

**SUMMARY MINUTES OF A PUBLIC HEARING
OF THE CHAPEL HILL TOWN COUNCIL
MONDAY, OCTOBER 20, 2003, AT 7:00 P.M.**

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

Council members present were Flicka Bateman, Pat Evans, Ed Harrison, Mark Kleinschmidt, Bill Strom, Dorothy Verkerk, and Jim Ward.

Council Member Edith Wiggins was absent, excused.

Staff members present were Town Manager Cal Horton, Assistant Town Managers Sonna Loewenthal and Florentine Miller, Town Attorney Ralph Karpinos, Stormwater Engineer Fred Royal, Planning Director Roger Waldon, Principal Planner Gene Poveromo, Engineering Director George Small, Senior Development Coordinator J. B. Culpepper, Principal Planner Gordon Sutherland, and Town Clerk Joyce Smith.

**Items 5 & 6 - Concept Plan Review:
Chapel Hill North Master Land Use Plan
and Chapel Hill North**

Mr. Horton explained that the staff would make a single presentation for Items 5 and 6.

Senior Development Coordinator J. B. Culpepper noted that the first concept plan involved the Master Land Use Plan for Chapel Hill North, the 40-acre site at the corner of Airport and Weaver Dairy Roads. The second concept plan involved a 12.47-acre residential component on the east side, she said. Ms. Culpepper added that the CDC had reviewed both plans in June 2003.

Jack Smyre, of The Design Response Inc., discussed a 12.74-acre parcel behind Chapel Hill North. He reviewed the history of the project, beginning with the 1970s when this area was the Town's rural edge and Interstate 40 did not yet exist. In response to construction of I-40, Chapel Hill had created a mixed use zoning district in which a site must be at least 20 acres in size with at least 60% of it being "office-type" uses and up to 40% being retail and/or residential, he said. Mr. Smyre noted that retail and residential were not required but may be up to 40%. So a retail-driven project has no incentive to have a residential component, he said.

Mr. Smyre explained that approximately 109,000 square feet of retail and 79,000 square feet of office space had been built as part of Chapel Hill North, Phase 1. Thus, Chapel Hill North was about 58% retail, 42% office, and 0% residential, he said. Mr. Smyre noted that this does not fully achieve the intended purpose of the Town's mixed use zoning district, or the Town's Comprehensive Plan. It does not reduce traffic by providing nearby housing, he said, and it does not provide an arrangement of uses that encourage walking, transit and bicycling as alternatives to automobile travel. Mr. Smyre

concluded that adding a residential component would bring the three intended uses into harmony and improve the mixed-use development.

Mr. Smyre pointed out that the Timberlyne Shopping Center, Movies at Timberlyne, UNC Office Building at Timberlyne, and Campus at Vilcom were all within a 1/4-mile radius of the proposed residential development. He displayed slides of the area and described what the residential component would look like, given the topography there. Mr. Smyre reviewed issues of tree coverage, parking, trails, water features, clubhouse, possible access points from Perkins Drive and Old University Station Road, and a Duke Power easement at the southern portion of the site. He characterized the plan as an urban approach, with parking in garages or decks, impervious surface at 44%, and a density of 14.9 units an acre. This was a high-density residential approach, said Mr. Smyre, stating that such an approach was desirable in this setting. Buildings would be constructed in a way that would help shield interior courtyards from I-40 noise, he said.

Mr. Smyre pointed out that the Council would have to vary the approved Master Plan and relieve Chapel Hill North from the requirement that 60% of uses must be office-type. Specifically, 240,00 square feet would be dedicated to residential uses with the remainder being split between office and retail on a 60/40 basis, he said. If Council members were not comfortable with that, said Mr. Smyre, there was no sense worrying about the details of the concept plan. He asked if the Council would accept most of the significant trees being removed and two or three ephemeral channels being disturbed on the site.

Jim Baker, representing Harris Teeter Properties and DMI, owner of the retail shopping center, stated that both supported Town approval of the proposed development as long as Harris Teeter Properties' remaining land is not restricted to office use.

Council Member Harrison asked if the proposed connection to Old University Station Road was for pedestrians or if it would become a drive lane. Mr. Smyre replied that the CDC had recommended exploring a vehicular connection there. If they did so, then they would rethink the southern area to make sure there was a more street-like connection, he said. Council Member Harrison asked if the Council or Manager would make determinations regarding the natural ephemeral stream channel. Mr. Horton said that he would need to examine the LUMO language before answering that question. Council Member Harrison wondered if the Council would address it through a stipulation in the SUP or in a Zoning Compliance Permit. Mr. Horton replied that this would depend on the particulars of the application.

Council Member Strom spoke in support of the concept plan, and praised the idea of adding a residential component to the "almost mixed use" development.

Mayor pro tem Evans also expressed delight with the proposal. She remembered the Council's disappointment when no residential component had been built under the SUP, she said. Mayor pro tem Evans asked if the development would be similar to Meadowmont with regard to energy guidelines. Mr. Smyre replied that it would look different from Meadowmont, since there would be four stories and it would not be just an

apartment community. He could not comment on energy standards at this concept stage, he said.

Mayor pro tem Evans asked what would buffer the units from I-40 noise. Mr. Smyre replied that wall construction and the number and placement of windows would help. Noise is usually not a problem inside buildings, he said, but only when people go out and walk around. Mr. Smyre explained the plan to shield outside areas from noise with buildings and to include white noise water features inside courtyards.

Mayor pro tem Evans asked if it would be possible to have one beautiful lake rather than several smaller ponds. Mr. Smyre replied that he would provide more information on that at the SUP phase. Mayor pro tem Evans stressed that a lake would be preferable. Mr. Smyre agreed, adding that creating a lake there might be possible because there is much cooperation among the parties. Mayor pro tem Evans inquired about access to the mixed-use property east of the site. Mr. Smyre said that pedestrian and bicycle traffic might go through there.

Council Member Ward expressed support for the project, adding that the lack of a residential component had always troubled him. He recommended having bike and pedestrian links to the north, south, and further to the east to the extent that it makes sense. Council Member Ward agreed with the idea of turning the Harris Teeter stormwater pond into something more aesthetically pleasing. He noted that shifting the proposed entranceway would help preserve one island of significant trees. Council Member Ward verified that the Town was anticipating a trail system running parallel to I-40 and ascertained that there would be links to that to the east and west.

Council Member Bateman described the current Harris Teeter retention pond as "abhorrent," and opposed the idea of ever expanding it as it is.

COUNCIL MEMBER VERKERK MOVED, SECONDED BY COUNCIL MEMBER WARD, TO ADOPT R-3 AND R-4. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION TRANSMITTING COUNCIL COMMENTS ON A CONCEPT PLAN FOR THE CHAPEL HILL NORTH MASTER LAND USE PLAN (2003-10-20/R-3)

WHEREAS, a Concept Plan has been submitted for review by the Council of the Town of Chapel Hill, for the Chapel Hill North Master Land Use Plan; and
WHEREAS, the Council has heard presentations from the applicant, the Community Design Commission, and citizens; and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council transmits comments to the applicant regarding this proposal, as expressed by Council members during discussion on October 20, 2003, and reflected in minutes of that meeting.

This the 20th day of October, 2003.

A RESOLUTION TRANSMITTING COUNCIL COMMENTS ON A CONCEPT PLAN FOR CHAPEL HILL NORTH RESIDENTIAL COMPONENT (2003-10-20/R-4)

WHEREAS, a Concept Plan has been submitted for review by the Council of the Town of Chapel Hill, proposing a residential component for the Chapel Hill North development; and

WHEREAS, the Council has heard presentations from the applicant, the Community Design Commission, and citizens; and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council transmits comments to the applicant regarding this proposal, as expressed by Council members during discussion on October 20, 2003, and reflected in minutes of that meeting.

This the 20th day of October, 2003.

The meeting adjourned at 10:00 p.m.