

**DRAFT SUMMARY MINUTES OF A PUBLIC HEARING
OF THE CHAPEL HILL TOWN COUNCIL
WEDNESDAY, SEPTEMBER 17, 2008, AT 7:00 P.M.**

Present were Mayor Kevin Foy, Mayor pro tem Jim Ward, Council Member Matt Czajkowski, Council Member Laurin Easthom, Council Member Sally Greene, Council Member Ed Harrison, Council Member Mark Kleinschmidt, and Council Member Bill Strom.

Staff members present were Town Manager Roger Stancil, Deputy Town Manager Florentine Miller, Assistant Town Manager Bruce Heflin, Town Attorney Ralph Karpinos, Planning Director J.B. Culpepper, Senior Planner Kendal Brown, Development Manager Gene Poveromo, Senior Planner Kay Pearlstein, Engineering Services Manager Kumar Neppalli, and Comm. Tech. II/Web Manager/Acting Town Clerk Amy Harvey.

Mayor pro tem Ward made a motion to schedule a special meeting for September 25 at 7 p.m. at Red Bud room at Friday Center, to discuss Carolina North and a process for review of Carolina North Plans.

Council Member Strom said he was curious as to when they will get a report from the committee describing the conversations which have taken place. Mayor pro tem Ward said on Monday evening, September 22.

MAYOR PRO TEM JIM WARD MOVED, SECONDED BY COUNCIL MEMBER LAURIN EASTHOM, TO SCHEDULE A SPECIAL MEETING SEPTEMBER 25, 2008 TO DISCUSS AND REVIEW CAROLINA NORTH PLANS. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

1. Public Hearing: Innovation Center Special Use Permit, 110 Municipal Drive.

Ms. Brown provided background information on the development site of the Innovation Center. She showed images of the current site, outlined the potential site conditions, and reviewed key points in the stipulations. The staff recommends Resolution A, she said.

Mark Crowell, of UNC's Technology Transfer and Business Development Activities, introduced the concept from the applicant's point of view. He said the University wants to provide this center for many. He said it would provide services, infrastructure and the environment necessary to enable more companies to launch locally and become sustainable, job producing, tax paying companies more quickly. He also noted that the Orange County Tax Assessor would allow for tax collection on the building even though the University is tax exempt.

Anna Wu, the University architect, described the development amenities. She said the Innovation Center is just the area where the old Town Operations Center was. She stated that the Innovation

Center had been designed to meet the new mixed-use, commercial, higher density development identified in the Town's comprehensive plan. Ms. Wu said the 214 parking spaces were much less than what most offices would require. She said the building design also includes bike capacity. She ended her presentation by showing a video of their 50-year vision for Carolina North.

George Cianciolo, Planning Board Chair, said on August 5 the board voted 8-1 to recommend adopting Resolution A; the declining vote was that there was not enough clarity on their traffic volume and parking needs. He said the one stipulation they wanted had since been added by the staff. He said the Planning Board was concerned that this project was being considered without a master plan, but there was perceived value to go ahead. He said they would have recommended that this project meet LEED (Leadership in Energy and Environmental Design) silver standards, but that it would have to be a Council addition. Personally, Mr. Cianciolo said, he believed that this project was about 20 years late, and brings technology to the University. He said it will bring jobs to the University, and potentially also to the community as well. He said he hoped this project will move forward quickly.

Mayor Foy asked if they had language to add.

Mr. Cianciolo said the language that they recommended had been added by the staff; although some additional language was needed for the LEED silver standard.

Anita Badrock, Chair of the Economic Development Committee for the Chamber of Commerce, said she wanted to add their strong support of this project. She said it meets their community's economic development goals. She said this project really supports one of the big things they had all talked about with economic development, and that was attracting, retaining and supporting a creative class; and promoting and encouraging local business development. Ms. Badrock said it also keeps research dollars local in their own community.

Ginger Rothrock, co-founder of Liquidia Technologies, said the company was actually a spin out from the University in 2005. Ms. Rothrock described the company, and said they had failed to find space available in the Chapel Hill area for their high tech company, so they were in Morrisville. She said it was a 30-minute commute; they had three or four scientists that drive to UNC weekly to make use of the resources, because they desperately need them. She said there was a tremendous and immediate need for the Innovation Center, and she was a strong supporter of the project.

Kathleen Gray said she was a resident of North Forest Hills. She said she was happy about the environmental and sustainability features of this proposed development, but was concerned with the public health in their community with a project like this. Have we asked and answered all questions with regard to the health impacts about this facility, she inquired. She asked if they were they going to do this in a way that effectively protects much of what makes this community desirable to live in.

Dhiren Thakker, professor at the School of Pharmacy at UNC, and Associate Dean for Economic Development and International Partnership, said he was there to express his support for the Innovation Center. He said he trains pharmaceutical scientists, and also pursues research in drug discovery and development. He said he is co-founder of a company named Qualist. He said his company typically employs graduates of the universities. He said he wants to encourage all faculty to take their research from the lab to the patient's bedside and the marketplace. He said not having a place like this slows the ability of promoting the research and development. He said he believed, as a leading university, if they wanted to compete for the best faculty and students these types of infrastructures were extremely important.

Shelley Earp, Director of the Cancer Center at the University, noted an article in Newsweek entitled We Fought Cancer and Cancer Won. He said it talked about the split between pharmaceutical firms and academia. He said academia wants to make up that gap, take their fundamental discoveries and add value to them. He said their faculty here at UNC wants to succeed and push forward, and the Innovation Center will help them to attract faculty, bring other aspects of the development of human medication and changing human health, and further their mission.

Council Member Strom said he would have preferred this be considered along with the master use plan. He said the University has made many strong arguments to explain the shortfalls, and it was a compelling argument. He said he did think in the long run this would benefit the community. He said he was serving on the Chapel Hill Transit Master Plan Committee, along with others on the Council, and they were considering the environmental impacts of Carolina North as a whole. He said he thought that it would be helpful for the staff to put more information in the packet to address what was occurring with the Transit Master Plan.

Council Member Strom said that this would be owned by a for profit company. He asked who will pay the property tax; that needs to be answered. He stated that he wanted to make sure that the \$50,000 allocated was enough money for the pedestrian refuge on Martin Luther King Jr. Blvd.

Council Member Strom said he thought that buildings on this campus should pay the stormwater fee for the community. He said, just like any developer, they are being asked to treat their stormwater to a standard that equals or exceeds LUMO. He said his inclination was to ask the University to voluntarily join the Chapel Hill Stormwater utility for this structure and the rest of Carolina North. He said he would rather see the pros and cons for the argument before they approve the permit.

Mayor Foy said he wanted to follow up with more detail on Council Member Strom's comment on the taxes on page 41. He said the questions that were asked had not been answered to his satisfaction, and he did not have a clear picture of the details. He said he wanted them to make it clear in the Special Use Permit so that their agreement carries forward as unambiguous as possible for future parties.

Mayor pro tem Ward said he certainly heard the comment made about public health, and hoped

they did. He said this project cannot reduce the quality of life in Chapel Hill. He said he was not just talking about aesthetically, but the public health quality of life. He said they need to do everything they can to make sure that does not happen. He said he was not quite sure where the project is with regard to energy efficiency. He stated this seems like a project that is appropriate to ask for some innovation in this regard. He said several years ago the American Institute of Architects passed the 2030 plan which states that our buildings should be carbon neutral by 2030, and this is related to new construction and renovation of buildings. He said the U.S. Senate had also approved this measure for federal buildings, so it is not unrealistic to request.

Mayor pro tem Ward said he had previously mentioned his interest in seeing all the buildings at Carolina North be dual plumbed for reclaimed water, and asked where it was included in this plan.

Ms. Wu said it is their intent to have dual plumbing so that when reclaimed water comes to the site, it will be able to be connected.

Mayor pro tem Ward said he encourages the University to incorporate Forest Paving to work in concert with the working landscapes that they have out there to address the stormwater issues. He said along the lines of what the Mayor just mentioned about the tax issues and revenue generation that that has for the Town, a current example would be helpful to understand how that might work here if you use an example of Liquidia, if the Innovation Center was there, what would have been generated through their life through going from on campus to the Innovation Center to Morrisville and beyond; he said he would like to understand how something like that might work.

Mayor pro tem Ward said the Bike and Pedestrian Board had made a recommendation for bike lanes on both sides of Martin Luther King Jr. Boulevard, and the staff's position was that it didn't pass the rational nexus test. He asked if someone could explain that more clearly.

Ms. Culpepper said they looked at the immediate frontage for that particular application and explained their rationale.

Mayor pro tem Ward said the staff was able make the leap for improvement to a bus stop that is 300 feet north of the site, and that seems like it was using a different rationale for that. He said he supports the improvement of the bus stop, but it seems like it would fail the same test. He said this facility is going to attract bike riders from the main campus, and he believes they are setting themselves up for a more dangerous situation if they don't have that kind of infrastructure coming to, as well as leaving the facility. He asked the Town and applicant to take a look at that.

Ms. Culpepper agreed to work with the applicant to have that conversation prior to the return of the item.

Council Member Harrison said he would echo Mayor Foy on wanting to know more on the tax issue; also echo Council Member Strom on the payment of stormwater fees. He said he would like to join him in asking the University to volunteer on that. He said Kathleen Gray brought up an email he had received from Bob Hinshaw questioning the status of the Long Range Transit

Master Plan. He said he didn't think UNC was trying to delay it, but it was difficult to work out all the logistics. He said the transportation impacts on a neighborhood was not really a part of that plan, and he was not concerned that it was proceeding without the plan being completely wrapped up. He said he thought that staff could clarify it further.

Council Member Harrison asked Ms. Wu if they had agreed that a bike and pedestrian connection would be provided from the new parking lot to the bus stop west side of the boulevard.

Ms. Wu said yes, and they had agreed to provide a sidewalk from the bus stop down to Estes Drive.

Council Member Harrison said the plan came in without that pedestrian connection that the Bike and Pedestrian Board suggested. Ms. Wu said yes, but they had agreed to make that connection.

Council Member Harrison said in the future applicants should not leave it out; the pedestrian connections are so good on the main campus. He said you really want to have the shortest way for the pedestrian to get somewhere. He said on the issue of bike parking if you can have some of the spaces in the shade that would be good.

Council Member Kleinschmidt asked Ms. Wu if they could be more specific on the dual plumbing.

Ms. Wu replied that the building will have interior dual piping, so that it will be ready when the reclaimed water is provided, and they can make that connection from the interior to exterior piping.

Council Member Kleinschmidt asked if she could talk about the airport's continued use when this building will be coming on line. He said the discussion of the airport seems to be absent in this presentation.

Ms Wu said she would like Dick Mann, Vice Chancellor for Finance and Administration, to answer this question. Mr. Mann said the Horace Williams Airport will remain open until its continued operation would impede the development of Carolina North. He said the Chancellor has legislative authority to close the airport if circumstances dictate. He said the general assembly has authorized the UNC Board of Governors to develop an airport authority to investigate and potentially develop an Orange County airport. He said there was no immediate intention to close the airport.

Council Member Kleinschmidt asked what would be reasons to close the airport.

Mr. Mann said clearly any construction that they would do that would impede or violate any FAA guidelines; and at this time that is not a factor.

Council Member Kleinschmidt asked Ms. Culpepper about her answer to the question about bus

stops as a stand alone project; could she tell him how their analysis may have been different if this had been part of a Master Plan, and what impact it would have had on the eastern side of Martin Luther King Jr. Boulevard bicycle improvements.

Ms. Culpepper said she would like to think about that and bring a response to the question at the next meeting.

Council Member Kleinschmidt said there used to be large parking lots on the main campus, which have now been replaced by recent buildings. He said he had those same concerns for Carolina North; this is an Special Use Permit, so if something like this happens in the future, then it will have to be modified at that time. He said without the Master Use Plan it makes it hard to think ahead. He said his concern was not the programing of the building, but this is the start of future development. Council Member Kleinschmidt ask Ms. Wu if she could have a little more response on the Master Plan when they return. He asked if the Master Plan is going to come at them with 60 buildings with large parking lots behind each of them; is that what they are to expect.

Mayor Foy said that this was a good point. He said Council Member Kleinschmidt had raised this issue at the Concept Plan. He asked if there is a way to anticipate that this center will be part of a larger picture, and could they write the permit in a way so that it would be by mutual agreement incorporated into the larger picture so that they don't have this problem later on about the disincentive to do anything on this property because it was already encumbered.

Council Member Kleinschmidt gave further examples of SUPs that are now having to be modified 20 years later. He said if they could come to terms now about how they were going to change things, when they needed to be changed, he thought it would be a lot easier.

Mr. Evans asked to respond, and said if they looked back to their discussion on January 23, 2008 when they talked about the 50-year plan and what the development looked like, they envisioned an evolution. He said early on there would be surface parking when there were only a few buildings; at a later point they would anticipate some of the surface parking would be replaced by structured parking, or buildings. He said looking forward, he would suggest that the conversation starting September 25, 2008 can address those things. He said discussions of the 15-year plan, have more clarity at the early years and less specifics for the future.

Council Member Easthom said she thought this plan might be finalized by November, and she hopes to have a synopsis from the staff in October as to how Carolina North will impact the Town; and how the Innovation Center fits into the Long Range Transit Plan. She said looking at the 50-year slide on the applicant's presentation, there is a red flag on the proposed north-south road; what does that mean. She said she wanted more clarification on how this fits.

Council Member Greene said she wants to know more about the proposed transit station below their building. She said she had a concern with where the transit hub was to be. She said she did appreciate the design by the University, but would like to see a color schematic coming up Martin Luther King Jr. Blvd from the south.

Mayor pro tem Ward asked for clarification on closure of the airport; that the opening of the Innovation Center would not directly mean that the airport would close.

Bruce Rungberg said they hope to have AHEC at RDU in the Spring of 2010.

Mayor Foy asked Mr. Karpinos to give some thought to his request of how the SUP could be constructed so as to anticipate some future activity.

Mr. Stancil requested that the hearing be moved to October 27.

Council Member Czajkowski ask if this was acceptable to the University.

Mr. Rungberg said they prefer October 15, but would accept Oct. 27

MAYOR PRO TEM JIM WARD MOVED, SECONDED BY COUNCIL MEMBER MARK KLEINSCHMIDT, TO RECESS THE PUBLIC HEARING UNTIL OCTOBER 27, 2008 AND REFER COMMENTS TO THE MANAGER AND ATTORNEY. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

2. [Public Hearing: Land Use Management Ordinance Text Amendments, 425 Hillsborough Street, - Residential-Special Standards-Conditional Zoning District.](#)

Gene Poveromo provided information to increase the floor area ratio from .4 to 1.1. He said at this time their preliminary recommendation was that the Council enact the attached ordinance rezoning the site from Residential-4 and Residential-6 to amended Residential Special Standards Conditional Zoning District.

Mr. Poveromo said this item is a request from the RAM Development Co., residents of Grove Park, for a revised rezoning application. He gave some background information on the item. He said the Planning Board recommended a denial, and they did receive a valid protest petition. He said in the fall the Council will have the request for the text amendment and the rezoning before them for action.

Mike Hammon, Chief Development Officer of RAM Development Co., said they are requesting a text amendment and a rezoning, and gave background information on the company, this project and himself. He showed slides of Grove Park and said that over time the property had evolved into student housing. Mr. Hammon said their proposed development had been tweaked a bit after talking with the Council, the Planning Board and neighbors. He stated that this unique property will help generate additional taxes for the Town, but will not require an increase in new infrastructure. He said they have committed about \$220,000 for public transportation and off site improvements, and are committed to do sub-metering for the water usage.

George Cianciolo, Planning Board Chair, said at the August 19 meeting the board voted 4-2 to

recommend that both the zoning text amendment and the zoning atlas language be denied. He said this was a split and conflicted vote in the sense that the Planning Board also made a second recommendation; they wanted to communicate that they continued to support the SUP application, but not the associated text amendment or the ZAA. He said this project has the support of the planning board, however, he and John Ager felt like this was trying to fit a square peg into a round hole. Mr. Cianciolo said as the applicant pointed out there were six additions made to the proposed text amendment, when they only had to meet one of the six requirements. He said one of the board members thought all six should be required, and he believes if you choose to accept the changes to the existing zone then make it a requirement that all six conditions have to be met.

3. [Public Hearing: Residences at Grove Park, 425 Hillsborough Street, Zoning Atlas Amendment \(File No. 9788-39-4841\).](#)

Mayor Foy said he wanted to clarify that they were now taking comments for both items #2 and #3.

Will Raymond said he was glad RAM had made some changes to this project, but believes it is the wrong development for that property. He said he had concerns with: the notion that this was to be affordable housing; these will be luxury condos, the negative impacts on Bolin Creek, and the height of the buildings. He said he does not support this project.

Shelly Defosset said she was a resident on Hillsborough Street, and was speaking for her neighbors as well as herself. She said they had concerns for the traffic, both the current construction traffic, and then the post building traffic. She said recently she had difficulty having a conversation on her front porch when buses and trucks were driving by, and had to go inside her home. She said Hillsborough Street was already an artery, and now they have additional concerns with the future building of Carolina North and the additional traffic.

Adam Klein, with the Chamber of Commerce, said he would like to present the results of the report RAM had engaged them to do on the analysis of the impact of this project. He said this program looks at investments from outside the market on a specific geographic area; in this case, it would be Ram's investment in the redevelopment of Grove Park. He said they had to limit their impact to Orange County. He said they divided their analysis into two categories; the first part is the construction phase impacts, and how the spending would effect local businesses. Mr. Klein said they estimated \$121 million in increased economic output; an increase of \$29 million of labor income impacts, and 191 jobs would be created during the construction phase. He said on the operation side, they estimated that 80 percent of the people occupying these condos would come from outside the market, and are expected to earn between \$70,000 and \$120,000 a year which is about in line with the area's median household income. He said the analysis show that once the project is operational it will generate between \$23.1 and \$30 million in increased economic output in the County, and between \$4 million and \$5.1 million in additional annual labor income, and between 120 and 150 new jobs. He said they did not look at the tax impacts; that is something they could do if the Council believed it would be helpful.

Mayor pro tem Ward said the tax impacts would be helpful. He said when they were considering the new households, did they include the 115 households forced to leave; or how is that integrated into their information.

Mr. Klein said they would need to run a separate analysis to do that; he said they can do that to see what that impact would be as well.

Scott Radway, a resident of Chapel Hill read his handout in support of the LUMO changes.

Council Member Czajkowski asked Mr. Radway if he was here for himself or for the applicant.

Mr. Radway said he was speaking for himself, and hopefully for the community. He said he was not taking a position on the applicant's project, but did believe the project had merit.

Robert Dowling, Orange County Housing Land Trust Director, said, typically he only made affordable housing comments, but since the RSSC zoning was started back in 1999 he craved it for the Legion Road location, which he was involved in. He said on the affordable housing, the applicant has done everything the Council has asked for. He asked for 26 units and 13 payments in lieu, which he believed would be preferable to the Town and to the success of the Affordable Housing Program. He said the developers agreed to make use of the transfer fee mechanism; it will allow the affordable housing units to be affordable and self-sustaining forever without public subsidy.

Council Member Harrison asked Mr. Dowling to summarize what the transfer fee mechanism was.

Mr. Dowling said the owners would pay a fee upon sale of up to 1 percent of the sale price of their unit to the land trust, which would be applied to that particular development. He said they would review the size of the fee with the Town manager and the Homeowners Association to make sure that the fee was not too high, and if so it could be lowered.

Council Member Harrison asked if there needed to be a stipulation to this effect.

Mr Karpinos said Mr. Dowling's comments really relate the Special Use Permit and that meeting is coming up, and he would encourage Mr. Dowling to come back and put this into the records as evidence at that hearing.

Council Member Strom said when he comes back and enters his comments into the records, he hopes Mr. Dowling will address this issue about overseeing the design of the units, so that he will receive units that don't cause major retrofit expenses.

Mayor pro tem Ward asked if Mr. Dowling would address the question of payment in lieu, what figure is he using, and is the transfer fee applied to all units. Mr. Dowling said just the market rate units.

Mayor pro tem Ward asked if the transfer fee can also be raised if it is too low. Mr. Dowling said the fee can be raised up to 1 percent and no more.

Mayor pro tem Ward said he heard him say that the money could only be used on that site; he would like Mr. Dowling to explore ways to be able to use funding more broadly than that, for the same purpose, but not restricted to site. Mr. Dowling said he would be happy to talk to the applicants about that.

Carol Ann Zinn said she was the developer of the proposed Ayden Court, and she believed the RSSC was a useful zoning district for medium density housing such as Ayden Court and other developments that have outdated floor area ratios, and the RSSC helps to achieve that.

Mayor Foy said to clarify, agenda item #2 is a proposal to write special conditions into this special zone called RSSC, and agenda item #3 is a request to apply the new zone to a specific piece of property; and then if the Council acts favorably on items 2 and 3, there would be a special use permit application pursuant to the new zone that would have all the details they were talking about.

Mayor Foy said Mr. Cianciolo requested that the SUP require all six of the objectives. He said it made sense to him.

Council Member Greene said she was not sure why the staff wrote it that way, because if it had to meet all six objectives Ayden Court might not meet them because it is not in downtown.

Council Member Czajkowski said he had the same question, but with the downtown requirement does it mean to be in downtown, or permit it to be close to downtown, and impact downtown. He said how do you get the downtown zoning out to there.

Ms. Culpepper said they would like to return with some options; when they looked at this in the LUMO, they were not recommending that it be applied to specific places around downtown. She said the Council has legislative power which gives them greater flexibility.

Mayor Foy clarified that you were not going to apply the zone and then look for the permit; they would be coupled together as they always were.

Council Member Greene said she believed there should be some middle ground; there were any number of options they could look at. Ms. Culpepper agreed.

Council Member Kleinschmidt said he liked changing the standards on the floor area ratio on this, whether it applied in this context or not. He said his experience on the Inclusionary Zoning Task Force led him to believe that they need to look at all of their floor area ratios. He said if they were going to provide for affordable housing in higher density developments, they will need to think differently about floor area ratios. He said Mr. Raymond had some valid points that they want to hear, should they reach the SUP stage.

Council Member Harrison said regarding the six potential objectives in the comprehensive plan, complying with one finding out of six doesn't seem to be much of a test. He said he was looking for something that would make a development meet a whole range of criteria.

COUNCIL MEMBER MARK KLEINSCHMIDT MOVED, SECONDED BY COUNCIL MEMBER ED HARRISON, TO RECESS THE PUBLIC HEARINGS UNTIL OCTOBER 27, 2008 AND REFER COMMENTS TO THE MANAGER AND ATTORNEY . THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Mayor Foy left the meeting at 9:55 p.m.

4. [Public Hearing: St. Thomas More, 920-940 Carmichael Street, Master Plan and Special Use Permit Application and Residences at Grove Park, 425 Hillsborough Street, Zoning Atlas Amendment \(File No. 9788-39-4841\).](#)

Ms. Culpepper gave background information on both the Master Land Use Plan Application and the Special Use Permit for St. Thomas More Catholic Church and School.

The applicant, Phillip Post, introduced Father John who is the leader of the St. Thomas More community. Father John gave some background on the church and said it had been here for 65 years. He said the church has built 10 percent of the houses for Habitat for Humanity in Orange County, and their Sharing and Caring Center, which serves the poor and needy of the area with food and clothing, serves over 300 people every week. He stated that over 10 percent of their annual income is given to charity.

Sister Catherine, principal of St. Thomas More school, said she came to give voice for the children. She said they are pre-K through 8th grade, and the school has been there for 44 years. She said they do not intend to make the school larger, they want to make it better. She said the children want a real gym; their current "gym" is a large room, but not conducive for spectators at basketball or volleyball games. Sister Catherine said they would also like to bring their art and music teachers into a building that celebrates the fine arts. She said please let them begin the next phase of their building.

Mr. Post said they had developed the site plans, and were pleased to have the preliminary recommendation of the Manager. He said the sidewalk issue had been resolved by getting an easement; and during the concept plan phase there was concern among Council members about the number of parking spaces. He said that had been decreased, having looked at the regular car use over the last two years, the average is 425 just three more than those in agreement. He said traffic management was an area of concern; how could they reduce traffic. Mr. Post said they began two years ago encouraging carpooling for school use, and also ride-sharing for religious services. He said the traffic volume had been reduced 14 percent because of the traffic management procedures that are in place.

Council Member Harrison asked if the church was required to build the traffic improvements. Mr. Post said yes, if it was not done by the DOT or the University.

Council Member Greene said she was puzzled why the traffic report didn't think that the southbound lane needed to be extended, because at certain times of the day there were stack ups.

Council Member Harrison requested clarification on the traffic pattern.

Mr. Post described and showed on the slide the traffic patterns and sidewalks associated with the tea cup handle.

Mr. Post said he was proud to say that they had unanimous recommendations from all the advisory boards. He said it is the final build-out of this campus.

Mr. Post said regarding the discussion about the bus stop, they agreed with the planning board recommendation on this, and urge the Council to adjust stipulation 16 to conform to the Planning Board recommendation for a \$10,000 payment in lieu for a standard bus stop.

Council Member Czajkowski asked about the costs of the bus turnoff they built in 1996. Mr. Post said it cost about \$25,000, and service was later discontinued.

Council Member Czajkowski asked why they can't get bus service on Sundays.

Mr. Post said they would really like to have bus service on Sundays. He said the Council has tasked them with the idea of reducing their traffic, and they have written letters to the transit department for over two years requesting that bus service be re-established at their bus stop, and have received a denial every time. He said weekday service would support the school population, while weekend service could help with church services.

Mayor pro tem Ward clarified that the bus route at that location is funded by the University for its express services, and adding stops will not meet that need.

Council Member Czajkowski said they are asking virtually everyone in the community to reduce the number of automobile traffic and parking spaces, and yet they are not able to provide you with bus service. He said he finds that utterly contradictory. He said he believes they need to put that on their agenda.

Mr. Post said most of the facilities on campus would be built in the next three to four years. He said, however, they do have a phase two component and were asking for a 10-year horizon on this project as to its approval. He said there is a stipulation that requires a renewed traffic study in 2013, but they are confident there would not be a problem and gave the reasons why.

Mr. Hawley, the architect for this project reviewed the site diagrams, and showed images of the buildings.

Mr. Post said they were asking the Council's support of the Planning Board's resolution with respect to the SUP and approval of the MLUP.

Mr. Cianciolo said the Planning Board did support this unanimously, did support some of the changes; and would like to see this project move forward.

Council Member Czajkowski said he would like to make a motion to amend this proposal for the SUP to eliminate the stipulation for the bus shelter.

Mayor pro tem Ward said he would like a motion to close the Public Hearing on the MLUP to October 15, and refer comments to the manager and the attorney.

Council Member Kleinschmidt suggested they make their comments on both and then close both.

Mr. Karpinos said that would be fine.

Council Member Harrison said he was addressing Council Member Czajkowski's comment about the stipulation. He said it has a sentence at the end that the funds would be refunded at the applicant's request if the bus stop pull-offs were not constructed, or there was not active bus service at one of the stops within five years of the issuance of the certificate of occupancy. He said he thought that covers it if the service doesn't happen, but not the \$17,500.

Council Member Harrison said he would support the applicant's request for the SUP.

Council Member Kleinschmidt said he did not think the applicant should have to pay for the bus stop, and when this comes back that is how he will vote.

Mayor pro tem Ward questioned the entrance/exit points into the site. He said at times the traffic gets stacked up to the the point that it is dangerous for rear-end collisions He said he would like the staff and applicant to consider what measures can be put in place to help that traffic situation. He said he did believe that bus stop was appropriate if service is available, and he would support the \$10,000 for the bus shelter.

Mayor pro tem Ward said they were asking for a new TIA in 2013, and he would like to know what the impact is of that new information.

Kumar Neppalli reported that the stipulation should be revised to allow the manager to have some flexibility to make recommendations. He said the TIA will indicate that Fordham Boulevard improvements need to be made.

Mayor pro tem Ward said might they want to add some language to the stipulation to keep people from parking on Carmichael Street except on festival days.

Council Member Czajkowski asked what was the problem with cars parking on Carmichael Street.

Mayor pro tem Ward said it was not permitted elsewhere in Chapel Hill; you can never get grass or plants to grow.

Council Member Easthom said she supports this project; and agrees with the other Council Members.

COUNCIL MEMBER BILL STROM MOVED, SECONDED BY COUNCIL MEMBER MARK KLEINSCHMIDT, TO RECESS THE PUBLIC HEARING ON THE MASTER PLAN UNTIL OCTOBER 15, 2008 AND REFER COMMENTS TO THE MANAGER AND ATTORNEY . THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

COUNCIL MEMBER MATT CZAJKOWSKI MOVED, SECONDED BY COUNCIL MEMBER BILL STROM, TO RECESS THE PUBLIC HEARING ON THE SPECIAL USE PERMIT UNTIL OCTOBER 15, 2008 AND REFER COMMENTS TO THE MANAGER AND ATTORNEY . THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

5. **Public Hearing: Land Use Management Ordinance Text Amendments - Vehicle and Bicycle Parking Regulations.**

Ms. Culpepper gave background on the text amendment for the Vehicle and Bicycle Parking Regulations.

Council Member Harrison said he would like a regulation that makes parking a bike better. He said the design manual seems to be lacking, and he doesn't agree with the priorities in it. He said it is more important for the cyclist to get his bike out of the sun, to be in the shade, have light for night use where it is safe, and not in heavy traffic areas. He said that it is accessible, but having it close to the door is not as important. He said the design manual should have the standards in there that they would like to use.

Council Member Czajkowski said all he cares about is having a rack that will keep the front wheel from flopping over.

Council Member Harrison said wanted the design standards to say that the bike rack allows for the bike to be upright and stable.

Mayor pro tem Ward asked Ms. Culpepper for clarification that the Bike and Pedestrian Board and the Transportation Board are in agreement on all but the multi-family requirements.

Ms. Culpepper explained the requirements for the multi-family units.

Mayor pro tem Ward questioned where do you put it if it is 1-to-4 units; by itself, or do you cluster them into a shelter. Ms. Culpepper said the multi-family developer would come to them with a suggestion and they would decide at that time.

COUNCIL MEMBER MARK KLEINSCHMIDT MOVED, SECONDED BY COUNCIL MEMBER BILL STROM, TO RECESS THE PUBLIC HEARING UNTIL OCTOBER 27, 2008 AND REFER COMMENTS TO THE MANAGER AND ATTORNEY. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

The meeting adjourned at 11:11 p.m.