial space, where the adjacent planting width is less than 8 feet, trees shall be installed and backfilled with structural soil and supplemental drainage.

29. Internal Parking Lots: All parking lots shall be constructed to Town standard for dimensions and pavement design. Pavement designs may be subject to recommendations provided in a geotechnical report provided by the applicant, if site conditions in the opinion of the applicant's engineer and Town staff warrant further analysis to ensure adequate pavement design.
30. Parking Space Tally: That the submission of each Final Plan application shall include a cumulative tally of proposed and existing parking spaces verifying that the existing land use and proposed land uses are in compliance with parking regulations in the Land Use Management Ordinance.
31. Street Lighting Plan: Prior to the issuance of a Zoning Compliance Permit it will be necessary to submit a street lighting plan meeting Town standard for approval by the Town and Duke Energy.
32. Encroachment Agreement – Driveway Improvements / NCDOT Right-Of-Way: Prior to the issuance of a Zoning Compliance Permit, an encroachment agreement between the applicant and Town shall be executed for improvements in the NCDOT right-of-way.
33. Signal Timing: Prior to the issuance of a Zoning Compliance Permit the applicant shall provide a signal timing fee of \$4,000 to the Town for signals in proximity to the development site.
34. Work Zone Traffic Control Plan: Prior to the issuance of a Zoning Compliance Permit for individual buildings, it may be necessary to provide an internal work Zone Traffic Control Plan and a Construction Management Plan for approval. The Work Zone Traffic Control Plan shall comply with the Manual on Uniform Traffic Control Devices.
35. Road Stub-Outs: That any proposed road stub-out to a subsequent phase or adjoining property be cleared, graded and constructed. Signage shall be located at each roadway stub-out that indicates the roadway will be extended for future development. The size, text, and color of the signs shall be subject to the Town Manager's approval.
36. Vehicle Parking: That for each new building, associated vehicle parking must comply with the Land Use Management Ordinance Section 5.9.
37. Bicycle Parking: That for each new building, associated bicycle parking must comply with the Land Use Management Ordinance Section 5.9. Prior to the issuance of a Certificate of Occupancy, the applicant shall provide a description identifying the location, number, and dimensioned details of bicycle parking spaces in compliance with Section 5.9.

38. Transportation Management Plan: A Transportation Management Plan, for any non-residential development, shall be approved prior to the issuance of the Zoning Compliance Permit for said development. The required components of the Transportation Management Plan shall include:
- Designation of a Transportation Coordinator to communicate and promote alternate modes of transportation.
 - Submission of an Occupancy Survey due 90 days after issuance of the final Certificate of Occupancy.
 - Submission of an updated annual Transportation Management Plan Report and Resident and Employee Surveys during survey years.
 - Measures to gradually attain the goals of the program.
 - Annual survey of employees for any increase demand for additional bicycle parking.

Landscaping and Elevations

34. Landscape Buffers: The following landscape bufferyards shall be provided:

Location	Modified Buffer
Eubanks Road	Reduce from 30' Type C to 10' Type C
Park & Ride Lot (north line)	Reduce from 20' Type C to zero
Erber (north property line)	Reduce from 20' Type C to 10' type C
Public Street 'A' & 'B'	Reduce from 20' Type C to 15' Type A

35. Land disturbance in landscape buffers: That land disturbance associated with reducing the buffer width, as approved by modifications to the regulations, may not occur prior to the issuance of a Zoning Compliance Permit for a building foot print, adjacent to the bufferyard area.
36. Parking Landscaping and Shading Standards: Prior to the issuance of a Zoning Compliance Permit, a Parking Lot Landscape, Screening and Shading Plan, in compliance with Section 5.9.6, shall be approved by the Town.
37. Landscape Protection: Prior to the issuance of a Zoning Compliance Permit for each phase, a Landscape Protection Plan shall be approved by the Town with details including trees to be removed and preserved, critical root zones of all rare and specimen trees, with names and species.
38. Tree Protection Fencing: Prior to the issuance of a Zoning Compliance Permit, the applicant shall provide Town standard landscaping protection notes on Final Plans, including that tree protection fencing will be installed and inspected prior to land-disturbing activity. Tree protection fencing shall be provided around construction limits, parking, and staging/storage areas for approval.
39. Landscape Planting Plan: Prior to the issuance of a Zoning Compliance Permit for each

phase, the applicant shall provide a detailed Landscape Planting Plan for each phase with a detailed planting list, for approval by the Town. The Plan shall show how the tree canopy provided in the particular block or phase fits within the minimum 30% tree canopy coverage requirement of the entire site. The Plan will adhere to screening and shading standards for Section 5.9.6 (a-d) of the Land Use Management Ordinance.

40. Tree Canopy Coverage: That 30% tree canopy coverage will be met by a combination of retained trees, the installation of new canopy trees or a payment-in-lieu. That the project will meet the minimum parking lot landscape requirements per the Land Use Management Ordinance and Design Manual. That each Final Plan application will identify the minimum amount of tree canopy being provided with that phase at the time of ZCP application as well as a tally of cumulative canopy coverage. In the event that by the last phase of development's Final Plan application, the 30% tree canopy has not been met for the overall development, the developer may provide a payment-in-lieu or set aside preserved trees to meet the remainder of the 30% tree canopy requirement.
41. Tree, Landscape Plantings in right-of-way or utility easements: That the applicant provides authorization letters or similar documentations from NCDOT, Duke Energy or Piedmont Electric for any landscaping proposed within a right-of-way or utility easement.
42. Community Design Commission Approval: That the Community Design Commission shall review and approve building elevations and building lighting. The review shall include special consideration of the location and screening of HVAC. That Community Design Commission approval may occur after the issuance of a Zoning Compliance Permit, however, the submittal of each building permit application shall include a copy of the building and light plan approval from the Community Design Commission.
43. Eubanks Road Gateway Sign: That prior to the issuance of a building permit for the gateway sign, the Community Design Commission shall review and approved the sign design.
44. Design Guidelines Amendments: That any proposed amendment to the Design Guidelines, in the opinion of the Town Manager constitutes a significant change, shall be reviewed and approved by the Community Design Commission.

Energy Management

45. Energy Management Plan: Prior to the issuance of any and all Zoning Compliance Permits within the project area that include buildings, the applicant shall provide an Energy Management Plan (EMP) for Town approval. The plan shall incorporate the goal of achieving a "more energy efficient" feature to outperform the American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE) energy efficiency standard in place at the time of Special Use Permit approval. The plan shall also consider the following: a) utilizing sustainable energy, currently defined as solar, wind, geothermal, biofuels, hydroelectric power; b) purchase of carbon offset credits and green power production through coordination with the NC GreenPower program; and c) provide for the goal of more efficiency relative to ASHRAE (see above) that also ensures indoor air quality and adequate access to natural lighting, and allows for the proposed utilization of sustainable energy in the

project. Each project that includes buildings will obtain a nationally recognized “green” certification (examples include, but are not limited to: LEED, NAHB, Green Globes, etc.). The certification will be obtained within one-year of the final certificate of occupancy for the respective project.

Stormwater Management

46. Stormwater Management Plan: This project shall comply with the *Section 5.4 Stormwater Management* of the Land Use Management Ordinance.
47. Resource Conservation District: Significant revisions to the stormwater management plan, requiring additional land disturbance in the Resource Conservation District, may as determined by the Town Manager, require Council approval.
48. Jordan Stormwater Management for New Development: That if the total disturbed area exceeds 0.5 acres, this project must comply with *Section 5.19 Jordan Watershed Stormwater Management for New Development* of the Land Use Management Ordinance to provide the required reductions in nitrogen and phosphorus loads for new development and redevelopment projects.
49. Jordan Surety: That if the total disturbed area exceeds 0.5 acres, prior to the issuance of a Certificate of Occupancy, the owner shall post a maintenance bond or other surety instrument satisfactory to the Town Manager, in an amount equal to one hundred twenty-five (125) percent of the construction cost of each stormwater management facility to assure maintenance, repair, or reconstruction necessary for adequate performance of the stormwater management facility, or establish a stormwater maintenance (sinking fund) budget and escrow account in accordance with the requirements of Section 5.19 of the Land Use Management Ordinance.
50. Erosion Control Bond: If one acre or more is uncovered by land-disturbing activities for this project, then a performance guarantee in accordance with Section 5-97.1 Bonds of the Town Code of Ordinances shall be required prior to final authorization to begin land-disturbing activities.
51. Erosion Control Inspections: That, in addition to the requirement during construction for inspection after every rainfall, the applicant shall inspect the erosion and sediment control devices and offsite roadways daily, make any necessary repairs or adjustments to the devices, remove deposition of wet or dry silt on adjacent roadways and maintain inspection logs documenting the daily inspections and any necessary repairs.
52. Erosion Control: That during the construction phase, additional erosion and sediment controls may be required if the proposed measures do not contain the sediment. Sediment leaving the property is a violation of the Town’s Erosion and Sediment Control Ordinance. The applicant shall inspect erosion and sediment control devices daily, make necessary adjustments to the devices and maintain inspection logs documenting inspections and repairs.

53. Stormwater Phasing Plan: Prior to the issuance of a Zoning Compliance Permit, the applicant shall obtain approval of a Phasing Plan for stormwater that provides details of which improvements are to be constructed during each phase. The phasing plan shall detail public improvements and stormwater management structures will be completed in each phase prior to requesting a Certificate of Occupancy. Construction for any phase may not begin until all public improvements in previous phases are complete, with a note to this effect on the final plans and plats.

Recreation

54. Open Public Space: That the project shall provide a minimum of 10,000 square feet of passive recreation, open space, common public squares or green areas. These areas shall not be counted toward meeting Recreation Space requirements. The submission of each Final Plan application shall include a cumulate tally of proposed and existing open public space.
55. Recreation Space and Payment-In-Lieu: That prior to the issuance of final Certificates of Occupancy for a residential phase, the applicant shall provide Recreation Space, or a payment in lieu thereof, in the amounts required for that phase as defined in Section 5.5 of the Land Use Management Ordinance. The formula for determining the amount of Recreation Space for each residential use shall be calculated by using the formula for Recreation Space found in Section 5.5 of the Land Use Management Ordinance. For buildings in which there are both residential and nonresidential components the standard formula shall be modified by multiplying the required Recreation Space, determined by the formula, by the percentage of the building that will be used for residential purposes.
56. Active Public and Private Recreation Tally: That the submission of each Final Plan application proposing a residential component, shall include a cumulate tally of proposed and existing residential floor area, and a tally of existing and proposed private and public active recreation improvements or payments-in-lieu that will count toward meeting the active Recreation Space requirement of Section 5.5 of the Land Use Management Ordinance for the site. The tally shall also calculate the square footage of any existing or proposed public passive recreation, open space, common public squares or green areas that will not be counted toward meeting Recreation Space requirements.
57. Eastern Multi-Modal Path: That a minimum 10-foot wide paved multi-modal path be constructed in the eastern portion of the property through Block D to the northern property line. The path shall be built to AASHTO standards. The path location shall be reviewed and approved by the Town Manager or his designee. The path shall be owned and maintained by the Owners Association. A public access easement over the path shall be deeded to the Town prior to issuance of a final certificate of occupancy for Block D. That the phased construction of this path shall be reviewed and approved as part of a phasing plan, associated with a Zoning Compliance Permit for Block D.
58. Multi-Modal Path along Street B: That a minimum 10-foot wide paved multi-modal path along the north side of Public Street 'B' be constructed in the western portion of the property from Public Street 'A' to the property line. The western end of the path shall intersect with

the multi-modal path along Public Street 'A'. The path shall be built to AASHTO standards. The path location shall be reviewed and approved by the Town Manager or his designee. That the path shall be constructed in conjunction with the construction of Public Street 'B.'

59. Western Multi-Modal Path: That a minimum 10-foot wide paved multi-modal path along Public Street 'A' be constructed in the western portion of the property from Eubanks Road to the western property line. The southern end of the path shall align with the northern end of the existing Horace Williams Trail within Chapel Watch Village. The path shall be built to AASHTO standards. The path location shall be reviewed and approved by the Town Manager or his designee. That the path shall be constructed in conjunction with the construction with the related sections of Public Street 'A'; the portion from Eubanks Road to its intersection with Public Street 'B' will be built prior to the first certificate of occupancy for a building on Blocks E or F, and the portion from the intersection of Public Street 'B' to the western property line prior to the first certificate of occupancy for a building on Block G.
60. Multi-Modal Path Easements: Multi-modal path easements shall be recorded as noted specifically in these sections, at the Orange County Register of Deeds, and shall grant easements in perpetuity to the Town of Chapel Hill. The recorded easements shall include wording that guarantees public pedestrian, non-motorized vehicle, and motorized wheel chair access consistent with the Town's Greenways Master Plan. The easements must also guarantee the Town of Chapel Hill's right to construct and maintain the path, allow for access of emergency vehicles, signage, removal of dangerous or diseased vegetation, or any other function necessary to guarantee public safety. The recorded easements shall also include sketch maps indicating the location of the path within the easements and nearby points of reference, such as public streets.
61. Future Multi-Modal Path Easement: That prior the issuance of the final Certificate of Occupancy the applicant provide a public multi-modal easement, deeded to the Town, within Block G that connects Public Street 'A' with the Town owned property to the north and the privately owned property to the east. The final size and location of the easement shall be approved by the Town Manager or his designee. Any path within this easement will be constructed and maintained by the Town.

Common Areas and Owners' Association

62. Ownership and Responsibilities of Common Areas: That an owners' association(s) be created for the maintenance and regulation of the private (residential, office, park, landscape, and commercial) areas including privately maintained streets and alleys.
 - a. All property owners owning land within the area of the development, excluding governmental bodies, shall be represented in the owners' association.
 - b. This owners' association shall have maintenance responsibilities for commonly owned development elements which affect the entire development, including the stormwater management facilities.
 - c. The document creating this entity shall be reviewed for approval by the Town Manager, and shall be recorded in the Orange County Register of Deeds Office prior to the issuance of a Zoning Compliance Permit.

- d. The responsibilities of these entities shall include the ownership and maintenance of the private alleys, private green spaces, private parks and recreation space, private retention basins, and the landscape buffers.
- e. These entities shall also be responsible for any “add-on fees” charged by Duke Power for special street lighting.
- f. These entities shall have the ability to place a lien on property for nonpayment of dues or fees.

Water, Sewer, and Other Utilities

- 63. Utility/Lighting Plan Approval: Prior to issuance of a Zoning Compliance Permit, the final utility/lighting plan shall be approved by the Town, Orange Water and Sewer Authority, Duke Energy Company, and other local utility service providers.
- 64. Lighting Plan: Prior to the issuance of a Zoning Compliance Permit, the applicant shall submit a lighting plan, sealed by a Professional Engineer, demonstrating compliance with Section 5.11 of the Land Use Management Ordinance and Town standards, for approval.
- 65. Utilities Located Underground: As required by Section 5.12.2 of the Land Use Management Ordinance all utilities, and where applicable three phase electrical lines, shall be located underground.
- 66. Eubanks Road Utilities: Utilities located along Eubanks Road may be located above ground, if the applicant can demonstrate that the burial would create economic hardship or a danger to public health or safety as it relates to the size, nature, timing, and scope of the proposed development.
- 67. Utility Easement Plats: Prior to the issuance of a Certificate of Occupancy, easement plats and associated documentation, for the applicable project or Block, shall be approved by the Town and OWASA and recorded by the applicant.

Fire Safety, Fire Code

- 68. North Carolina Fire Protection Code 2012: That the proposed development shall comply with North Carolina Fire Protection Code 2012 including all applicable, amended or update fire code requirements.
- 69. Automatic Fire Sprinkler System Required: Town Ordinance 7 - 56. An automatic fire sprinkler system meeting the requirements of NFPA Standard #13 is required to be installed in non-residential construction.
- 70. Emergency Communications System: That the developer shall provide building design features which enable public safety responders’ radios to penetrate and provide reliable radio transmissions within the buildings.
- 71. Overhead Power and Utility Line Prohibited: Where a proposed building exceeds 30' in height or 3 stories above the lowest level of Fire Department Access, overhead power and utility lines shall not be allowed within the aerial apparatus access roadway and the roadway

shall have an unobstructed width of 26' exclusive of the shoulders. At least one of the apparatus access roadways shall be located within a minimum of 15' and maximum of 30' from one complete side of the building. NC FPC 2012 D105.1, D105.2, D105.3

72. Fire Hydrants: The addition of any required hydrants to serve the submitted building must flow a minimum of 2500 gpm per Town Engineering Standards unless approved by the fire code official. The farthest hydrant serving a proposed structure must be no more than 500' distant. A maximum distance of 500' spacing between hydrants must be maintained unless otherwise approved by the fire code official. Lesser spacing distances may be required. A minimum working space of 3' must be maintained around all hydrants. Where hydrants are subject to physical impact, physical protection may be required, NC FPC 2012, 507.5.6. The minimum number of required hydrants and their spacing must meet NC FPC 2012, Appendix C, table C105.1.
73. Fire Flow Report: Fire protection water supplies shall be in accordance with section 507 AND Appendix 'C' of the 2012 North Carolina Fire Code. Prior to the issuance of a Zoning Compliance Permit, the applicant shall include a fire flow report, with an OWASA flow test that meets Town Design Manual standards, sealed by an Engineer registered in the State of North Carolina for approval.
74. Fire Hydrant and FDC Locations: Prior to the issuance of a Zoning Compliance Permit, the locations of existing and proposed fire hydrants and Fire Department Connections (FDC) shall be approved. Fire Department Connections shall be located on the street side of the building within 100 feet of a hydrant. Hydrant spacing shall comply with the Town Design Manual. Design shall be approved prior to issuance of a Zoning Compliance Permit.
75. Fire Watch: During construction and demolition where hot work, materials subject to spontaneous combustion, or other hazardous construction or demolition is occurring, the owner or their designee shall be responsible for maintaining a fire watch. The fire watch shall consist of at least one person with a means of communicating an alarm to 911, including posting a written address in a conspicuous location and shall maintain constant patrols. NC FPC 2012 Section 1404.
76. Hydrants Active: All required fire hydrants must be installed, active, and accessible for the Fire Department use prior to the arrival of combustible materials on site. That fire protection systems shall be installed according to Town Ordinance, the NC Fire Code, and NFPA 13.
77. Firefighting Access during Construction: Prior to the issuance of a Certificate of Occupancy, NC Fire Code (Section 1410.1 Required Access), vehicle access for firefighting shall be provided to all construction or demolition sites including vehicle access to within 100 feet of temporary or permanent fire department connections and hydrants. Vehicle access shall be provided by either temporary or permanent roads capable of supporting vehicle loading under all weather conditions.
78. Gates and Barricades: Where required or authorized by the fire code official and permanent or temporary (construction), any gates across fire apparatus access roads shall be a minimum

width of 20', be of swinging or sliding type, have an emergency means of operation, shall be operable by either forcible entry or keyed, capable of being operated by one person, and shall be installed and maintained according to UL 325 and ASTM F 2200. NC FPC 2012, 503.5, 503.6, D103.5

79. Construction/Demolition: All construction and demolition conducted shall be in compliance of the current edition of Chapter 14 of the NC FPC.
80. Open Burning: That the open burning of trees, limbs, stumps, and construction debris associated with this development is prohibited.

Solid Waste Management and Recycling

81. Solid Waste Management Plan: Prior to the issuance of a Zoning Compliance Permit, a detailed Solid Waste Management Plan, including a recycling plan and a plan for managing and minimizing construction debris, shall be approved. Each bulk waste container shall be labeled as to type of material to be collected. Prior to the issuance of a Zoning Compliance Permit, the developer shall provide documentation of an agreement for solid waste collection by a private provider, where necessary.
82. Construction Waste: By Orange County Ordinance, clean wood waste, scrap metal and corrugated cardboard, all present in construction waste, must be recycled, and haulers of construction waste must be properly licensed. The developer shall provide the name of the permitted waste disposal facility to which any land clearing or demolition waste will be delivered.
83. Deconstruction/Demolition: The applicant shall hold a deconstruction assessment meeting with Orange County Solid Waste Management staff (919-968-2800) concerning the buildings to be removed from this site, with the following note on plans: "Prior to any demolition or construction activity on the site the applicant will hold a deconstruction assessment conference with the County's Solid Waste staff concerning buildings to be removed from this site. Prior to the issuance of a Demolition Permit, the developer shall provide a demolition waste management plan.
84. Refuse Collection Service: That prior to the issuance of any Zoning Compliance Permit involving a land use that generates refuse or solid waste, it will be necessary to verify that refuse collection service is to be contracted privately, unless the applicant demonstrates that all requirements for public refuse collection have been met in the design and construction of one or more sections of the project.

State and Federal Approvals

85. State or Federal Approvals: Prior to the issuance of a Zoning Compliance Permit, any required State or federal permits or encroachment agreements (e.g., 401 water quality certification, 404 permit) shall be provided to the Town of Chapel Hill.

86. North Carolina Department of Transportation Approvals: Prior to the issuance of a Zoning Compliance Permit, plans for any improvements to State-maintained roads or in associated rights-of-way shall be approved by the Town and NCDOT.

Miscellaneous

87. Phasing Plan: Prior to issuance of a Zoning Compliance Permit, the applicant shall obtain approval of a Phasing Plan that provides details of which improvements are to be constructed during each phase. The phasing plan shall detail public improvements and stormwater management structures will be completed in each phase prior to requesting a Certificate of Occupancy. Construction for any phase may not begin until all public improvements in previous phases are complete, with a note to this effect on the final plans and plats.
88. Schools Adequate Public Facilities Ordinance: That the applicant provides the necessary Certificate of Adequacy of Public Schools prior to the issuance of a Zoning Compliance Permit for any phase proposing residential dwelling units.
89. Recombination Plat: Prior to the start of any on-site construction activity, a recombination plat application combining the development site lots shall be approved by the Town and recorded at the County Register of Deeds.
90. Temporary Construction Access Agreements: Prior to the issuance of a Zoning Compliance Permit, the applicant shall provide construction agreements with adjacent property owners, where necessary, for approval.
91. Construction Management Plan: Prior to the issuance of a Zoning Compliance Permit, a Construction Management Plan, that includes the following details, shall be approved: 1) construction vehicle traffic management, 2) on-site construction parking areas including plans to prohibit parking in residential neighborhoods, 3) construction staging and material storage areas, 4) construction trailers and associated temporary structures, and 5) proposed Town Noise Ordinance compliance.
92. Street Closure Plan: That prior to the issuance of a Zoning Compliance Permit, the applicant shall provide a street closure plan, subject to Town Manager approval, for any work requiring street, sidewalk, or lane closures.
93. Heavy Duty Structural Support: Prior to the issuance of a Zoning Compliance Permit, the developer shall provide documentation that, if underground stormwater detention is proposed beneath parking areas or drive aisles, the pavement is designed to structurally support the live loads of fire trucks and garbage trucks.
94. Traffic and Pedestrian Control Plan: Prior to the issuance of a Zoning Compliance Permit, the applicant shall provide a Work Zone Traffic Control Plan for Town approval, for vehicular movement on any public street that will be disrupted during construction, including safe pedestrian circulation. At least 5 working days prior to any proposed lane or street closure the applicant must apply for a lane or street closure permit.

95. Addressing: Prior to the issuance of a Zoning Compliance Permit, the Town shall assign address where applicable.
96. Construction Sign Required: Prior to the issuance of a Zoning Compliance Permit, a sign detail shall be approved. Prior to the start of land disturbing activities when the Building Permit has been issued, the applicant shall post a construction sign at the development site that lists the property owner's representative and telephone number, the contractor's representative and telephone number, and a telephone number for regulatory information. Non-illuminated signs with a maximum area of 32 square feet and height of 8 feet are allowed by LUMO Section 5.14.3(g).
97. As-Built Plans: Prior to issuance of the first Certificate of Occupancy, the applicant shall provide to the Town certified as-built plans, for building footprints, parking lots, street improvements, storm drainage systems and stormwater management structures, and all other impervious surfaces, applicable to the Certificate of Occupancy.
98. Vested Right: This Special Use Permit constitutes a site specific development plan establishing a vested right as provided by N.C.G.S. Section 160A-385.1 and Appendix A of the Town Code.
99. Continued Validity: That continued validity and effectiveness of this approval shall be expressly conditioned on the continued compliance with the plans and conditions listed above.
100. Non-Severability: That if any of the above conditions is held to be invalid, approval in its entirety shall be void.

BE IT FURTHER RESOLVED that the Council hereby approves the application for a Special Use Permit for The Edge, located at 1900, 2012, 2014, 2100 Eubanks Road.

This the 26th day of January, 2015.

RESOLUTION B
(Denying the Special Use Permit)

**A RESOLUTION DENYING AN APPLICATION FOR SPECIAL USE PERMIT
PLANNED MIXED-USE DEVELOPMENT FOR THE EDGE (PROJECT #13-104)(2015-
01-26/R-6)**

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that a Planned Development-Mixed Use Special Use Permit application, proposed by Northwood Ravin, for The Edge, located at 1900, 2012, 2014, 2100 Eubanks Road on property identified as Orange County Property Identifier Numbers 9870-98-7045, 9870-98-7294, 9870-99-0117, 9880-07-1883, 9880-07-6840, and 9880-08-4202, located in the Mixed-Use Office-Institutional-1 and Mixed-Use Residential-1, if developed according to the Site Plan dated February 25, 2014 and revised September 22, 2014 and the Eubanks Road Park and Ride Exhibit Option 1 dated June 2, 2014, the conditions listed below would not:

1. Be located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
2. Comply with all required regulations and standards of the Land Use Management Ordinance;
3. Be located, designed, and operated so as to maintain or enhance the value of contiguous property nor be a public necessity; and
4. Conform with the general plans for the physical development of the Town as embodied in the Land Use Management Ordinance and in the 2020 Comprehensive Plan.

BE IT FURTHER RESOLVED that the Town Council hereby denies the application for a Special Use Permit for The Edge, 1900, 2012, 2100 Eubanks Road.

This the 26th day of January, 2015.

A RESOLUTION AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO DEVELOP A PROCESS FOR INITIATING LAND USE DEVELOPMENT AGREEMENT NEGOTIATIONS ON PROPERTY PROPOSED FOR THE EDGE (2015-01-26/R-7)

WHEREAS, a land use development agreement has been discussed as a possible regulatory tool between the Town and The Edge applicant to guide future development; and

WHEREAS, the staff recommends that some aspects of The Edge development should be negotiated outside the Special Use Permit process.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Town Manager and Town Attorney to:

- Begin discussing a land use development agreement with the The Edge and seek assistance as appropriate to accomplish the following;
 1. Outline and initiate a land use development agreement process for The Edge; and
 2. Report back to the Council with an update on Town and applicant discussions including an outline of any proposed land use development agreement.

This the 26th day of January, 2015.



3015 Carrington Mill Blvd., Suite 460
 Morrisville, NC 27560
 Tel: 919-354-3686
 Fax: 919-354-3638

To: Chapel Hill Town Council
 From: Northwood Ravin, Applicant
 Date: January 16, 2015
 Re: The EDGE Special Use Permit Application

It is our understanding that the Town will not be able to approve participating in cost of the road improvements as part of the Special Use Permit Application.

The following is a summary of changes to our original application for the Edge Special Use Permit:

- I-40 Buffer changes:
 - o Ability to clear, re-grade, and landscape all of the proposed 50ft. buffer section along the I-40 off-ramp for commercial/retail visibility.
 - o Ability to install a sign at the far northeast corner of the property within the buffer and clear the area around it facing I-40 for visibility.
- The Gateway-Sign-Art feature at the southeast corner includes the following changes:
 - o Location at southeast corner of the property may be within the 50' buffer to get as close to Martin Luther King, Jr Blvd as possible to provide visibility.
 - o Maximum Height reduced to 30ft.
 - o May allow up to 5 tenant/use signs.
 - o The final design of the feature will be submitted to the CDC for approval.
- Sign at northeast corner of the site adjacent to I-40 for added visibility:
 - o Location at northeast corner of the property may be within the 100' buffer to get as close to I-40 as possible to provide visibility.
 - o Maximum Height 30ft.
 - o Maximum Sign area 200sq. ft.
 - o May be internally illuminated
 - o May allow up to 5 tenant/use signs.
 - o The final design of the sign will be submitted to the CDC for approval.

- Affordable Housing proposal changes:
 - o Any application for Low Income Housing Tax Credits may, if requested by the Town, be delayed until after 2015 to avoid conflict with another Tax Credit project in Chapel Hill.
 - o The SUP will stipulate WRH Realty will never be used to manage the affordable community at the Edge.
- Tree canopy percentage increased to 30% overall until the submittal of ZCP applications for more than 600,000sf of gross floor area; after 600,000 the required tree canopy percentage will be reduced to 25% overall.
- Road Improvement changes:
 - o Crosswalk and sidewalk section added at the Eubanks Road / Martin Luther King Jr. Blvd intersection to create a pedestrian connection to the north side of Martin Luther King, Jr Blvd, and Chapel Hill North shopping center.
 - o Mid-block crosswalk at first right-in/right-out access point removed and pedestrians can cross at the first full-access signalized intersection at Northwood Drive
- Village Green minimum size increased to 10,000sf
- The Design Guidelines will be included as part of the Special Use Permit, any significant change, as determined by the Town Manager, must be approved by the CDC
- Energy Management: In addition to the current proposal, the buildings at the project will obtain a nationally recognized “green” program certification (examples include: LEED, NAHB, Green Globes, etc.).



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The Edge

chapel hill, nc

conceptual master plan
november 17, 2014



MEMORANDUM

January 19, 2015

**To: Gene Poveromo, Development Manager
Town of Chapel Hill Planning Department**

**From: William H. Derks, PE
McAdams Company**

**Re: the EDGE – Eubanks Road
PD-MU – Modifications to Regulations
RAV-13000**

As requested, this is an abridged version of the Modifications to Regulations memo depicting simply the required compared the proposed without the explanation, or justification, for each.

Buffer Modifications

Western property line (along Public Streets A & B) –
Required Buffer: 20'-Type C
Proposed Buffer: 15'-Type A

Town Park/Ride lot (northern property line) –
Required Buffer: 20'-Type C
Proposed Buffer: None

Erber property -
Required Buffer: 20'-Type C
Proposed Buffer: ½ - 20'-Type C

Eubanks Road –
Required Buffer: 20'-Type C
Proposed Buffer: Modified 10'-Type C

I-40 west bound off ramp
Required Buffer: 100'-Type E
Proposed Buffer: 50' – Landscaped Buffer all areas not in RCD.

Signage: Not allowed
Signage: Allowed (Gateway feature / sign & NE corner sign)

**The John R. McAdams
Company, Inc.**

Raleigh / Durham, NC
2905 Meridian Parkway
Durham, North Carolina 27713
(919) 361-5000

Charlotte, NC
11301 Carmel Commons Blvd,
Suite 111
Charlotte North Carolina 28226
(704) 527-0800

McAdamsCo.com



Mr. Gene Poveromo
 The Edge – Eubanks Road
 Simplified Mod to Reg's
 January 19, 2015
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Setback Modifications

Perimeter Parking Setback

Required Setback: 75'
 Proposed Setback: None

Street Setback Modification

Required Setback: 50-feet
 Proposed Build-to Line
 Eubanks Road 20-feet to 90-feet
 Public Streets A&B 20-feet to 90-feet

Mix of Use Modification

Required:

MU-OI-1(Sec. 3.5.1.e.2.C)

Office, commercial and residential uses, as defined and permitted in Section 3.5.1(e)(3), individually shall not utilize more than fifty-five (55) percent of the approved floor area nor less than twenty (20) percent of the approved floor area.

MU-R-1(Sec. 3.5.1.f.2.C&D)

At least sixty (60) percent of floor area devoted to "Business, Office-type" uses, as defined in this Land Use Management Ordinance.

No more than eighty-five (85) percent of the floor area devoted to "Business, Office-type" uses.

Proposed:

	<u>Minimum</u>	<u>Maximum</u>
Residential	43 %	75%
Commercial	15%	44%
Office	6%	29%



Mr. Gene Poveromo
 The Edge – Eubanks Road
 Simplified Mod to Reg's
 January 19, 2015
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Signage Modifications

Development Identification signs (excluding gateway & I-40 signs):

Number of Signs

Allowed: 1 at each principle access point
 Proposed: 2 at each principle access point
 1 at each secondary

Display Area

Allowed: 20 sq. ft. per sign
 Proposed: 40 sq. ft. per sign

Number of tenant names & trademarks:

Allowed: 1 per sign
 Proposed: 3 per sign

Anchor tenant sign (letters and/or registered logo) size:

Allowed: 50% of size of development sign size
 Proposed: 75% of size of development sign size

Building Identification Signs

Display Area

Allowed: 5% of building façade
 Proposed: 10% of building façade for façades facing I-40

Identification Signs for Individual Establishments

Display Area

Allowed: 5% of building façade
 Proposed: 10% of building façade for façades facing I-40

Internal Illumination

Maximum Size

Allowed: One-half the maximum display area
 Proposed: Equal to the maximum display area



Mr. Gene Poveromo
The Edge – Eubanks Road
Simplified Mod to Reg's
January 19, 2015
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Gateway feature / sign & NE corner sign

Illumination during non-business hours

Ordinance: Not allowed

Proposed: Allowed

Maximum Height

Ordinance: 14-feet

Proposed: 30-feet

Display Area

Ordinance: 144 sq. ft.

Proposed: 200 sq. ft. with up to 5 tenant/use signs
(excludes project logo/icon area)

Tree Survey Modification

Required:

- *"The size, location, and type of all existing rare and specimen trees as defined in subsection 5.7.6 within fifty (50) feet of proposed land disturbance."*
- *A specimen tree is:*
 - i. *Any healthy living pine tree that has a trunk diameter of eighteen (18) inches or more, or any other species that:*
 - ii. *Has a trunk diameter at breast height (dbh) of twelve (12) inches or more; or*
 - iii. *A trunk dbh of six (6) inches or more in the case of the North Carolina native species from a following list of genera:*

Proposed:

- Survey hardwoods with a trunk diameter at breast height (DBH) of twelve (12) inches or more and pine trees DBH of eighteen (18) inches or more.



Mr. Gene Poveromo
 The Edge – Eubanks Road
 Simplified Mod to Reg's
 January 19, 2015
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Tree Canopy Coverage Modification

Required:

- 30% for multi-family residential and commercial
- 40% for institutional, mixed-use or other.

Proposed:

- 30% until ZCP applications total greater than 600,000 sf then 25%.

Building Height Modification

Required:

<u>Zoning District</u>	<u>Primary</u>	<u>Secondary</u>
MU-OI-1	44'	90'
MU-R-1	29'	90'

Proposed:

<u>Road Frontage</u>	<u>Primary</u>	<u>Secondary</u>
Eubanks Road	44'	90'
Public Streets A&B	59'	90'

Utility Location Modification

Required:

“All utility lines other than lines used only to transmit electricity between generating stations or substations shall be placed underground,... Three-phase electric power distribution lines are not required to be placed underground except as provided in subsection (b),”

“Three-phase lines are not required to be placed underground if the applicant or Duke Energy demonstrates that the burial would create economic hardship or a danger to public health or safety as it relates to the size, nature, timing, and scope of the proposed development.”

Proposed:

“New, or relocated, utility lines along Eubanks Road, will be exempt from being required to be underground.”

The EDGE

Chapel Hill, NC

DESIGN GUIDELINES



February 25, 2014

Revised May 23, 2014

Revised September 9, 2014

Revised November 11, 2014

Revised January 20, 2015

CONTENTS

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1.2 Development Framework	4
1.3 Development Options	9
1.4 Architectural Guidelines	16

Purpose

These Design Guidelines are intended to guide the basic elements of the built environment within the EDGE. The overall goal is to provide the base framework for the project, but allow the flexibility for great place-making and integrating uses to create a greater sense of community. Emphasis is placed on the design and location of the internal streets and on the form of the buildings as experienced from street-level. The Block Plan and associated street network provide the basic framework that connects the buildings. These Guidelines offer minimal guidance on architectural style, and instead address building massing, building location relative to the street, glazing amounts and building entries. A palette of exterior building materials and color has been developed with the objective of creating visual continuity between buildings with varied uses while providing guidelines for project designers.

Development Framework

The elements of the built environment that are defined in this guideline are as follows:

- Blocks and Streets provide the general structure for the development.
- The building's relationship to the street is controlled by the Street Frontage percentage.
- The vertical mass of building is controlled by Height as measured by stories.
- Building Uses are defined in general terms and are designated per Block.
- Building exterior materials, glazing and entries.

Development Character

The development character will be established through the building massing, building location, and architectural style. As noted above, these Design Guidelines offer limited guidance on specific architectural style; however, designers should considering the following:

- The project area is currently undeveloped and thus offers little existing context to respond to.
- Architecture in the EDGE should reflect modern design trends while allowing for a wide range of building styles.
- The variety of architectural expression will be visually unified by the adoption of a common palette of building materials.
- The intent is for buildings to avoid mimicking period architecture.
- The initial buildings/phases will establish the context for future buildings/phases.



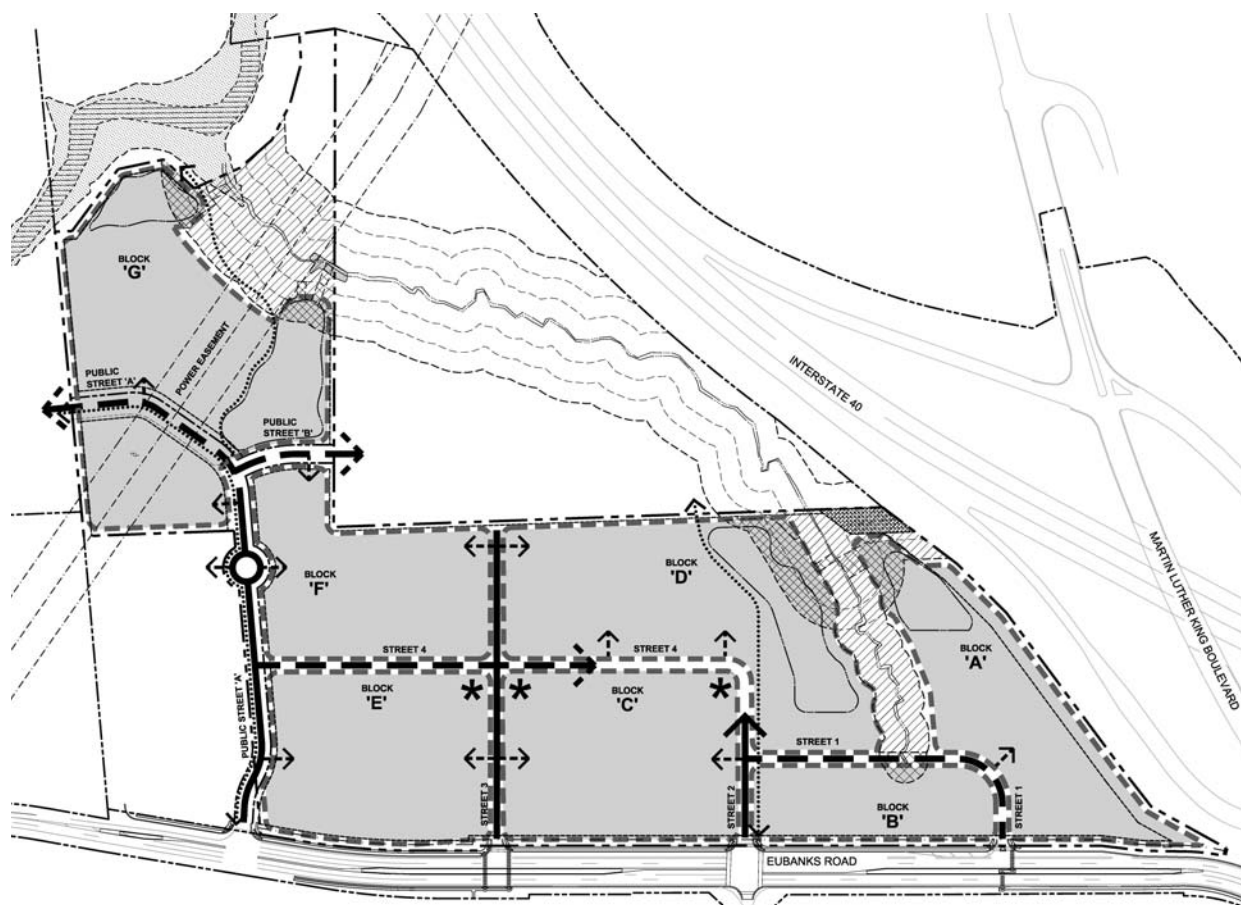
Development Densities

The overall density allowed in the EDGE is set as a maximum floor area for the entire project and not defined at the Block level. Development density is controlled by the dimensional parameters shown in the Site Data Table on the Block Plan, specifically the proposed minimums and maximums for each use.

Block Plan

The “Block Plan” is a layout of the entire development illustrating its separation into development areas called “Blocks.” Fixed access locations along Eubanks Road, property lines and the Resource Conservation District (RCD) buffers are factors that determine the geometry of the Blocks. Within each Block the following aspects of the development and buildings are defined:

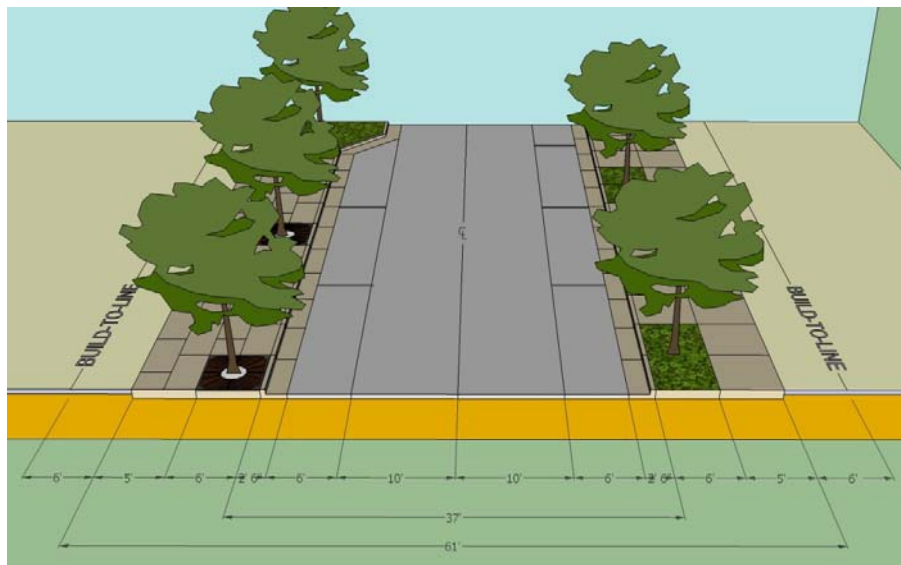
- Allowable uses
- Maximum building height in stories
- Percentage of building frontage along public and private streets.



Block Plan

Streets

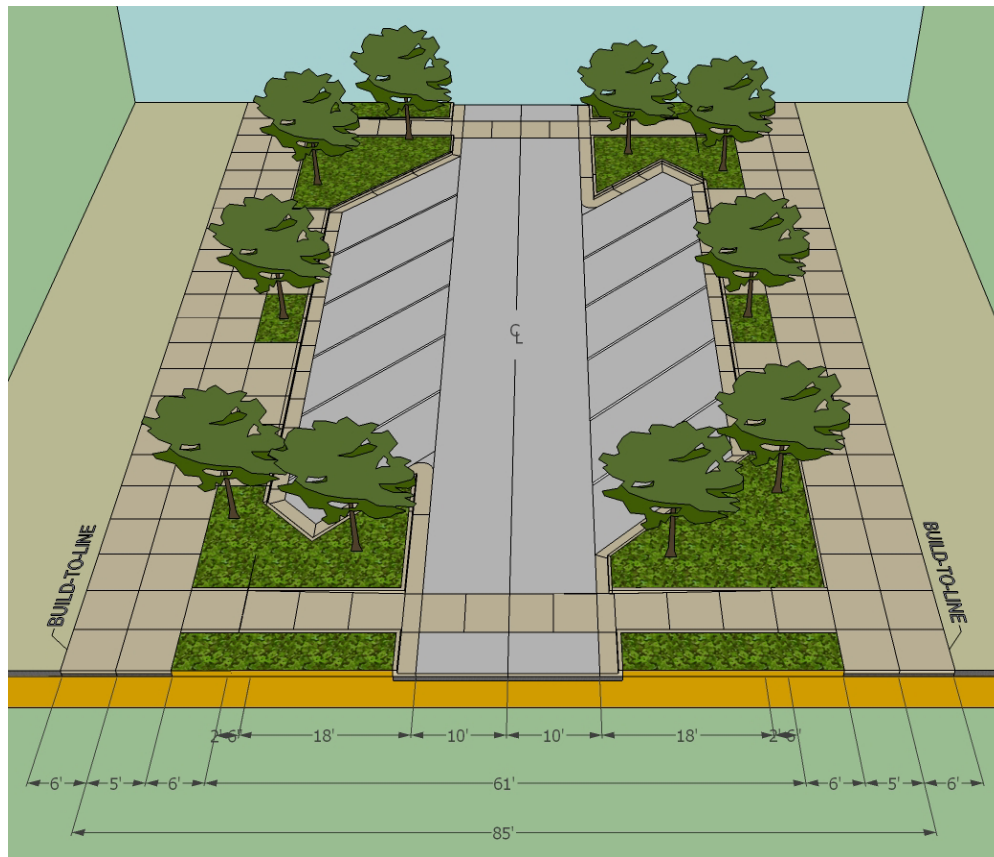
The EDGE development has identified internal private streets that provide the basic grid framework of the development. The street locations have some flexibility in order to accommodate potential variations in development plans of specific Blocks, and to make adjustments if required by NCDOT and the Town's traffic engineers or for emergency access. Using the centerline as an anchor point a variety of street designs can be applied to best compliment the adjacent block development. Depending on the proposed site design and buildings, additional streets may be added to the development.



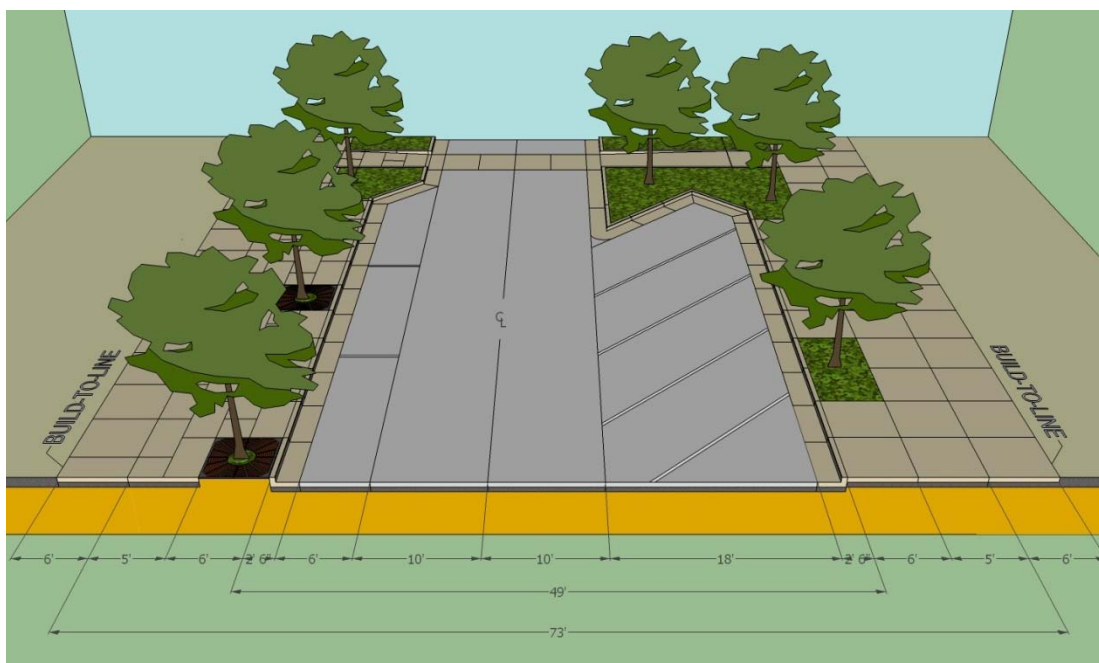
Parallel parking both sides - Tree well options shown



45 ° Angled parking - parking bays

Streets continued:

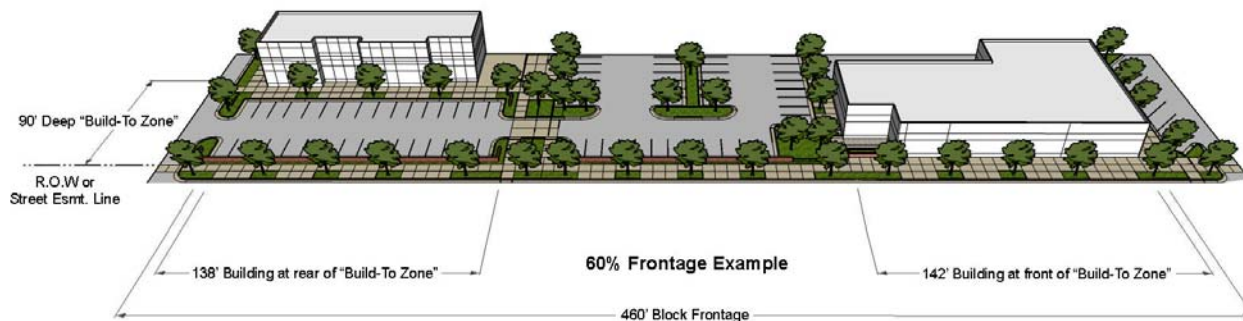
45 ° Angled parking both sides



Parallel Parking and 45 ° angled parking

Frontage

“Frontage” is used to locate building facades within the Blocks relative to each street front. There are two measurements for Frontage, the first is a “Build-To Zone” where building facades or a qualifying structure must be located in order to qualify as building frontage; the second, is the percentage (%) of linear street frontage that should have a building facade.



Example

Height

“Height” refers to the maximum height of a building in floors or stories. Stories are generally between 11’ and 14’ floor-to-floor but can be taller to accommodate retail spaces or loft conditions. Basements (defined by building code) are not considered as floors. Height is measured from the median grade on the street side of the building.

Uses

The EDGE development has three general use categories: residential, commercial, and office. Permitted uses in the MU-OI-1 and MU-R-1 districts shall be allowed. Uses not permitted in the MU-OI-1 and MU-R-1 districts including, automotive repair, automotive, trailer and farm equipment (sales or rental), kennel, supply yard and veterinary hospital shall not be permitted in the EDGE.

Parking

Parking is provided based on the Town of Chapel Hill minimum and maximum parking requirements of the Land Use Management Ordinance (LUMO). The EDGE development has the option to utilize parking reductions between shared uses, if necessary.

Landscaping

Landscaping for the street fronts, parking areas, and buffers shall meet requirements set forth in the Town of Chapel Hill Land Use Management Ordinance (LUMO) and Design Manual, with the exception of any modifications or alterations that are approved with the Special Use Permit.

Recreation Area and Outdoor Amenity Space

Recreation area shall be provided at no less than as referenced in the Site Data Table on the Block Plan (C-4). As part of the recreation area, the EDGE will include a central outdoor amenity space or village green. This outdoor amenity space will meet the following criteria:

- A minimum area of 10,000 square feet
- Meet ADA accessibility standards
- May be paved or landscaped
- May be roofed or covered, but not enclosed on all sides
- May not allow permanent vehicular use

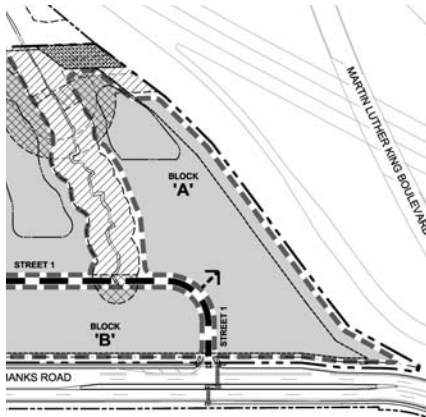


Development Options

1.3

In this section each Block is studied, showing one or more potential development examples. These conceptual examples are illustrated in 3-D to assist in visualizing what the buildings and site development could be in each Block.

Block A



Allowed Uses:

Commercial & Office
 Max Building Height: 7 stories
 Max Drive Thru: Two (2)

Minimum Block Frontage:

Eubanks Road – 15%
 Street 1 – 50%

Development Example 1:

Commercial:

- Hotel: 150 Rooms
- Commercial: 10,000 sf.

Frontage: 18% Eubanks Road
 75% Street 1

Development Example 2:

Commercial:

- Hotel: 130 Rooms

Office: 30,000 sf.

Frontage: 22% Eubanks Road
 75% Street 1



Development Example 1

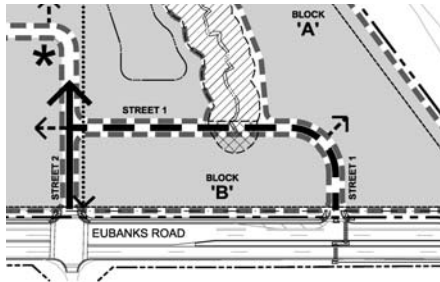


Development Example 2

Development Options

1.3

Block B



Allowed Uses:

Commercial, Office & Residential

Max Building Height: 5 stories

Max Drive Thru: Two (2)

Minimum Block Frontage:

Eubanks Road – 30%

Street 1 – 40%

Street 2 – 30%

Development Example 1:

Commercial: 20,000 sf.

Frontage: 45% Eubanks Road

50% Street 1

32% Street 2

Development Example 2:

Commercial: 15,000 sf.

Frontage: 38% Eubanks Road

41% Street 1

32% Street 2



Development Example 1

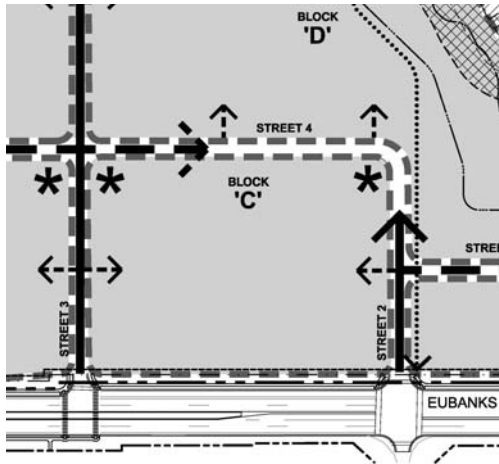


Development Example 2

Development Options

1.3

Block C



Allowed Uses:

Commercial, Office & Residential

Max Building Height: 5 stories

Max Drive Thru: One (1)

Minimum Block Frontage:

Eubanks Road – 11% (Avg. for Blocks C & E combined will be 20%)

Street 2 – 30%

Development Example:

Commercial: 4,000 sf.

Residential: 64 units

Frontage: 46% Eubanks Road

32% Street 2

61% Street 3

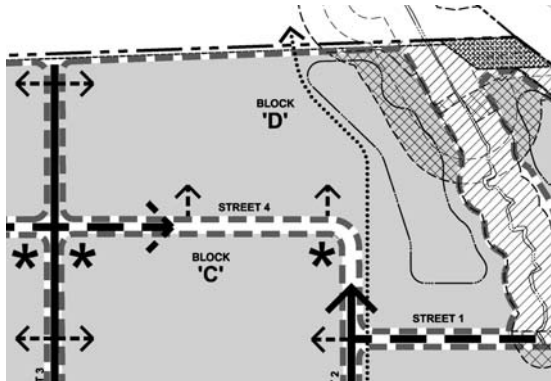


Development Example

Development Options

1.3

Block D



Allowed Uses:

Commercial, Office & Residential
 Max Building Height: 7 stories
 Max Drive Thru: Two (2)

Minimum Block Frontage:

Street 1 – 20%
 Street 4 – 30%

Development Example 1:

Commercial: 90,000 sf.
 Potential Residential above
 Frontage: 22% Street 1
 78% Street 4

Development Example 2:

Commercial: 30,000 sf.
 Office: 62,000 sf.
 Residential: 60 units
 Frontage: 22% Street 1
 39% Street 4



Development Example 1

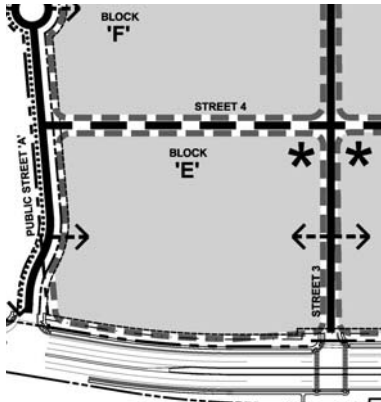


Development Example 2

Development Options

1.3

Block E



Allowed Uses:

Residential, Commercial & Office
 Max Building Height: 5 stories
 Max Drive Thru: One (1)

Minimum Block Frontage:

Eubanks Road – 11% (Avg. for
 Blocks C & E combined will be
 20%)
 Public Street 'A' – 15%

Development Example 1:

Residential: 216 units
 Frontage: 36% Eubanks Road
 68% Street 3
 74% Street 4
 39% Public Street 'A'

Development Example 2:

Office: 40,000 sf
 Residential: 144 units
 Frontage: 35% Eubanks Road
 40% Street 3
 74% Street 4
 66% Public Street 'A'

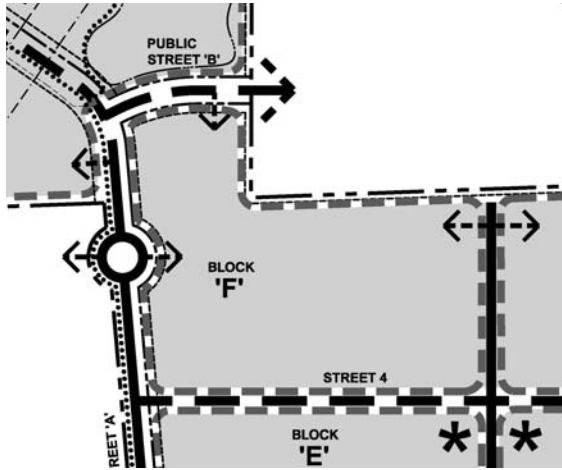


Development Example 1



Development Example 2

Block F

**Allowed Uses:**

Commercial, Office & Residential

Max Building Height: 7 stories

Max Drive Thru: Two (2)

Minimum Block Frontage:

Public Street 'A' – 15%

Street 4 - 40%

Development Example:

Residential: 282 units

Potential ground floor Commercial

Frontage: 75% Street 4

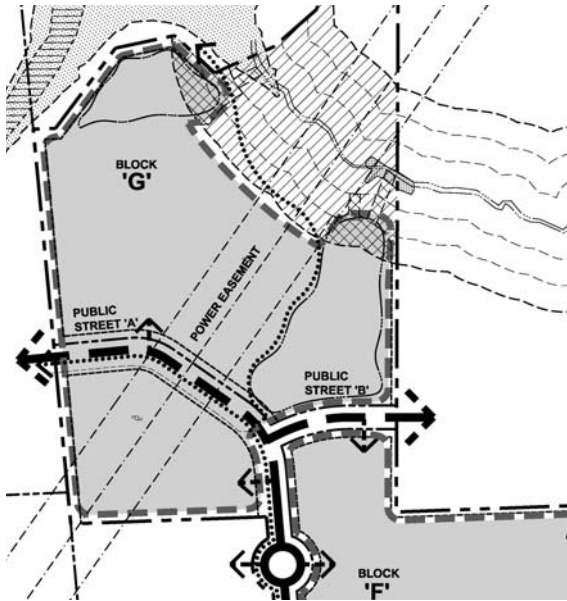
51% Public Street 'A'

45% Public Street 'B'



Development Example

Block G

**Allowed Uses:**

Commercial, Office & Residential
 Max Building Height: 7 stories

Minimum Block Frontage:

Public Street 'A' – 20%

Development Example:

Office: 78,000 sf.
 Frontage: 35% Public Street 'A'



Development Example

Use of Guidelines

These Development Guidelines are intended for the use of design professionals, the Town of Chapel Hill and the EDGE Development Review Committee. The guidelines define elements of building design in order to achieve a level of unification of architecture throughout the development. They will not control style, creativity or expression. They are intended to allow for adequate unifying form, elements and materials to create a compatible group of buildings with a strong sense of community and place.

Architectural Expression

The EDGE development will be composed of buildings with a variety of uses that can help influence their design. Each building will be unique and will contribute to the overall character of the development. The buildings, when considered as a whole development, should create a sense that is conventional, yet modern and artful. Conventional in the sense that the design accomplishes its purpose cleanly and efficiently; modern in the sense that there are no un-purposeful references to past architecture periods and current innovative materials and design are allowed to surface; artful in the sense that enhancing the experience of the user is the primary goal and consideration. This variety of architectural expression will be visually unified by the following guiding factors.

- The Street level (base) of the building shall be visually distinct from the levels above.
- Horizontal material changes or expression lines are encouraged.
- Provide articulation in the building facade to address a more “human” scale.
- A common palette of building materials will be adopted to guide design. The common material and color palette will provide a sense of cohesiveness.
- Creative variations in the application of these materials are encouraged.

Building Roofs

- Building roofs should be predominately flat (shallow pitched) with parapet walls on all sides that screen mechanical equipment from public view.
- Pitched roofed areas (single slope, gable, or hipped) can be elements of the larger buildings.

Common Material Palette

Building exterior materials are grouped as follows. A materials list of specific selections will be required as part of the Zoning Compliance Permit (ZCP) approval process.

Masonry:

Brick

- Size B-A
- Color #B-1
- Color #B-2
- Color #B-3
- Size B-B
- Color #B-4
- Color #B-5
- Color #B-6

Stone

- Style S-A
- Color #S-1
- Color #S-2

Precast

- Shape/Style P-A
- Color #P-1
- Shape/Style P-B
- Color #P-1

Secondary:

Stucco

- Texture ST-A
- Color #ST-1
- Color #ST-2
- Color #ST-3
- Texture ST-B
- Color #ST-1
- Color #ST-2
- Color #ST-3

Secondary:

Horizontal Siding, Vertical Siding

- Group Spacing HVS-A
- Color #HVS-1
- Color #HVS-2
- Color #HVS-3
- Group Spacing HVS-B
- Color #HVS-1
- Color #HVS-2
- Color #HVS-3

Cementitious Panel

- Panel Style CP-A
- Color #CP-1
- Color #CP-2
- Color #CP-3

Metal Panel

- Metal Panel Style MP-A
- Finish #MP-1
- Finish #MP-2
- Metal Panel Style MP-B
- Finish #MP-1
- Finish #MP-2

Accent

- Limited to 10% of the exterior skin of a building facade

Building Glazing

Retail Facades

For the primary retail elevations, the masonry and glazing area as measured from the outside of the glazing frame shall equal or exceed 40% of facade area measured from grade to 10' above grade.

- Secondary elevations facing public areas shall have 30% masonry and glazing as measured by the formula above.
- Spandrel panels or similar elements that act as part of the glazing fenestration can be counted toward the percentage.
- Glazing and fenestration above the 10' line can be counted toward the percentage.
- No reflective glass is allowed.
- Glazing and fenestration is required to be recessed a minimum of 8" from the main plane of the building. Bays and projected fenestration designs are an exception.

Residential and Office Facades

- For the street elevation or elevations facing public areas, the glazing area as measured from the outside of the glazing frame shall equal or exceed 30% of facade area measured from floor line to floor or roof line above.
- Street elevations facing parking of service areas shall have 20% glazing as measured by the formula above.
- Spandrel panels or similar elements that act as part of the glazing fenestration can be counted toward the required percentage.
- There are no limitations on glazing and fenestration forms and styles.
- Reflective glass is allowed, but should be limited.

Building Street Front

Residential Street Front

- Residential units within 5' of the sidewalk may have a stoop and steps down from their elevated porches.
- Podium parking exposed by grade shall be screened by a landscape screen along 60% of the portion of the wall that will reach 6' in height at maturity. If openings are required they will have decorative screening.
- Residential entries may be recessed 2' or covered.

Retail Street Front

- Glazing and fenestration should be recessed a minimum of 8" from the main plane of the building. Bays and projected fenestration designs are an exception.
- Awnings, canopies, and arcades are encouraged

Office Street Front

- Glazing and fenestration should to be recessed a minimum of 8" from the main plane of the building at the street level.
- Building entries are to be expresses with an architectural element. A landscape strip at the perimeter of the building along the street front is encouraged.

Entrance Feature

To help ensure the success of the commercial uses at the EDGE, a critical element of the project is to establish a presence and visibility from the primary road frontage. To achieve this, a large entrance feature is planned in the southeast corner of the property at the location shown in Block 'A' on the Block Plan. This entrance feature will be a prominent artistic element that acts as a both a gateway to north Chapel Hill, and to identify the EDGE and the businesses within the project. Given the property's existing topography and orientation to the adjacent primary roads, the entrance feature will need to be large enough in scale and height to be visible from the primary road frontage on Martin Luther King Jr. Boulevard. Additional details of the entrance feature will be developed as part of the ZCP approval process.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

**SESSION LAW 2009-310
HOUSE BILL 182**

AN ACT TO ALLOW THE PLACEMENT OF TRAFFIC TABLES OR TRAFFIC CALMING DEVICES ON THOSE PORTIONS OF STATE ROADS WITHIN A RESIDENTIAL SUBDIVISION.

The General Assembly of North Carolina enacts:

SECTION 1. Article 7 of Chapter 136 of the General Statutes is amended by adding a new section to read:

"§ 136-102.8. Subdivision streets; traffic calming devices.

The Department shall establish policies and procedures for the installation or utilization of traffic tables or traffic calming devices erected on State-maintained subdivision streets adopted by the Department, pursuant to G.S. 136-102.6, if all of the following requirements are met:

- (1) A traffic engineering study has been approved by the Department detailing types and locations of traffic calming devices.
- (2) Installation and utilization of traffic tables or traffic calming devices is within one of the following areas:
 - a. A subdivision with a homeowners association.
 - b. A neighborhood in which the property owners have established a contractual agreement outlining responsibility for traffic calming devices installed in the neighborhood.
- (3) The traffic tables or traffic calming devices are paid for and maintained by the subdivision homeowners association, or its successor, or pursuant to a neighborhood agreement.
- (4) The homeowners association has the written support, for the installation of each traffic table or traffic calming device approved by the Department pursuant to this section, of at least seventy percent (70%) of the member property owners, or the neighborhood agreement is signed by at least seventy percent (70%) of the neighborhood property owners.
- (5) The homeowners association, or neighborhood pursuant to its agreement, posts a performance bond with the Department sufficient to fund maintenance or removal of the traffic tables or calming devices, if the homeowners association, or neighborhood pursuant to its agreement, fails to maintain them, or is dissolved. The bond shall remain in place for a period of three years from the date of installation."



SECTION 2. This act becomes effective October 1, 2009, and applies to traffic tables and traffic calming devices installed on or after that date.

In the General Assembly read three times and ratified this the 8th day of July, 2009.

s/ Walter H. Dalton
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Beverly E. Perdue
Governor

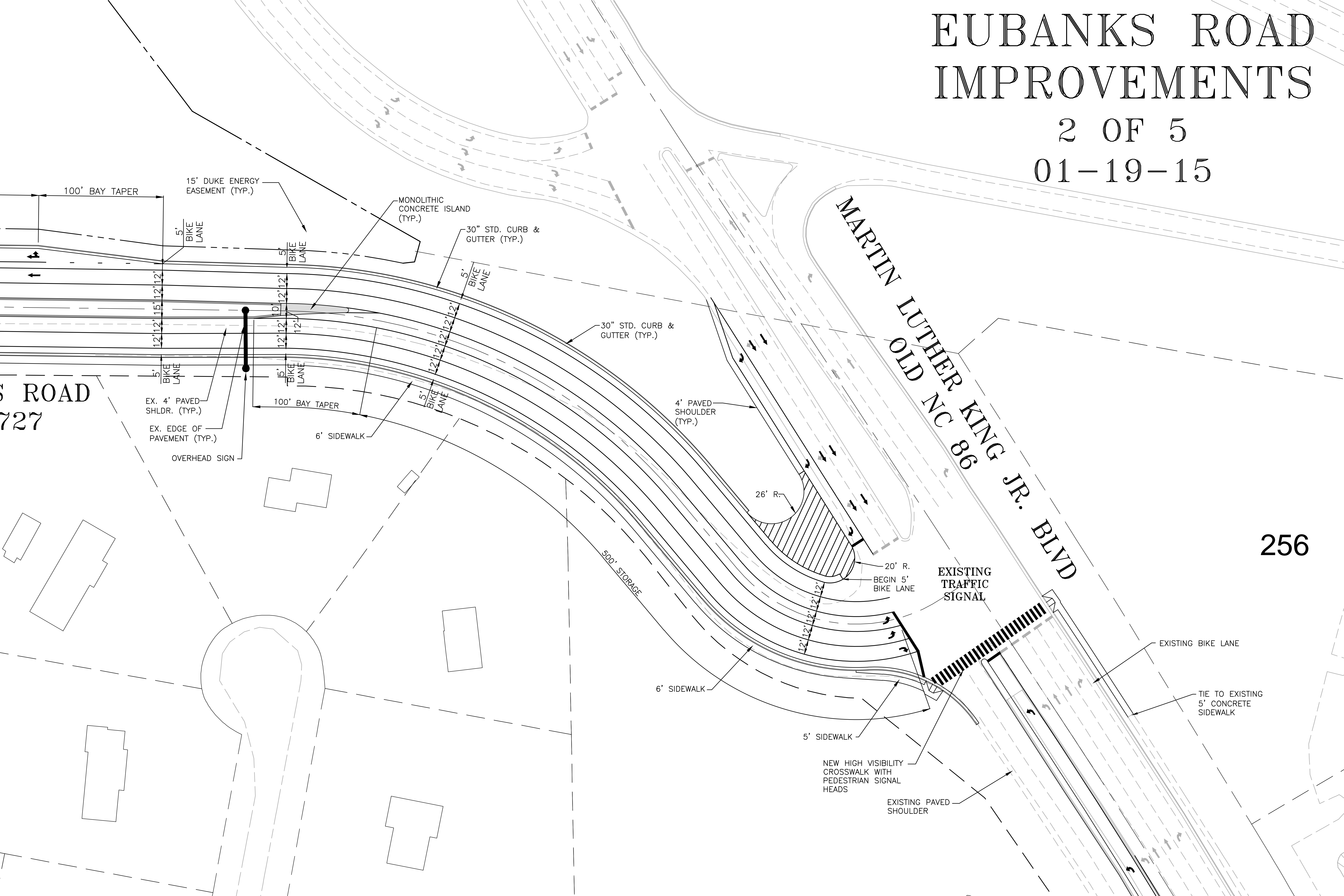
Approved 5:29 p.m. this 17th day of July, 2009

1 OF 5
01-19-15



EUBANKS ROAD IMPROVEMENTS

2 OF 5
01-19-15



S ROAD
727

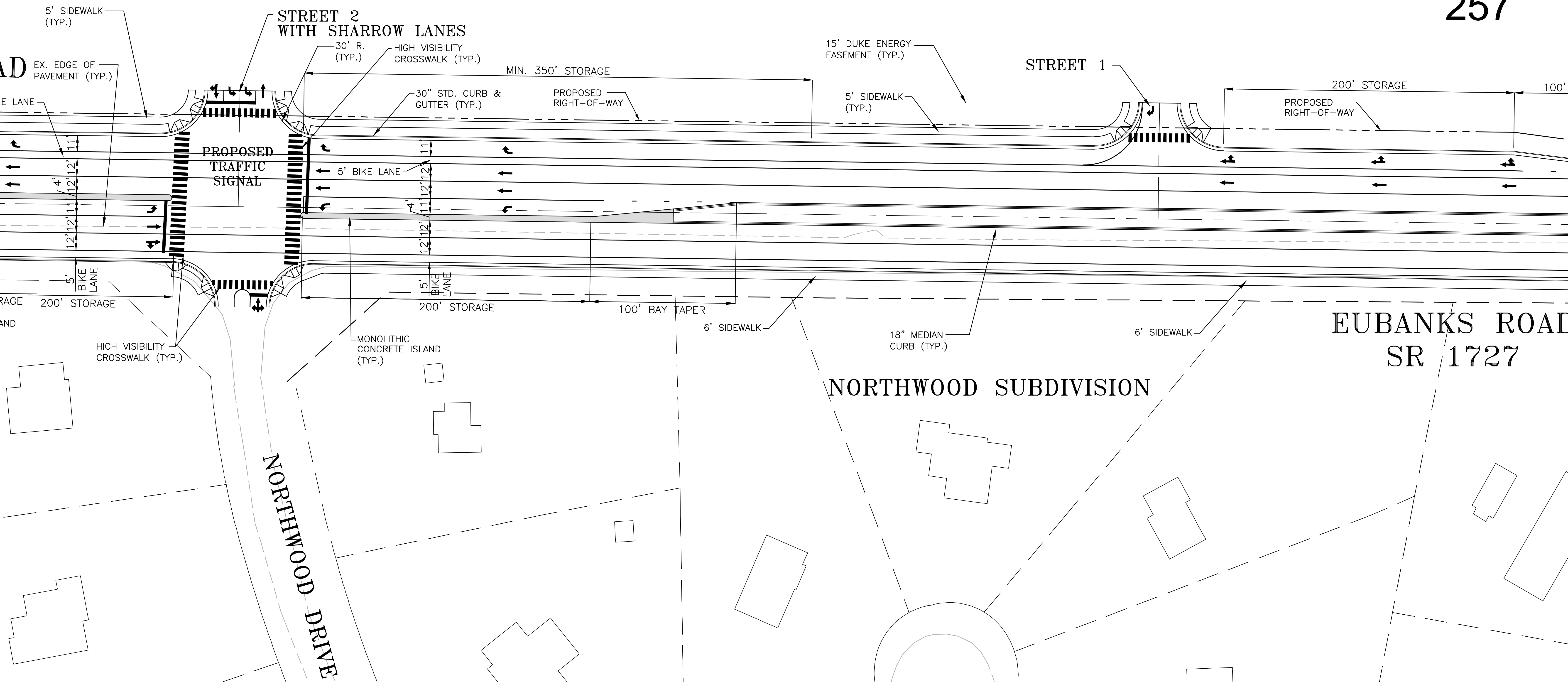
MARTIN LUTHER KING JR. BLVD
OLD NC 86

256

EUBANKS ROAD IMPROVEMENTS

3 OF 5
01-19-15

257



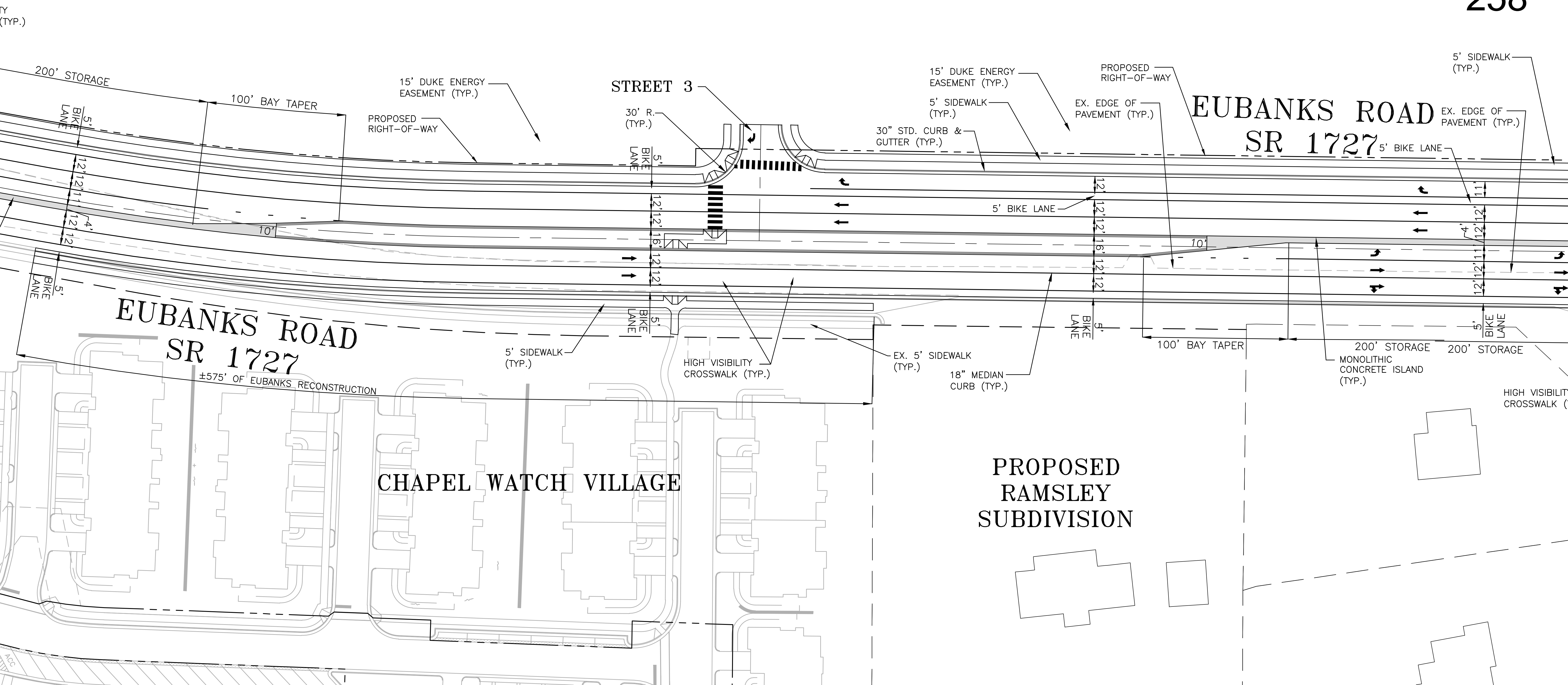
EUBANKS ROAD IMPROVEMENTS

4 OF 5

01-19-15

STREET A

258

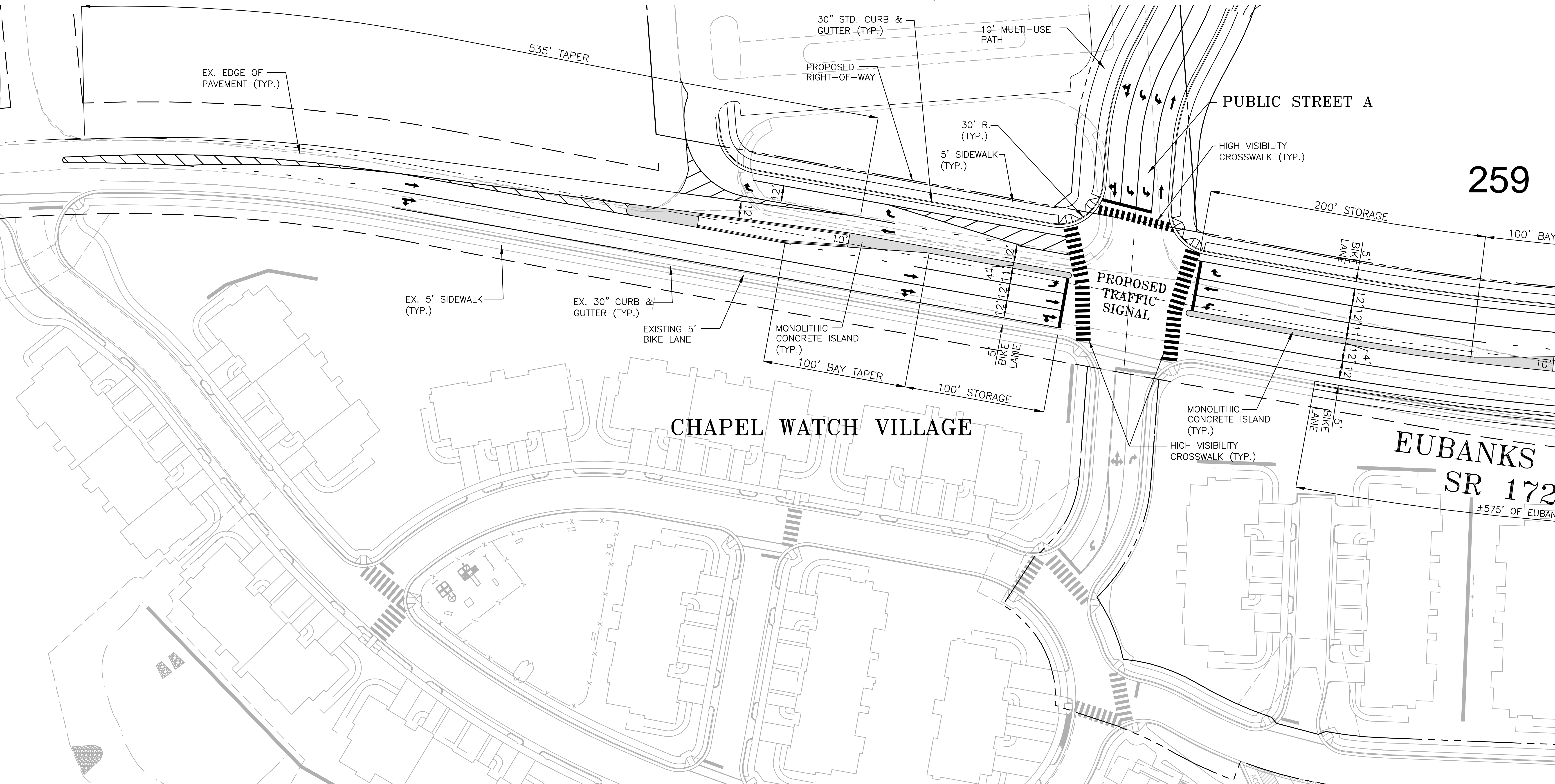


EUBANKS ROAD IMPROVEMENTS

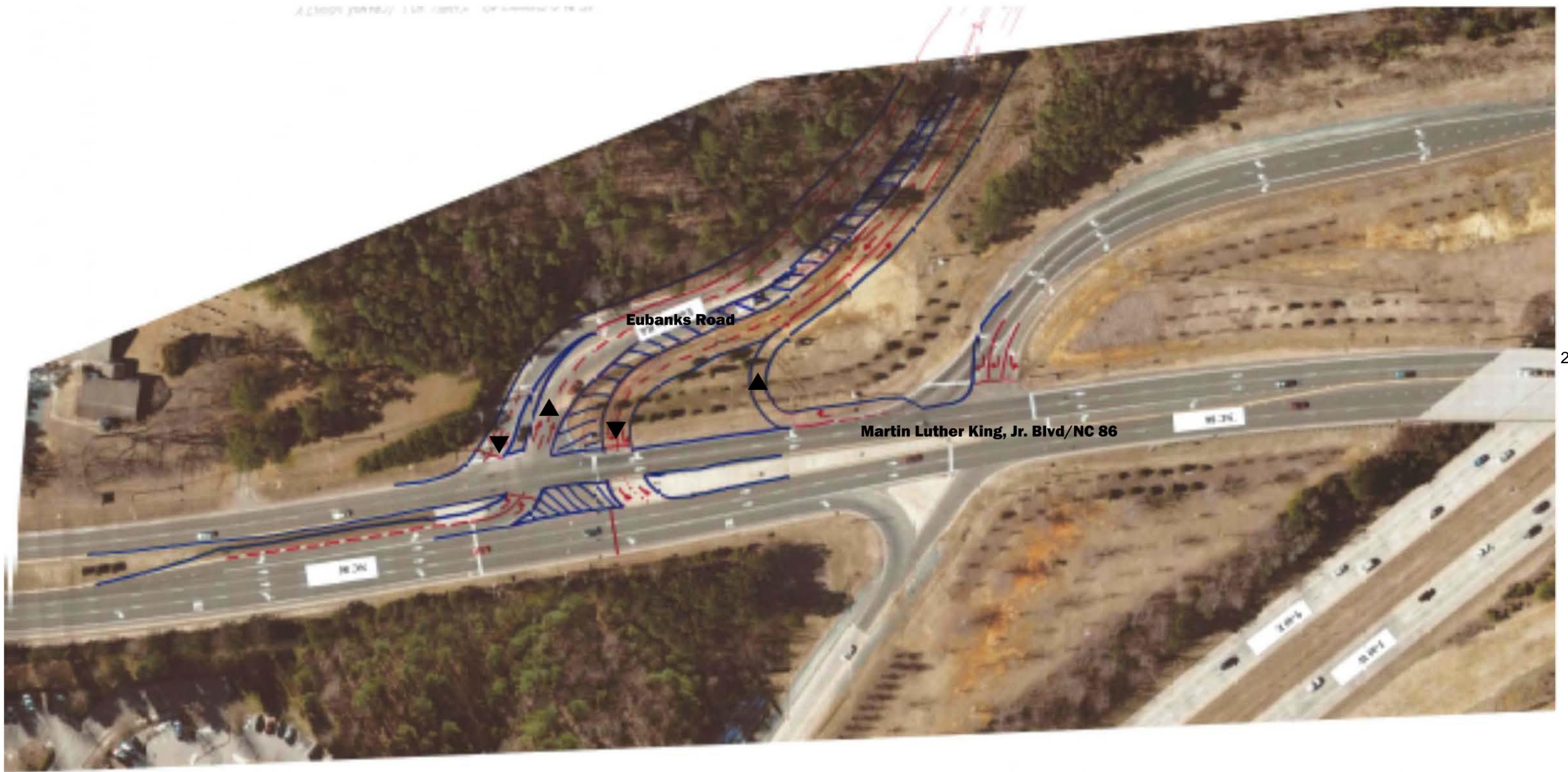
5 OF 5

01-19-15

EXISTING PARK/RIDE LOT



As shown, your study is not complete. It is recommended that you



TECHNICAL MEMORANDUM

HNTB

To
Kumar Neppalli
Traffic Engineering Manager
Town of Chapel Hill

From
Craig Scheffler, P.E., PTOE
HNTB North Carolina, P.C.

Cc
HNTB Project File: 38435

Subject
The Edge TIS 2013 Update –
Detailed Transit Analysis

Date
12/08/14



Per Town of Chapel Hill request related to *The Edge Traffic Impact Study – 2013 Update*, the following information represents the methodology and results related to potential transit service impacts due to anticipated transit trip generation for The Edge mixed-use development project.

The Edge Transit Trip Demand Projections

The projected transit trips generated by the proposed The Edge development were based on the overall trip generation methodology employed for *The Edge Traffic Impact Study – 2013 Update* (HNTB, August 2013). AM, noon, and PM peak hour transit trips, as well as overall daily transit trips, were estimated as a reduction from overall raw trip generation data that was initially adjusted to remove internally captured trips within The Edge site. 2019 build-out year+1 estimates of transit trips, taken from information in Table 5, page 11 of the TIS are shown on **Table 1**, below. Since trip generation methodologies are typically employed to estimate trips entering or exiting a particular site, these terms will be applied to bus alightings (entering the site) and boardings (exiting the site).

Table 1. Estimated Transit Trips - The Edge

Trip Type	Daily	AM Peak Hour	Noon Peak Hour	PM Peak Hour
Boarding (Exit)	627	56	46	138
Alighting (Enter)	627	82	46	115
Totals	1,254	138	92	253

For the purposes of this analysis, the existing Chapel Hill NS transit route is the only current fixed route that would directly service The Edge site (either via the existing Eubanks Road Park-and-Ride or adjacent on-site stop(s)) and thus was assumed to be the only route utilized by the projected transit demand generated by The Edge. Details related to existing NS route service capacity are shown below in **Table 2**.

Peak hour ranges that match vehicular trip patterns collected for the original TIS were applied to existing transit schedules to estimate existing capacity, loading, and ridership information. Load capacities in **Table 2** were estimated based on information provided by CHT staff based on the number of buses arriving/departing the Eubanks Road Park-and-Ride, type of bus (articulated or regular), and an assumed threshold load capacity of 80 percent of a bus's maximum capacity. Regular buses have a maximum capacity of 57 passengers (38 seated X 1.5 maximum capacity factor) and articulated buses have a maximum capacity of 90 passengers (60 seated X 1.5 maximum capacity factor). Adjusting these raw totals by 80 percent and then applying the mix of articulated or regular buses operating on the NS route during a given peak hour allows an estimation of overall raw load capacity.

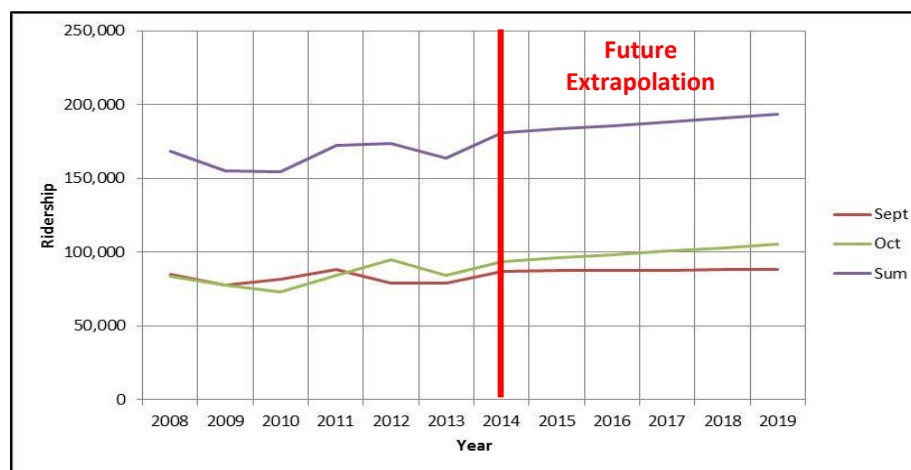
Table 2. Existing CHT NS Route Service Details

Direction	The Edge Trip Type	Daily Buses	Daily Load Cap.	AM Peak Hour Range	Buses	Raw Load Cap.	Noon Peak Hour Range	Buses	Raw Load Cap.	PM Peak Hour Range	Buses	Raw Load Cap.
NS Route												
Southbound	Boarding at The Edge	54	3,108	7:30 - 8:20	6	345	11:55 - 1:00	3	164	4:40 - 5:30	6	345
Northbound	Alighting at the Edge	54	3,108	7:00 - 7:50	6	345	11:45 - 12:30	3	164	4:00 - 5:00	5	288

Future No-Build Service Demand Estimates

Existing CHT transit service data for boardings, alightings and load at each stop were increased by a growth factor of 1.071 for all daily and peak hour scenarios. This 7.1 percent increase over existing ridership levels reflects a conservative growth rate estimate based on historic CHT route ridership data as shown in **Exhibit 1**.

Exhibit 1. NS Route Historic & Projected Ridership Growth



Historic data from the previous seven years for the full service months of September and October show slow to moderate ridership growth. The data was extrapolated into the future using linear regression techniques for each month and the overall sum of both months. The overall sum growth rate was selected for use in application to existing ridership levels because it represented a balance between slower projected growth rates for the September data and higher growth rates for the October data. The linear regression growth estimates equated to approximately 1.4 percent growth per year or approximately 7.1 percent total growth over existing ridership in five years (the 2019 analysis year). For comparison, *The Edge TIS – 2013 Update* ambient traffic growth projections for the period 2014-2019 were 1.0 percent per year (five percent overall) in the project study area, less than the assumed transit ridership growth data above, but with the addition of several background generating developments in/near the project study area, the background traffic growth numbers would likely equal or exceed the projected transit growth estimates. No adjustments to other large potential transit generators (Carolina North, Obey Creek) along the NS Route, or for any potential expansion effects of the Eubanks Park-and-Ride facility, were made for the 2019 No-Build transit analyses.

The Edge Route Capacity Impacts

To gain insight into potential impacts to future transit service along the existing CHT NS route due to potential ridership increases from The Edge development, an assessment of overall average route capacity was conducted for the AM, noon, and PM peak weekday hours. No straightforward method exists to proportion estimated daily The Edge transit trips and apply them to existing service for the existing NS route.

Existing boarding, alighting and average load data provided by CHT was utilized for the entire length of the NS route and The Edge-related transit trips were proportioned along the route by assuming existing patterns of boarding and alighting at each specific stop would also apply to The Edge transit trips. Thus, 2019 analysis year estimates of No-Build and Build loading conditions were estimated for each route and each stop. Northbound Edge-generated transit trips on the NS Route to the Edge site proportionally board along the route based on existing boarding patterns and then alight at the Edge. Similarly, southbound NS Route trips from the Edge site board at the site and alight along the route in a proportional manner that matches existing southbound NS Route alighting data.

No potential transfers from these existing routes to other CHT existing service routes were assumed. It was also assumed that The Edge peak hour transit trips would be equally divided (and averaged) over the NS route for the number of buses during each peak period that would be serving The Edge.

No specific addition of stops for The Edge were made – it was assumed for this analysis that The Edge riders would board/alight at the existing Eubanks Road Park-and-Ride stop – or a new on-site stop adjacent to the Park-and-Ride. The charts on the following pages summarize the 2019 load results.

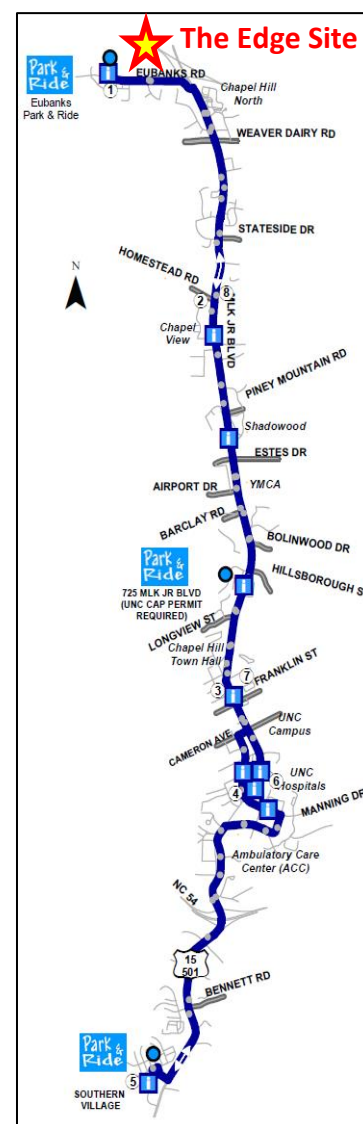


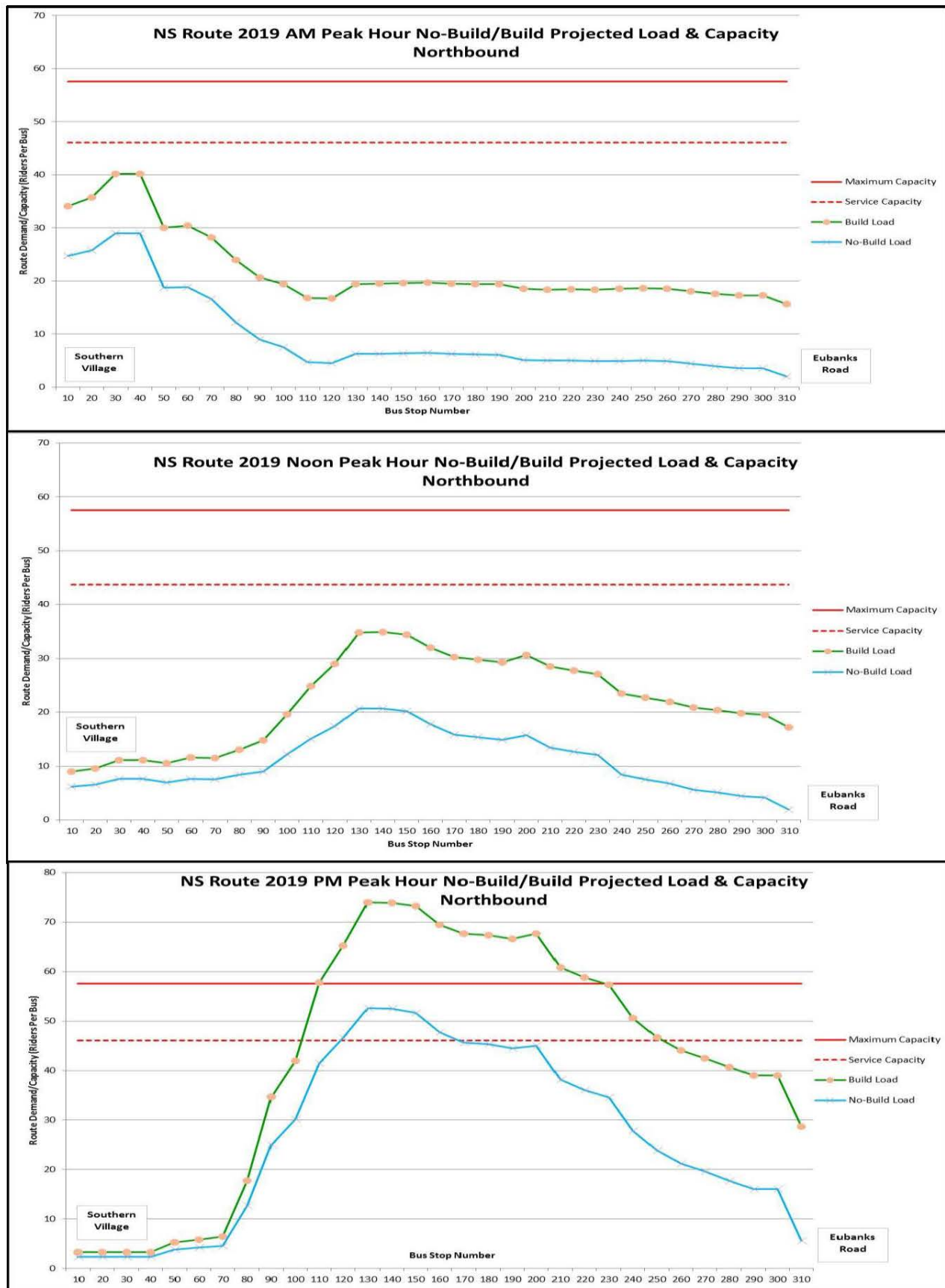
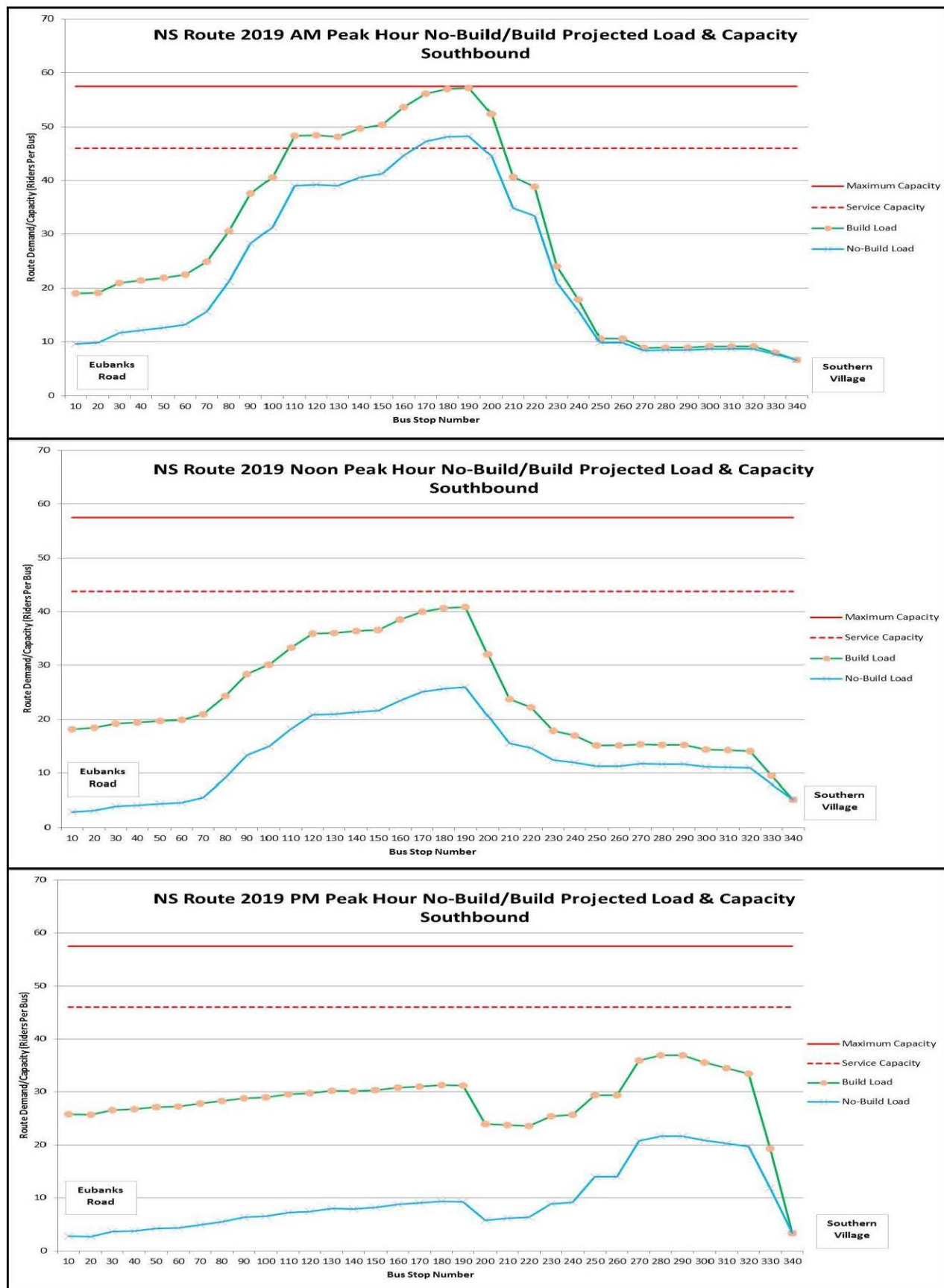
EXHIBIT 2. 2019 NS Route No-Build/Build Projected Load & Capacity Results - Northbound

EXHIBIT 3. 2019 NS Route No-Build/Build Projected Load & Capacity Results - Southbound

The following conclusions related to peak hour service capacity can be made from the results shown in the charts in **Exhibits 2 and 3**.

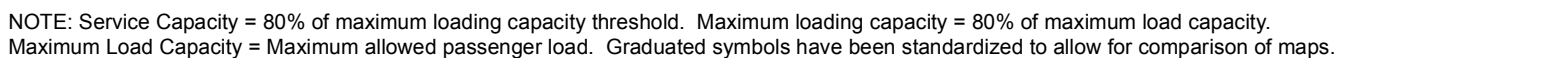
- The NS Route is expected to exceed its maximum loading capacity threshold (as defined as 80% of an individual bus's maximum load capacity) and its "service capacity" (as defined as 80% of the maximum loading capacity threshold) along its northbound route through downtown Chapel Hill/UNC Main Campus extending to the Homestead Road area due to projected The Edge-related boarding impacts in the PM peak hour. 2019 No-Build service capacity is exceeded in this area, and estimated boardings for riders heading towards the Edge would exceed service capacity by possibly 20 or more riders in this section. Northbound route loads for both No-Build and Build conditions are not expected to exceed service or maximum average bus capacities in the AM and Noon peak hours.
- The southbound NS route passenger loads in 2019 are projected to exceed service capacity with added riders generated by the Edge in the AM peak hour. This overloading is likely to occur between the Timber Hollow and W. Franklin Street stops. In addition, even without Edge-related ridership, the southbound NS Route may exceed service capacity between Longview and Town Hall stops in the AM peak hour. Southbound route loadings for both No-Build and Build Scenarios do not exceed service or maximum average bus capacities during the Noon and PM peak hour time periods – although service capacity is nearly reached with Edge ridership included near campus in the 2019 Noon peak hour.

To establish a comparison of demand (not related to service load capacity) along the existing NS route to estimates of transit trip demand from the Edge development, daily and peak hour boardings from existing NS data were extrapolated by the 1.071 growth factor to provide estimated 2019 overall total northbound and southbound boarding estimates. These estimates were then compared with the Edge projected boarding (alighting on the southbound NS route) and alighting (boarding on the northbound NS route) information. **Table 3** provides a summary of those results.

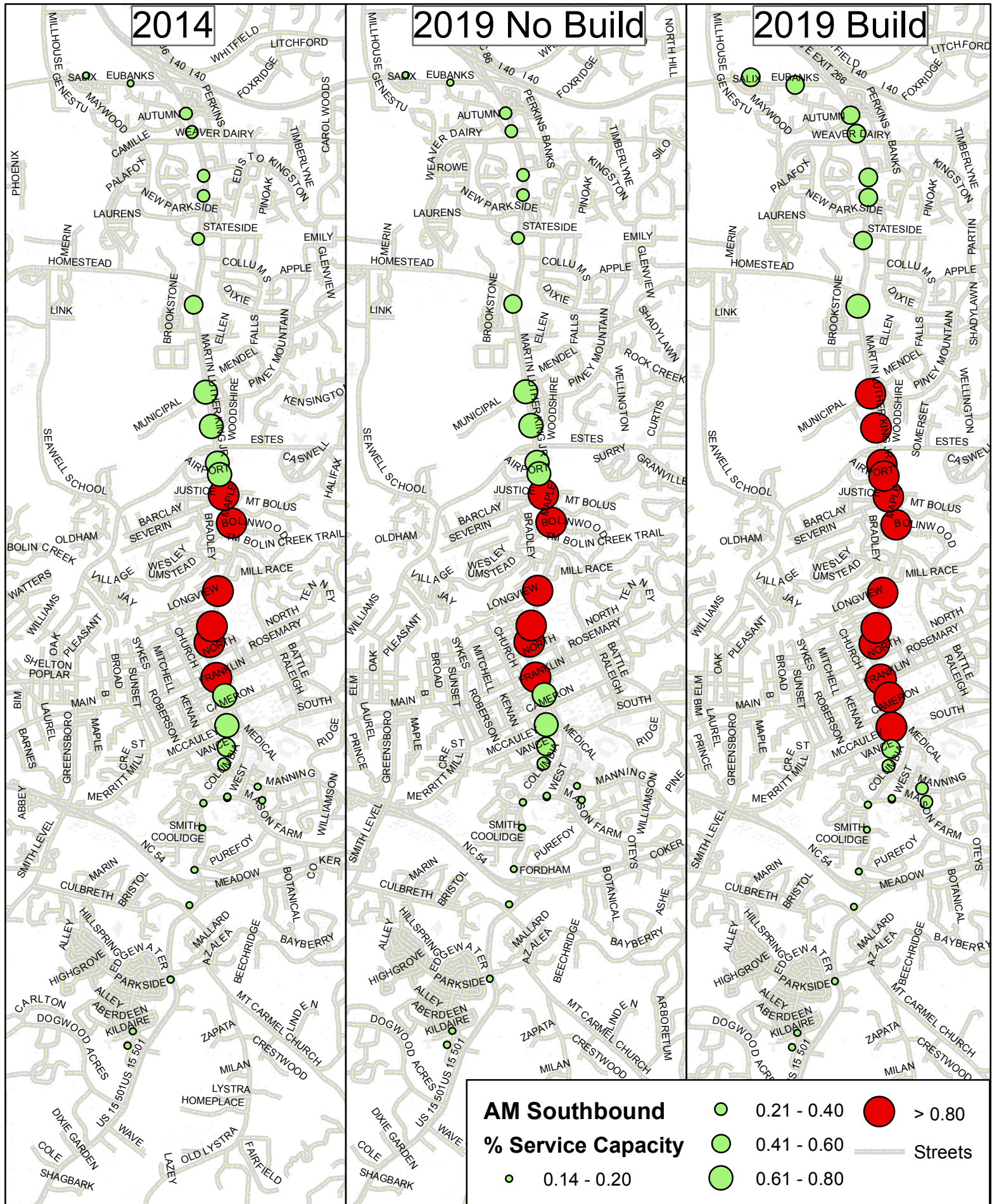
Table 3. Comparison of Potential Edge Ridership to Projected 2019 NS Route Boardings

Northbound NS Route	The Edge Riders	2019 Projected NS Boarding Totals	Overall Total	Edge % of Total Boardings
AM Peak Hour	82	213	295	28%
Noon Peak Hour	46	98	144	32%
PM Peak Hour	115	306	421	27%
Daily	627	2,042	2669	23%
Southbound NS Route	The Edge Riders	2019 Projected NS Boarding Totals	Overall Total	Edge % of Total Boardings
AM Peak Hour	56	328	384	15%
Noon Peak Hour	46	110	156	30%
PM Peak Hour	138	189	327	42%
Daily	627	1,963	2590	24%

As shown in **Table 3**, projected transit ridership to/from the Edge would represent a fairly significant portion of total boardings for all peak hour periods and for daily service, where it may account for nearly $\frac{1}{4}$ of all boardings along the NS Route. As described previously, the peak hours analyzed in **Table 3** are the vehicular peak hours of a typical weekday in the Edge's project study area. They do not directly correspond to the exact NS Route peak demand hours, although they represent demand levels that are relatively close to the actual transit peaks.

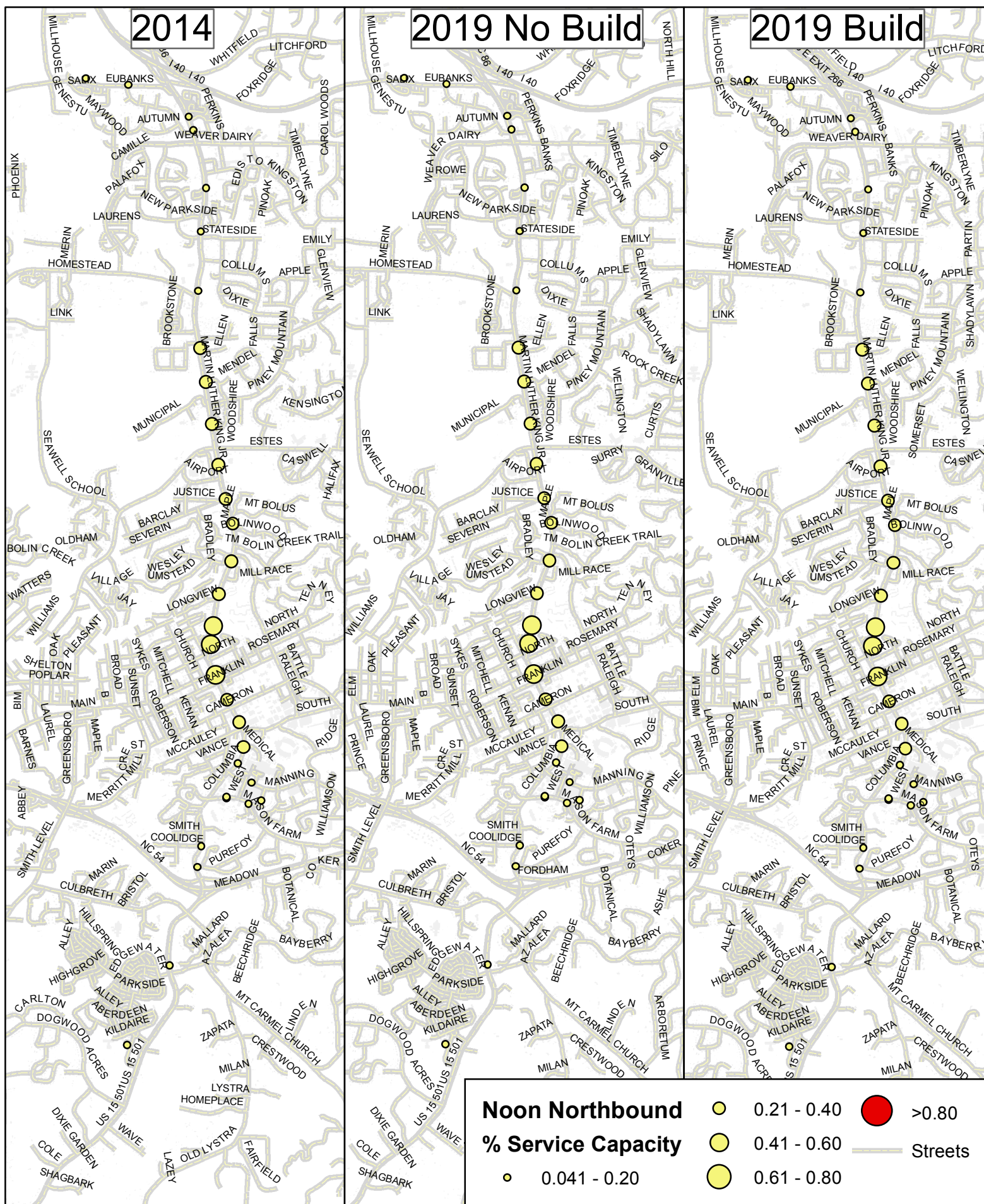


MLK Blvd AM Southbound Transit Service Capacity Used



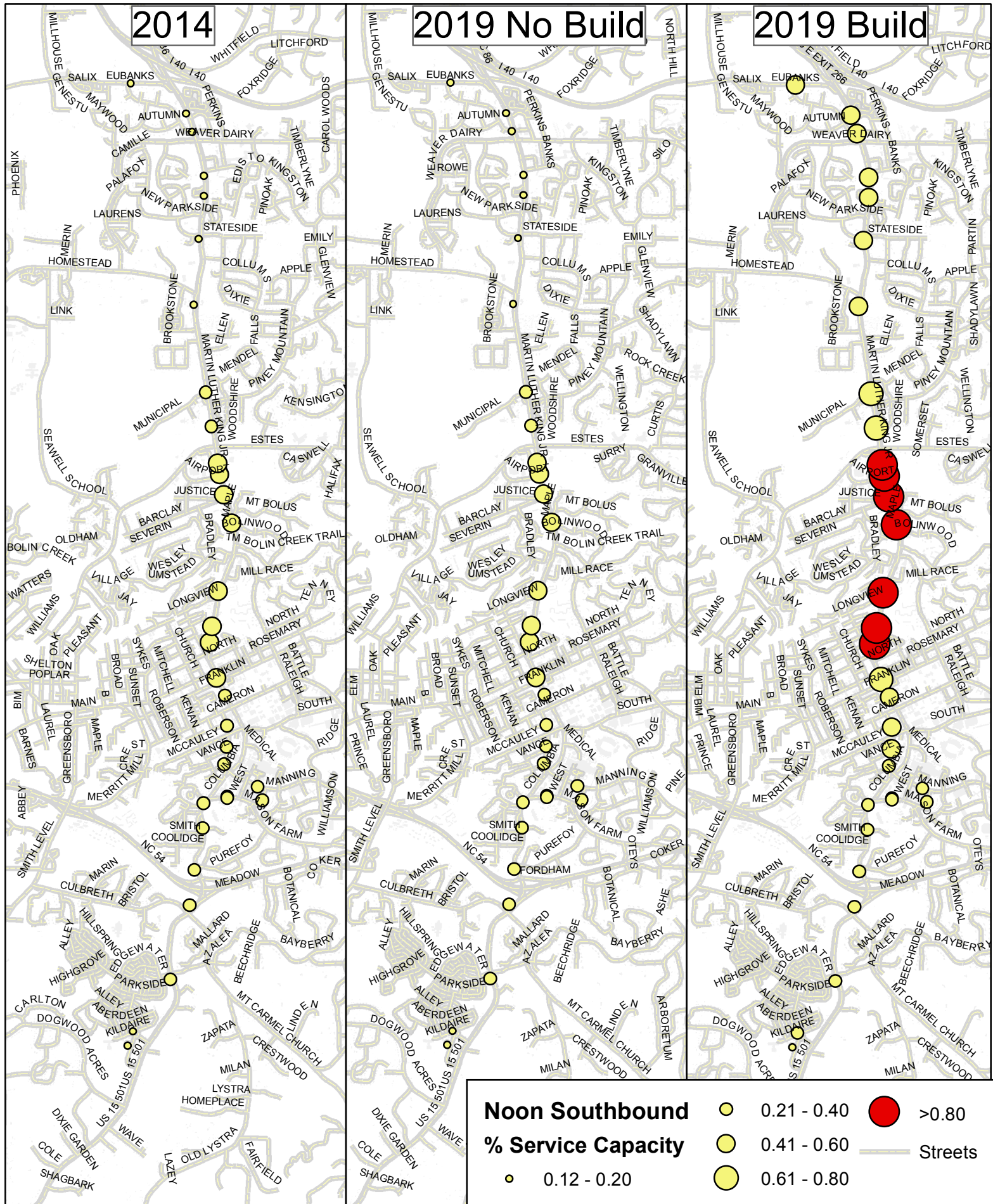
NOTE: Service Capacity = 80% of maximum loading capacity threshold. Maximum loading capacity = 80% of maximum load capacity. Maximum Load Capacity = Maximum allowed passenger load. Graduated symbols have been standardized to allow for comparison of maps.

MLK Blvd Noon Northbound Transit Service Capacity Used



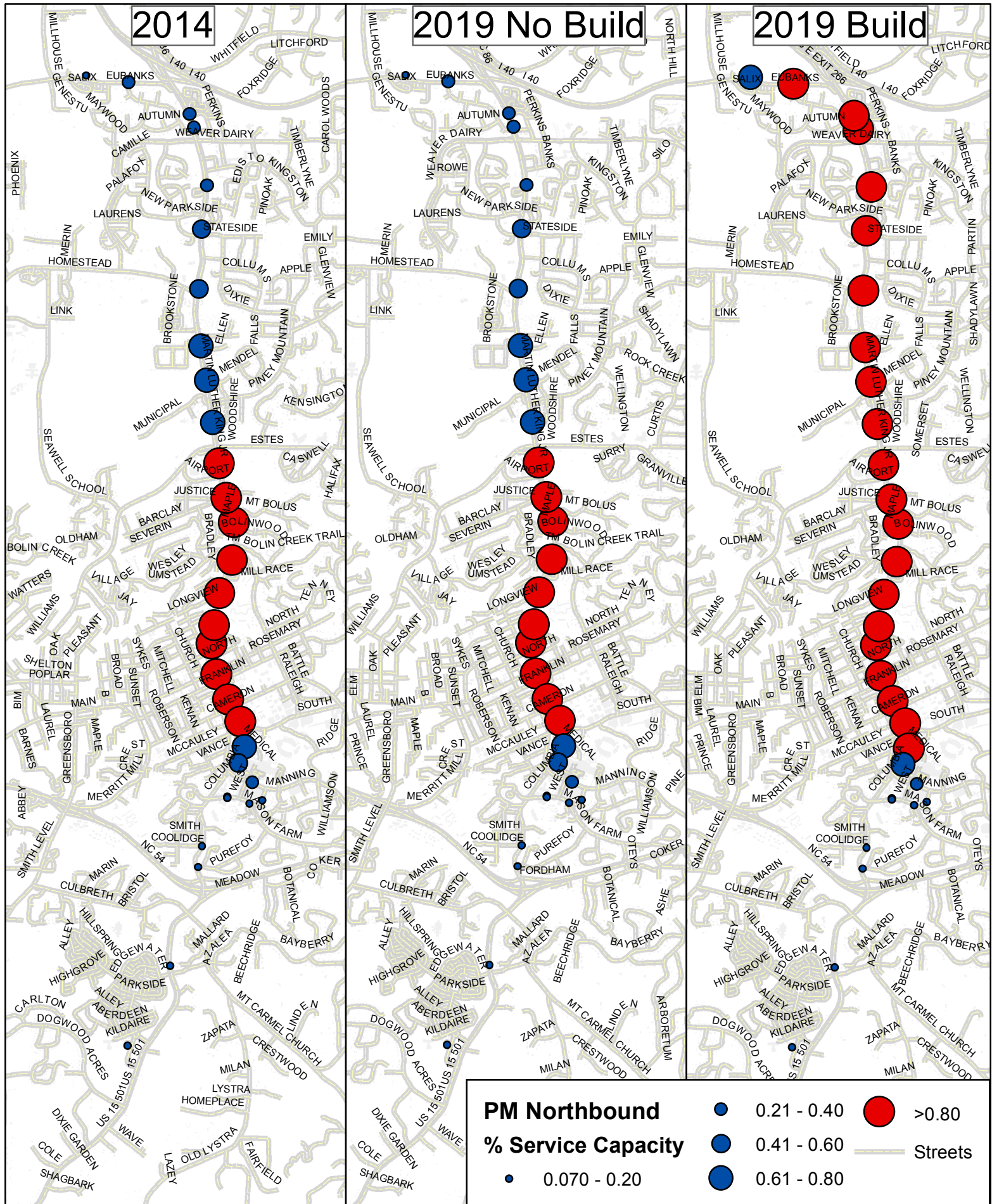
NOTE: Service Capacity = 80% of maximum loading capacity threshold. Maximum loading capacity = 80% of maximum load capacity. Maximum Load Capacity = Maximum allowed passenger load. Graduated symbols have been standardized to allow for comparison of maps.

MLK Blvd Noon Southbound Transit Service Capacity Used



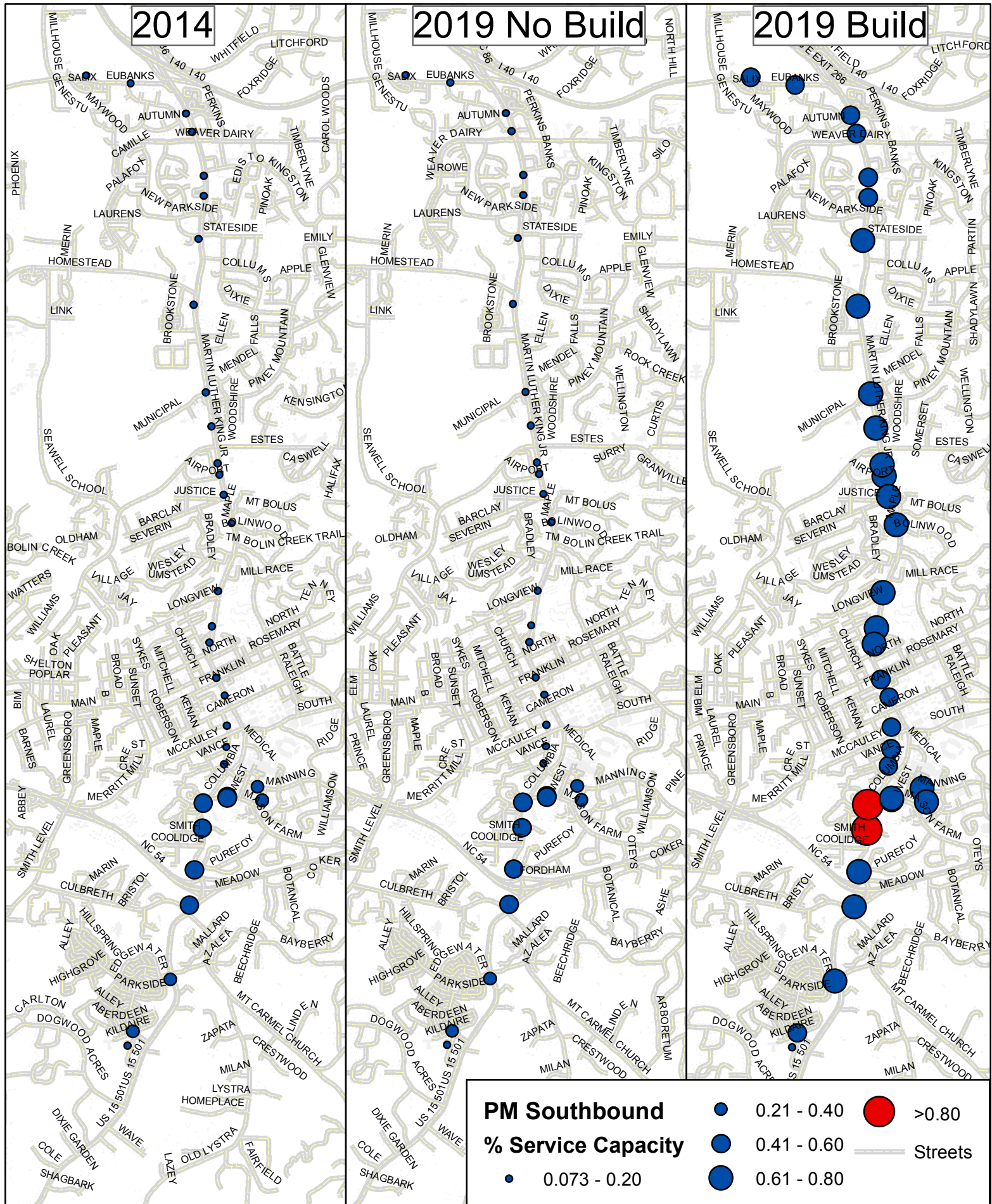
NOTE: Service Capacity = 80% of maximum loading capacity threshold. Maximum loading capacity = 80% of maximum load capacity. Maximum Load Capacity = Maximum allowed passenger load. Graduated symbols have been standardized to allow for comparison of maps.

MLK Blvd PM Northbound Transit Service Capacity Used



NOTE: Service Capacity = 80% of maximum loading capacity threshold. Maximum loading capacity = 80% of maximum load capacity. Maximum Load Capacity = Maximum allowed passenger load. Graduated symbols have been standardized to allow for comparison of maps.

MLK Blvd PM Southbound Transit Service Capacity Used



NOTE: Service Capacity = 80% of maximum loading capacity threshold. Maximum loading capacity = 80% of maximum load capacity. Maximum Load Capacity = Maximum allowed passenger load. Graduated symbols have been standardized to allow for comparison of maps.

The Edge
Mixed Use Development

Preliminary
Fiscal Impact Report

November 21, 2014

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**The Edge
Mixed Use Development
Fiscal Impact Analysis Report**

Preliminary Development Revenue – Town of Chapel Hill Service Cost Comparison

The applicant was asked to prepare a fiscal impact assessment of *The Edge*, a proposed mixed-use development. The proposed development is on the north side of Eubanks Road, across the street from the Northwoods Subdivision (located in Orange County jurisdiction) and Chapel Watch Village, a rental townhome community located within the Town of Chapel Hill. The primary focus of this analysis is to examine the impacts of the proposed development after total build-out on town revenues and costs using the FY 2014-15 town budget for service cost determinations. Additionally, the applicant was asked to provide information about the potential impacts upon the Chapel Hill Carrboro School System and revenues that would accrue to Orange County.

This report provides information developed by the applicant using the recently presented Obey Creek Fiscal Impact Report prepared by Town staff as the basis for analyzing potential revenues and potential Chapel Hill service costs for *The Edge*. Subsequent to the preparation of that report and its presentation to the Council at a work session, the applicant met with several Town staff members to fully understand that report's assumptions and methodology. The applicant believes the Obey Creek model with slight modifications specific to *The Edge* provided a sound analytic base.

The preliminary conclusion from this analysis is that under a partial development scenario or a full development scenario, *The Edge* will provide an annual revenue surplus over costs in the range \$400,000 (partial development) and \$750,000 (full development). Table 1 provides summary information about the post development revenue and service costs, the details of which are contained in the body of this report and in exhibits at the end of the report.

Table 1
Revenue – Cost Summary
General Fund and Dedicated Funds

	Scenario 1 Partial Development	Scenario 2 Full Development
Dedicated Fund Revenue	\$ 197,939	\$271,023
Dedicated Fund Costs Determined to Date	(\$ 56,573)	(\$77,253)
Dedicated Fund Surplus	\$ 141,367	\$193,770
General Fund Revenue	\$761,137	\$1,206,021
General Fund Costs	(\$491,746)	(\$671,508)
General Fund Surplus	\$269,392	\$534,513
Total Surplus	\$410,759	\$728,283

Development Context Considerations for The Edge

The Edge is a proposed mixed-use development of 54 acres located on the north side of Eubanks Road and west of Martin Luther King Jr. Boulevard (MLK). At present, 55% of the site, 29.57 acres, lies within the municipal boundary of Chapel Hill. The remaining 23.75 acres are in Orange County, but through inter-local planning and development agreements, the entire site is within the Town of Chapel planning and zoning jurisdiction and within the future annexation area of Chapel Hill.

Residential and commercial developments and Town Public facilities have moved steadily northward on the west side of MLK during the past 20 years and have extended municipal public service capabilities and OWASA water and sewer services to property along the north side of Eubanks Road.

Town Initiated Development Activities in Northwest Chapel Hill include:

- 1) Town Park & Ride – Federal Funds that limit expansion or relocation of this facility.
- 2) Chapel Hill Transit Center
- 3) Chapel Hill Public Works Operations Center

Private Development Activities in Northwest Chapel Hill Include:

- 1) Northwoods V Subdivision
- 2) Parkside Subdivision
- 3) Larkspur Subdivision
- 4) The Vineyard Townhomes
- 5) Chapel Hill North Mixed Use Development
- 6) Chapel Watch Village

Eubanks Road via its intersection connection to MLK has become the major roadway providing access to I-40 from the northwest side of Chapel Hill and the northern part of Carrboro. Eubanks Road also provides the primary access to the solid waste and recycling facilities and services in Orange County.

Eubanks Road has had limited improvements completed over the last 10+ years and with the Town's development of the Public Works Operations Center and Chapel Hill Transit facility and existing background traffic, the road currently functions at a low level of service. The result is Eubanks Road currently carries more peak hour traffic than it can handle, especially at its intersection with MLK.

Public Infrastructure and Improvements – Existing, Needed, and Proposed

OWASA provides water and sewer service to *The Edge* site. Water and sanitary sewer service for *The Edge* will be paid for by the applicant according the OWASA fee schedules.

Eubanks Road and the intersection of Eubanks and MLK are both operating at over capacity. The most recent improvements on Eubanks were completed as part of Chapel Watch Village on the south side of Eubanks Road and immediately across the street from *The Edge*

The applicant has worked extensively with the North Carolina Department of Transportation and the Town's Transportation staff to reach a mutual agreement on a package of roadway and intersection improvements that will cost approximately \$3,500,000. The majority of right of way needed for these improvements will be provided by *The Edge* and utilize some existing property owned by NCDOT. These improvements will increase the capacity of these road sections so they can accommodate all existing traffic and all traffic from

The Edge project at full build out with an improved level of service. The applicant has asked the Town to participate in the payment for these much needed improvements.

Post Development Fiscal Impact Assessment

The applicant, Northwood Ravin, was asked to provide an estimate of the costs and revenues that could accompany the proposed development. Town staff requested that the study assume revenues and costs as if the entire development were in place today and utilize the towns FY 2014-15 budget for estimating new service costs and revenues. These requests have been honored.

The 54-acre site of *The Edge* lies within two mixed-use zoning districts that were developed in the late 1980's. Each district establishes minimum and maximum development limits by percentage of site use for residential, office, and commercial [retail] uses. The applicant has proposed a modification to these maximum and minimum standards that reflect a commitment to the mixed-use goals for this site as embodied in the Chapel Hill 2020 plan and the Northern Area Task Force Plan of 2008. The applicant has evaluated two development scenarios, one that closely parallels the minimum required amount of each use and one that provides for full development of the site (935,290 SF), fits within the permitted trip generation limits, and provides more than the minimum but less than the maximum of each use.

Applicant Proposed Development Ranges As Defined on SUP Block Plan
Percentage of Total of Permitted Floor Area

Development Type	Minimum	Maximum
Residential	43% - 400,000 SF	75% - 701,000 SF
Office	6% - 60,000 SF	29% - 270,000 SF
Commercial [Retail incl. Hotel]	15% - 140,000 SF	44% - 416,000 SF

Development Scenarios Examined in this Fiscal Impact Assessment are:

Scenario 1 examines a partial-range level of development (about 70% of full development potential) to ascertain the fiscal impact should full build out not occur. Total floor area and residential units are:

• Residential	450,000 SF	48.1%	[400 Market Rate & 50 Affordable DU]
• Office	60,000 SF	6.4 %	
• Commercial	140,000 SF	15.5 %	
• Total Floor area	650,000 SF	70.0 %	of permitted floor area on site

Scenario 2 examines full development of the site using the maximum permitted floor area and accounting for the constraints of the approved traffic impact analysis and agreed upon road improvements.

• Residential	600,000 SF	64.1 %	[550 Market Rate Units & 50 Affordable Units]
• Office	70,000 SF	6.4 %	
• Retail & Hotel	265,290 SF	29.5 %	[125 Suites Hotel – 80,000 SF]
• Total Floor area	935,290 SF	100.0 %	of permitted floor area on site

Table two contains more detail for the two development scenarios including the estimated value of development upon build-out.

Table 2

Floor Area in Square Feet, Dwelling Units, and Hotel Rooms
Total Estimated Value for Revenue Projections

Land Use	Scenario 1 Partial Development	Scenario 2 Full Development
Commercial – Retail	140,000	195,290
Commercial – Hotel	0	80,000
Office	60,000	70,000
Multi-Family Market Rate DU	400,000	550,000
Multi-Family Affordable MF DU	50,000	50,000
Total Floor Area	650,000	935,290
Market Rate DU	400	550
Affordable DU	50	50
Hotel Rooms	0	125
Total Estimated Real Estate Property Value ¹	\$ 114,400,000	\$ 161,055,100

¹ Estimated by applicant and based upon value data used by ToCH in its consideration of Obey Creek and redevelopment within the Ephesus – Fordham planning and development area and applicant knowledge of its costs and values.

Details for square foot values by type of use are shown in Table 4 and in Exhibit 3 at the end of this report.

Table three contains estimates for total population and school population for each of these scenarios.

- 1) Population estimates are derived from October 2014 tenant counts for three Northwood Ravin developments in Chapel Hill: 1) Chapel Hill North apartments & townhomes, 2) Chapel Watch Village townhomes, and Cosgrove Hill apartments and townhomes.
- 2) Two estimates for public school children are provided. The first uses the currently adopted generation rates developed in 2007. The second uses the generation rates developed in the 2014 TichlerBise report. For all fiscal and service impacts, this report utilizes the 2014 report generation rates.
- 3) Automobile ownership, like population estimates, is based upon actual counts of vehicles registered with the management companies at the three Northwood Ravin residential communities identified in item one above.

Table 3

Estimated Population, Public School Children, and Vehicles

	Scenario 1 Partial Development	Scenario 2 Full Development
Market Rate Dwelling Units	400	550
Affordable Housing Dwelling Units	50	50
Total Dwelling Units	450	600
Estimated Population ² @ 1.749 per Dwelling Unit	787	1,049
Estimated School Children ³ 2007 Adopted Generation Rates [.07 per apartment]	32	42
Estimated School Children ⁴ 2014 Generation Rate Study by TichlerBise [.13 per apartment]	59	78
Estimated Vehicles @ 1.4 per apartment	630	840

² 1.749 persons per dwelling unit – See Exhibit 7 for calculation details.

³ Student Population per TichlerBise Orange County Adopted Schedule – See Exhibit 7

⁴ Student Population per TichlerBise 2014 Report – See Exhibit 7

Shown in Table 4 is the estimated value of the proposed uses for *The Edge*.

Table 4
Development Scenario Value Estimates

THE EDGE FISCAL IMPACT ASSESSMENT DATA		SCENARIO 1	SCENARIO 2
Development Metric Category		Partial Development	Full Development
Commercial - Retail		140,000	195,290
Commercial - Hotel		0	80,000
Commercial as Percent of Permitted Floor Area		21.5%	29.4%
Office		60,000	70,000
Office as Percent of Site		9.2%	7.5%
Non Residential as Percent of Site		30.8%	35.8%
Residential - Market Rate		400,000	550,000
Residential - Affordable (50 DU)		50,000	50,000
Residential as Percent of Site		69.2%	64.2%
Residential Market DU		400	550
Residential Affordable		50	50
Total Dwelling Units		450	600
Total Floor Area		650,000	935,290

POST DEVELOPMENT TAX ASSESSMENT VALUE		Partial Development	Full Development
Retail - General Value	\$ 190/SF	\$ 26,600,000	\$ 35,205,100
Retail - Hotel Value	\$ 150/SF	\$-	\$ 12,000,000
Office Value	\$180/SF	\$10,800,000	\$ 12,600,000
Residential Market Value	\$ 175 /SF	\$ 70,000,000	\$ 96,250,000
Residential Affordable Value	\$100 /SF	\$ 5,000,000	\$ 5,000,000
Vehicles	\$10,000/Vehicle	\$ 6,300,000	\$ 8,400,000
Total Post Development Assessment Value		\$ 118,700,000	\$ 169,455,100

Table 5 on the next page provides the estimated annual revenue for the Town of Chapel Hill, Orange County, and the Chapel Hill Carrboro School District. It includes property tax, sales tax, hotel occupancy tax, and the Orange County impact fees for support of the capital budget of the school district.

Table 5
Estimated Revenue by Government Jurisdiction

ESTIMATED ANNUAL REVENUES BY JURISDICTION		SCENARIO 1	SCENARIO 2
TOWN OF CHAPEL HILL		Partial Development	Full Development
Property Tax Including Vehicles	0.00524	\$621,988	\$887,945
General Fund Revenue	0.00388	\$460,556	\$657,486
Transit Fund Revenue	0.00051	\$60,537	\$86,422
Debt Fund Revenue	0.00085	\$100,895	\$144,037
Retail Sales Tax (Per Obey Creek Draft FIS Report Methodology)		\$278,981	\$369,232
Hotel Sales Tax Revenue Estimate		\$0	\$28,216
Hotel Occupancy Tax - 3%		\$0	\$123,188
Stormwater Fee - per 1,000 SF Impervious	\$24.75	\$36,507	\$40,564
Powell Bill Roadway Maintenance Fund		\$2,700	\$2,700
Vehicle Registration Fee	\$30	\$18,900	\$25,200
Total Estimated Revenue to Town of Chapel Hill		\$959,077	\$1,477,044
Orange County Total Annual Revenue		Partial Development	Full Development
Retail Sales Tax (Per Obey Creek Draft FIS Report Methodology)		\$676,494	\$895,339
Hotel Sales Tax Revenue Estimate		\$0	\$68,420
Hotel Occupancy Tax - 3%		\$0	\$123,188
Property Tax Including Vehicles	0.00874	\$1,037,438	\$1,481,038
Total Estimated Revenue to Orange County		\$1,713,932	\$2,567,984
Chapel Hill Carrboro School System Annual Revenue		Partial Development	Full Development
Vehicle Tax	0.002084	\$13,129	\$17,506
Property Tax	0.002084	\$234,242	\$335,639
Total Estimated Revenue to School District		\$247,371	\$353,144
Orange County School Impact Fee: Range of Fee Estimates		Partial Development	Full Development
2014-15 Adopted Impact Fee - Apartments	\$1,286	\$578,700	\$771,600

To evaluate the type of services and estimate the costs of providing services to the three development scenarios for *The Edge*, the applicant has utilized the *Preliminary Fiscal Impact Report for Obey Creek* dated October 1, 2014 and presented to the town council at a work session on October 11, 2014. The applicant has met with and talked to town staff members in the preparation of this report to more fully understand the formulas and assumptions in the Obey Creek report. This report accounts for the specific make up of *The Edge*.

Town of Chapel Hill Services and Cost Estimation Methods

This report on municipal services and their costs examines the ongoing annual costs for services after build-out is achieved.

Ongoing Post Development Services and Cost Estimation & Methods

Thirty (30) of the fifty (54) acres in *The Edge* development proposal are currently within the Chapel Hill town limits. The remaining twenty (24) are in Orange County. The applicant is proposing to voluntarily annex the twenty acres (five separate parcels at this time). For this reason, services and costs are estimated in a fashion consistent with the type of analysis the town would undertake according to NC state statutes when considering an annexation.

Chapel Hill Municipal Services – Post Development

A. Services with Dedicated Revenue Sources

These services have multiple funding sources, one of which is a dedication portion of the property tax revenue from properties in town.

- (1) Chapel Hill Transit – It is presumed that the residential population of *The Edge* will take advantage of their location adjacent to a Chapel Hill Transit Park & Ride Lot to use both CHT service to downtown Chapel Hill and the UNC Campus and also to use Triangle Transit regional bus service for some of their trips to and from work in Chapel Hill and in the RTP. No projection of potential ridership has yet been made by Chapel Hill Transit or the Town transportation planning staff. No trip reduction credit has been applied to the Traffic Impact Assessment modeling.

The Planning Board has recommended that the town undertake an analysis that will estimate the “probable demand and cost” of any new ridership from *The Edge*.

- (2) Capital Debt Service – The dedicated revenue from property taxes that goes to this item are funds that the town uses to retire debt already incurred for previous major capital projects. Debt Fund costs are about 13% of the General Fund. This ratio is used to measure expenses vs. revenues for this proposed development.
- (3) Stormwater Utility – This service activity is supported almost entirely by a Stormwater Utility Fee that is based upon the impervious surface located on individual properties. A cost estimate for this service is being prepared by town staff.

B. Services without Dedicated Revenue Sources

These are services provided for within the General Fund Budget category of the town’s operating budget. All receive a portion of their funding from property taxes.

- (4) Police – This service covers a wide range of activities provided to the entire Chapel Hill community. The service cost methodology used for *The Edge* follows the lead of the Obey Creek study and utilizes a cost per anticipated call method. The FY 14-15 budget was used along with the current estimated town population of 60,250 to determine both calls per capita and cost per call.⁵
- (5) Fire - This report utilizes the same method used in the Obey Creek draft report and estimates service and cost for a proportional cost of a new fire company and apparatus not now included in the existing Debt Fund.
- (6) Park and Recreation – A per capita cost allocation method for this service is utilized. The cost per person reflects the underlying budget of this service after a modification that reflects the user fees charged for the use of specific recreation facilities and activities.
- (7) Library – A per capita cost allocation method for this service is utilized. The cost per person reflects the underlying budget of this service after a modification that reflects user fees and the financial contribution of Orange County.
- (8) Public Works – In addition to the overall management and maintenance of all public facilities, Chapel Hill Public Works provides some services that benefit specific developments or facilities. With respect to *The Edge*, two such services are highlighted.
- a. Solid Waste Collection – Post development, all solid waste services for *The Edge* will be provided by private collection services or Orange County Recycling. Therefore no cost to the town is recorded in the analysis for this service.
 - b. Public Street Maintenance – *The Edge* will create two internal public streets with a total length of 1,650 linear feet. In addition it will widen 3,200 linear feet of Eubanks Road and provide other improvements at the intersection of Eubanks Road with MLK Jr. Blvd.
- At the request of the applicant the town has reviewed street maintenance costs to be incurred annualized for a 20-year period. Costs include maintenance of pavement, curb, gutter, sidewalk, street lighting, and pavement lane markings. This annual post development cost of \$11,750 is partially off-set by \$2,700 to be received annually within the Powell Bill street funds provided to the town by the state.
- (9) General Government - As reported in the draft Obey Creek Fiscal Report, the cost for general government services is about 13% of the general fund budget. This figure has been evaluated with regard to the increased services needed to serve *The Edge*, and used to estimate general government service demand post development.

Shown in Table 6 are the estimated Town of Chapel Hill service costs based upon full build-out and with costs calculated by using the adopted town budget for FY 2014-15.

Table 6
Estimated Town of Chapel Hill Service Costs at Build Out
FY 2014-15 Budget

Town Service Costs by Category	Estimation Method	Scenario 1 Partial Development	Scenario 2 Full Development
Public Works:			
Solid Waste Collection	Direct Estimate ToCH	\$ 0	\$ 0
Street Maintenance Services	Direct Estimate ToCH	\$11,750	\$11,750
Stormwater Mgmt.	Direct Estimate ToCH	TBD	TBD
Parks & Recreation	Per Capita Cost Calculation	\$71,604	\$95,472
Library Services	Per Capita Cost Calculation	\$26,753	\$35,671
Police Services	Calls for service est ToCH.	\$155,136	\$206,847
Fire Services	Calls for service est ToCH	\$169,930	\$244,514
Transit	TBD by ToCH	TBD	TBD
Planning/Inspections	Direct cost estimation	\$ 0	\$ 0
General Government	Proportional O/H (13%)	\$56,573	\$77,253
Capital - Debt Service	Proportion of Operating Budget (13%)	\$56,573	\$77,253
Total		\$548,318	\$748,761

Preliminary Cost – Revenue Comparison: Town of Chapel Hill

Shown in Tables 7 & 8 are the estimated revenues and costs for Scenario 1 and Scenario 2. Each development program generates more annual revenue than estimated costs.

For each alternative, two cost items remain to be included: (1) Chapel Hill Transit Costs and (2) Stormwater Utility System costs. Both are costs best developed by the town and provided to the applicant. Each of these has dedicated revenue, as shown in Table 5, that the applicant understands will be greater than the annual costs.

Table 7
Revenue Cost Comparison
Partial Development Scenario

Scenario 1 -- 655,000 SF	Revenues	Costs	Balance
Dedicated Fund Activities			
Transit	\$ 60,537	TBD	\$0
Capital Debt Service	\$100,895	(\$56,573)	\$ 44,322
Stormwater Utility	\$36,507	TBD	\$0
Totals	\$199,231	(\$56,573)	\$141,367

General Fund Activities	-	-	
General Fund Tax Revenue	\$460,556		\$460,556
Vehicle Fees	\$18,900		\$18,900
Sales Tax	\$278,981		\$278,981
Hotel Sales Tax	\$0		\$0
Hotel Occupancy Tax	\$0		\$0
Powell Bill Funds	\$2,700		\$2,700
Public Works - Road Maintenance		(\$11,750)	(\$11,750)
Parks & Recreation		(\$71,604)	(\$71,604)
Library Services		(\$26,753)	(\$26,753)
Police Services		(\$155,136)	(\$155,136)
Fire Services		(\$169,930)	(\$169,930)
Planning/Inspections		\$0	\$0
General Government		(\$56,573)	(\$56,573)
Totals	\$761,137	(\$491,746)	\$269,392

Table 8
Revenue Cost Comparison
Full Development Scenario

Scenario 2 -- 935,290 SF	Revenues	Costs	Balance
Dedicated Fund Activities			
Transit	\$86,422	TBD	\$0
Capital Debt Service	\$144,037	(\$77,253)	\$66,784
Stormwater Utility	\$40,564	TBD	\$0
Totals	\$271,023	(\$77,253)	\$193,770

General Fund Activities			
General Fund Tax Revenue	General Fund Tax Revenue	\$657,486	
Vehicle Fees	Vehicle Fees	\$25,200	
Sales Tax	Sales Tax	\$369,232	
Hotel Sales Tax	Hotel Sales Tax	\$28,216	
Hotel Occupancy Tax	Hotel Occupancy Tax	\$123,188	
Powell Bill Funds	Powell Bill Funds	\$2,700	
Public Works - Road Maintenance	Public Works - Road Maintenance		(\$11,750)
Parks & Recreation	Parks & Recreation		(\$95,472)
Library Services	Library Services		(\$35,671)
Police Services	Police Services		(\$206,847)
Fire Services	Fire Services		(\$244,514)
Planning/Inspections	Planning/Inspections		\$0
General Government	General Government		(\$77,253)
Totals	Totals	\$1,206,021	(\$671,508)

The seven following exhibits provide the information used to calculate revenues and estimate service costs used in this fiscal impact report for *The Edge*.

Exhibit 1
Sales Tax Revenue
Methodology Estimates

Scenario 1	New Retail Sq. Footage	Est. Sales per SF provided by Town	Estimated Retail Sales	Estimated Hotel Sales	Tax Multiplier	Est. Annual Retail Sales Taxes @ Build Out	Est. Annual Hotel Sales Taxes @ Build Out
Town Sales Tax	140,000	\$290	\$40,600,000		0.687%	\$278,981	\$0
County Sales Tax	140,000	\$290	\$40,600,000		1.666%	\$676,494	\$0

Scenario 2	New Retail Sq. Footage	Est. Sales per Sq. Foot	Estimated Retail Sales	Estimated Hotel Sales	Tax Multiplier	Est. Annual Sales Taxes @ Build Out	Est. Annual Sales Taxes @ Build Out
Town Sales Tax	185,290	\$290	\$53,734,100	\$4,106,250	0.687%	\$369,232	\$28,216
County Sales Tax	185,290	\$290	\$53,734,100	\$4,106,250	1.666%	\$895,339	\$68,420

Sales Tax Multiplier (Town and County)	
Tax Revenues	
Orange County Sales Tax Distribution 2013 (1)	35,845,683
Chapel Hill Sales Tax Distribution 2013 (1)	10,240,945
Total Orange County Sales (2)	1,321,366,090
Orange County Revenue per sales dollar	2.713%
Per Capita Distribution for TOCH	25.33%
Per Capita Distribution for Orange County	61.422%
Town Sales Tax per Dollar of Retail Sales	0.687%
County Sales Tax per Dollar of Retail Sales	1.666%

1. NCDOR for 2013

2. Per Chamber

3. Sales per sq foot from Economic Development

Note: Information Provided By Town Business Director

Sales tax estimation os based on actual tax receipts as a percent of retail sales
Sales taxes are distributed on a per-capita basis through the County

Exhibit 2
Hotel Sales Tax and Occupancy Tax Revenue
Methodology Estimates

Comment on Estimate Assumptions

A new hotel at *The Edge* is likely to lure many guests from Durham hotels and from those travelling on I-40 that might prefer this location and access to Chapel Hill. Other guests might currently be staying in existing hotels in Chapel Hill. Guests who choose this location over another in Chapel Hill make that other location available to other new visitors to town. It is our opinion after talking with hotel owners and management representatives that the rearrangement of existing visitors will be minimal and the establishments that are affected will fill those accommodations with little change in price or occupancy.

Scenario 1 - Partial Build Out	
Hotel Rooms	0
Average Room Rate	\$ 120
Annual Occupancy Rate	75%
Per Day Revenue	\$ -
Annual Revenue	\$ -
Sales Tax @ 7.5%	\$ -
Occupancy Tax - 3% County	\$ -
Occupancy Tax - 3% Chapel Hill	\$ -

Scenario 2 - Full Build Out	
Hotel Rooms	125
Average Room Rate	\$ 120
Annual Occupancy Rate	75%
Per Day Revenue	\$ 11,250
Annual Revenue	\$ 4,106,250
Sales Tax @ 7.5%	\$ 307,969
Occupancy Tax - 3% County	\$ 123,188
Occupancy Tax - 3% Chapel Hill	\$ 123,188

Exhibit 3
Development Values by Use Type

Average Square Footage Value by Use						Square Foot Values Used for The Edge
Town of Chapel Hill Value Date - Economic Development Office - Used in Obey Creek Preliminary Fiscal Impact Report						
RETAIL						
Property		Valuation		SF	Value per SF	
Meadowmont		\$ 28,368,079		96,000	\$ 296	
Southern Village		7,358,220		60,000	123	
East 54		10,771,700		55,600	194	
	Total	\$ 46,497,999		211,600	\$ 220	\$190
HOTEL						
Property		Valuation		SF	Value per SF	
Sienna		\$ 6,600,000		56,000	\$ 118	
Downtown Hampton		22,000,000		119,000	185	
Franklin Hotel		9,000,000		82,000	110	
Aloft		9,700,924		61,275	158	
	Total	\$ 47,300,924		318,275	\$ 149	\$150
MULTI-FAMILY RESIDENTIAL - Market Rate						
Property		Valuation		SF	Value per SF	
Greenbridge		\$ 59,766,500		216,000	\$ 277	
Granville		45,513,300		285,000	160	
	Total	\$ 105,279,800		501,000	\$ 210	\$175
OFFICE						
Property		Valuation		SF	Value per SF	
Castalia		\$ 10,200,000		50,000	\$ 204	
Exchange @ Meadowmont		21,600,000		140,000	154	
East 54		23,008,100		114,500	201	
	Total	\$ 54,808,100		304,500	\$ 180	\$180

Exhibit 4
2014-15 General Fund
Per Capita Development Costs

FY14 Population 60,250	2014-15 Adopted Budget	Cost per Capita	Full Development Scenario	Partial Development Scenario
			Estimated Population	
			1,049	787
General Government				
Mayor/Council	\$ 417,068	\$ 7	\$ 7,262	\$ 5,447
Manager/CaPA	2,504,747	42	\$ 43,615	\$ 32,711
Human Resource Dev't	1,468,795	24	\$ 25,576	\$ 19,182
Finance	1,822,728	30	\$ 31,739	\$ 23,804
Technology Solutions	1,428,111	24	\$ 24,868	\$ 18,651
Town Attorney	308,660	5	\$ 5,375	\$ 4,031
Non-Departmental	4,876,951	81	\$ 84,923	\$ 63,692
Subtotal	\$ 12,827,060	\$ 213	\$ 223,358	\$ 167,519
Environment & Development				
Planning	\$ 1,524,108	\$ 25	\$ 26,539	\$ 19,905
Inspections	1,071,537	18	\$ 18,659	\$ 13,994
Public Works	12,085,686	201	\$ 210,448	\$ 157,836
Subtotal	\$ 14,681,331	\$ 244	\$ 255,646	\$ 191,735
Public Safety				
Police	\$ 13,201,831	\$ 219	\$ 229,884	\$ 172,413
Fire	8,432,438	140	\$ 146,834	\$ 110,126
Subtotal	\$ 21,634,269	\$ 359	\$ 376,718	\$ 282,539
Leisure				
Parks and Recreation	\$ 6,401,924	\$ 106	\$ 111,477	\$ 83,608
Library	2,729,416	45	\$ 47,527	\$ 35,646
Subtotal	\$ 9,131,340	\$ 152	\$ 159,004	\$ 119,253
General Fund Total	\$ 58,274,000	\$ 967	\$ 1,014,727	\$ 761,045
Capital Fund Per Capita		\$ 127	\$ 133,240	\$ 99,930

Exhibit 5
Public Safety Cost Estimates and Methodology

Scenario 1	Police	Fire	Total
	\$ 155,136	\$ 169,930	\$ 325,066
Scenario 2	Police	Fire	Total
	\$ 206,847	\$ 244,514	\$ 451,362

Police - Calls for Service based on population increase					
	Estimated Added Population	Calls for service per person	Additional Service Calls	Cost per service Call	Estimated Cost
Scenario 1	787	0.53	417	\$ 372	\$ 155,136
Scenario 2	1,049	0.53	556	\$ 372	\$ 206,847

Fire - Service Cost Estimate Based Upon Proportional Share of Full Company Cost				
		Annual Financing Cost		
Apparatus Cost	\$ 750,000	\$ 92,110	Ann. cost 10 yr financing @4%	

Partial Development Analysis				
Annual Company Cost	\$	953,616	4,000,000	SF Per Company Service Area
			650,000	Full Development SF
			0.1625	Proportional Share Company Cost
Staffing Cost		154,963	Proportional Share	
Apparatus Cost		14,968	Proportional Share	
Total Fire Cost	\$	169,930	Proportional Share Analysis	

Full Development Potential Analysis				
Annual Company Cost	\$	953,616	4,000,000	SF Per Company Service Area
			935,290	Full Development SF
			0.2338	Proportional Share Company Cost
Staffing Cost		222,977	Proportional Share	
Apparatus Cost		21,537	Proportional Share	
Total Fire Cost	\$	244,514	Proportional Share Analysis	

Notes: Cost Information Provided by Town of Chapel Hill

Police cost is based on a service call per capita cost

Fire cost is based on the cost of coverage per square foot of development

1 fire compaby covers 4 million sq feet

Proportional annual cost of fire apparatus assuming financing over 12 year life added

Exhibit 6
Leisure Service Cost Estimates

Per Capita Calculation		FY 2014-2015 Adopted Budget Costs and Revenues				
<i>FY14 Population</i> 60,250	2014-5 Adopted Budget	County or Other Grants/Funding	Charges for Services	Budget Minus Contributing Revenue	Per Capita Cost Total Budget	Per Capita Cost Budget Minus Contributing Revenue
Parks and Recreation	\$6,401,924	(\$83,760)	(\$888,610)	\$5,429,554	\$107.0	\$91.0
Library	\$2,729,416	(\$568,139)	(\$142,156)	\$2,019,121	\$46.0	\$34.0
Total	\$9,131,340	(\$651,899)	(\$1,030,766)	\$7,448,675	\$152.0	\$124.0

Scenario 1 - Partial Development				New Residents	787
			Park & Recreation	\$84,194	\$71,604
			Library	\$36,196	\$26,753
			Total	\$119,602	\$97,570

Scenario 2 - Full Development				New Residents	1,049
			Park & Recreation	\$112,258	\$95,472
			Library	\$48,261	\$35,671
			Total	\$159,469	\$130,093

Exhibit 7
Total Population and School Enrollment Estimates

Estimated Population is derived from person per dwelling unit - See calculations below.

Estimated School Enrollment based upon .13 school children per 0-2 Bedroom Dwelling Units as presented in the October 2014 TischlerBise Report For the Multi-Family/Other Category - See Table at bottom of Page

Full Development	Number of Dwelling Units	Estimated Population - 1.749 persons per dwelling unit	Estimated School Population
Multi Family Homes @ 2007 Student Generation Rate of .07	600	1,049	42
Multi Family Homes @ 2014 TischlerBise Student Generation Rate of .13	600	1,049	78

Partial Development	Number of Dwelling Units	Estimated Population - 1.749 persons per dwelling unit	Estimated School Population
Multi Family Homes @ 2007 Student Generation Rate of .07	450	787	32
Multi Family Homes @ 2014 TischlerBise Student Generation Rate of .13	450	787	59

Residents per Multifamily Unit	Persons Per Dwelling Unit	# DU	Residents
Chapel Hill North Apartments	1.50	123	185
Cosgrove Hill Apts. & Townhomes	2.15	129	277
Chapel Watch Village Townhomes	2.00	120	240
Meadowmont Apts *	1.48		
Glen Lennox *	1.76		
The Park *	1.60		
Average Population per Dwelling Unit	1.749		

Student Generation Rates for Orange County School District and Chapel Hill-Carrboro School District TischlerBise October 28, 2014				
Total Students per Housing Unit by Type	0-3 Bedrooms	4 Bedrooms	5+ Bedrooms	Weighted Avg.
Single Family Detached	0.610	0.840	1.130	0.840
Total Students per Housing Unit by Type	0-2 Bedrooms	3+ Bedrooms		Weighted Avg.
Single Family Attached/Duplex	0.180	0.440		0.340
Multi-Family/Other	0.130	0.430		0.200
Manufactured Home	-	0.860		0.780

The Edge and Obey Creek Proposals

Chart prepared by: Office of Planning and Sustainability – As of December 10, 2014

Proposals		Use and floor area				
	Total Floor Area	Residential	Commercial/Retail	Office	Institutional	Hotel
The Edge (proposed minimum)	600,000 sq. ft.	400,000 sq. ft. units not specified	140,000 sq. ft.	60,000 sq. ft.	Not specified	Yes - room # not specified
The Edge (proposed maximum)	932,290 sq. ft.	701,000 sq. ft. Units not specified	416,000 sq. ft.	270,000 sq. ft.	Not specified	N/A
Obey Creek (proposed minimum)	640,000 sq. ft.	250 units 290,000-330,000 sq. ft	200,000 sq. ft.	150,000 sq. ft.	Not specified	N/A
Obey Creek (proposed maximum)	East West Partners has agreed to not exceed 1.6 million sq. ft.	800 units Sq. ft. not specified	475,000 sq. ft.	600,000 sq. ft.	Not specified	400 rooms and ancillary space