

## **SUMMARY OF A PUBLIC HEARING HELD BY THE CHAPEL HILL TOWN COUNCIL, MONDAY, NOVEMBER 17, 1997 AT 7:00 P.M.**

Mayor pro tempore Joyce Brown called the meeting to order at 7:00 p.m. Council Members in attendance were Julie Andresen, Joe Capowski, Pat Evans, Lee Pavão, and Edith Wiggins. Mayor Rosemary Waldorf and Council Members Mark Chilton and Richard Franck were absent excused. Staff members in attendance were Town Manager Cal Horton, Assistant Town Managers Sonna Loewenthal and Florentine Miller, Town Attorney Ralph Karpinos, Planning Director Roger Waldon, and Development Coordinator J.B. Culpepper.

### **Item 1: Special Use Permit Application for Meadowmont Townhomes**

Development Coordinator J.B. Culpepper presented a brief overview of the application for a Special Use Permit for the construction of thirty-two multi-family units within the proposed Meadowmont development. She noted that the applicant was the Orange Community Housing Corporation. Ms. Culpepper briefly demonstrated the relationship of the application to the previous five Meadowmont special use permits which were approved by the Town Council in July, 1997, with a special emphasis on the infrastructure special use permit.

Robert Dowling, the applicant's representative, reminded the Council that the Orange Community Housing Corporation was still without an Executive Director. He emphasized that the Corporation was anxious to proceed with the project, and thanked the Planning Board for raising some valid issues which needed to be addressed. Mr. Dowling stated that some of these issues would take time to address properly, and requested that the Council delay consideration of this item.

Council Member Andresen said when the Planning Board discussed this application, there was a question as to whether these were townhomes or condominiums. Mr. Dowling said he believed that they were condominiums and would be sold as such. Mr. Dowling said he anticipated that the development name would eventually be changed to reflect this designation.

Council Member Wiggins said she understood Mr. Dowling to say he needed more time to resolve several issues raised by the Planning Board before the Council continued with this application. Mr. Dowling said that this was correct, adding that he did not believe that the Orange Community Housing Corporation was ready for the Council to move forward on the application at this time.

Council Member Evans said she believed that the applicant would be agreeable to the Council tabling this item until an Executive Director was hired and the Corporation was able to resolve outstanding issues. Mr. Dowling agreed, stating they should be ready to proceed some time in January, 1998.

Council Member Capowski asked who would actually own the property once built. Mr. Dowling said the homeowners association would be the owners. Council Member Capowski inquired how the applicant had concluded that fifty-two parking spaces were needed for the proposed development. Mr. Dowling replied that this calculation was based on the number of units and the number of bedrooms in each unit.

Planning Board representative Scott Radway stated that the Board recommended denial of the request for several reasons, including stormwater management concerns and on-site floor area ratios. Council Member Andresen asked whether the Board discussed retention ponds and their relationship to stormwater management. Mr. Radway said yes, noting that diagrams were provided to the Board indicating drainage patterns.

Council Member Capowski asked whether the Board's statement regarding on-site land use intensity was intended as a legal statement. Mr. Radway replied that it was the Planning Board's feeling that the applicant should be able to meet the floor area ratio on-site, rather than by obligating land elsewhere within the overall Meadowmont development outside of the proposed multi-family development.

Mr. Horton indicated that the preliminary staff recommendation was for approval of the application with conditions.

Council Member Andresen asked Ms. Culpepper to clarify the exact location of the detention pond and Ms. Culpepper did so. Council Member Andresen asked whether the homeowners would have maintenance responsibility for the pond. Ms. Culpepper answered yes, noting that the expense of maintenance was a concern expressed by the Planning Board. Council Member Andresen noted that she believed the site was tight, with little free space, and would like to see it opened up to provide the homeowners with more open area.

Council Member Andresen noted that this project was an affordable housing effort, and asked the Town Manager how these homes would be kept in the affordable housing stock, and once bought, whether they would continue to be sold only to qualifying persons. Mr. Horton replied that the Town would have no connection with this program once it was in place, at which time it would become the responsibility of the applicant. Mr. Dowling added that the houses would remain as affordable housing, as defined by current guidelines. Referencing home resales, Council Member Andresen inquired how eligible homeowners would be selected. Mr. Dowling said that Federal guidelines would be followed in this regard.

Council Member Evans asked how the Council should proceed in light of the applicant's request for more time to address issues of concern. Mr. Horton noted that this had been done in the past, usually at the Council's behest. Mr. Horton said the applicant was asking for this hearing to be recessed until January 12<sup>th</sup>, at which time they would return to the Council with a revised application. He noted that an alternative to the Council's tabling the request until that date would be for the Council to refer the item to the

Planning Board for a second review.

Council Member Andresen said she believed it was important that all applicable advisory boards be given the opportunity to see this revised application when presented in January. Mr. Horton stated it would be appropriate to allow other advisory boards to review the revised application.

Council Member Wiggins said she believed the Council owed the applicant the opportunity to make whatever changes were necessary.

Mr. Horton stated that if tonight's public hearing was recessed until January 26<sup>th</sup>, the Council's second regular meeting, this would allow the applicant time to make the changes they wished to propose and to present the revised application to the Planning Board and other boards and still allow time to bring this back to the Council on January 26<sup>th</sup>.

COUNCIL MEMBER WIGGINS MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN, TO RECESS THE HEARING ON THE MEADOWMONT TOWNHOMES TO JANUARY 26, 1998. THE MOTION WAS ADOPTED UNANIMOUSLY (6-0).

## **Item 2: Special Use Permit Application for Kenan Stadium Seating Expansion Project**

Ms. Culpepper indicated that the proposed special use permit application would add 2,300 seats to the existing Kenan Stadium located on the University of North Carolina campus.

Council Member Andresen asked whether anything about this plan would change emergency access. Ms. Culpepper indicated that Michael Hammersly, the applicant's representative, would address this issue.

Council Member Evans asked whether the proposed seats would be on the grassy area and up above the grass. Mr. Horton said that this was correct.

Mike Hammersly, the applicant's representative, said that the seats would be placed where there was now grass, as well as a structure above that area. He said these seats would be equally divided between student seating and public seating. Mr. Hammersly said the new seating would not change any access or exiting capabilities of emergency vehicles.

Council Member Andresen inquired who checked to assure that controls were in place for University construction projects. Mr. Hammersly said that State staff inspected University construction projects.

Planning Board representative Scott Radway stated that the Board unanimously

recommended approval of the requested special use permit application. He added that the Board had added a provision recommending that the applicant provide more detail regarding public safety issues including emergency exit information and fire truck access.

Mo Nathan, President of the UNC Student Body, reminded the Council that 1,150 of the proposed seats were to be set aside for students. Mr. Nathan stated that the existing grassy area was very steep and was an uncomfortable place to sit for even a short period of time, and the area was generally a mob scene with the students packed in shoulder to shoulder. He requested that the Council approve the application.

Charlie Roederer, a UNC student and co-president of the Student Athletic Association, stated that at the recent Florida State game many students were turned away because of overcrowding. He said he was also concerned about the overcrowding in the grassy area, and believed this matter to be a safety issue. Mr. Roederer commented adding seats to this area would be an improvement for everyone.

Mark Vitali said he believed that this application was good for the Town. Mr. Vitali also said most merchants experienced an increase in business during the recent Florida State game and encouraged the Council to approve the application.

Council Member Capowski remarked that he had participated in a tour during the Public Private Partnership's recent trip to Ann Arbor, Michigan of the stadium at the University of Michigan. Council Member Capowski said he believed that the overall level of cooperation between the University and the Town was greater in Chapel Hill than it was in Ann Arbor. Council Member Capowski thanked the University of North Carolina for good ongoing Town/Gown relations.

Council Member Andresen asked the Manager about emergency medical services and what additional demand this might place on the community. She asked specifically if more police would need to be hired and how it would affect medical services. Mr. Horton answered this project should have no significant affect on police service or noticeable affect on emergency medical services. He indicated emergency personnel were stationed in the stadium, including medical personnel, police, and fire personnel. Council Member Andresen asked whether more police would be needed for an event if additional seating were approved. Mr. Horton replied that for a very large event more police might be needed for the unusual conditions. Council Member Andresen asked whether off-duty Town police were hired by the University. Mr. Horton said there were a few officers who worked part-time for the University. He noted that the Town had changed the system several years ago so that the University provided its own public safety services for these events.

Council Member Evans said the safety issue was a real one due to the manner in which the students were packed into the grassy area. Council Member Evans said she believed it would be much safer for seating to be added at Kenan Stadium.

Council Member Andresen asked whether arrangements for emergency access and exits had been worked out. Mr. Horton indicated that emergency plans were in place and worked very well. Council Member Andresen asked whether these plans were available for review.

Mr. Horton said they were.

COUNCIL MEMBER PAVAO MOVED, SECONDED BY COUNCIL MEMBER EVANS, TO RECESS THE PUBLIC HEARING ON THE KENAN STADIUM SEAT EXPANTION TO NOVEMBER 24TH. THE MOTION WAS ADOPTED UNANIMOUSLY (6-0).

**Item 3: Request for Annexation of a Portion of a lot located  
at US 15-501 and Sage Road (Lowe's Property)**

Mr. Horton indicated that the owner had filed a petition for voluntary annexation. There were no speakers and no questions by the Council.

COUNCIL MEMBER PAVAO MOVED, SECONDED BY COUNCIL MEMBER EVANS, TO REFER THE REQUEST FOR ANNEXATION TO THE MANAGER. THE MOTION WAS ADOPTED UNANIMOUSLY (6-0).

**Item 4: Proposed Changes to Town's Development Ordinance  
Regarding the Term "Open Space"**

Mr. Horton indicated that some confusion existed in the Development Ordinance regarding the term "open space" when referring to required open space ratios. Mr. Horton stated that the proposed change would replace the term "open space" with the term "outdoor space."

He added that the change would clarify the ordinance.

Planning Board representative Scott Radway stated that the Board recommended the proposed change.

Council Member Andresen agreed that the change was necessary, adding that she would be interested in the Council increasing the amount of land which was devoted to vegetative cover, water bodies, pastures, meadows, parks and the like, but certainly not paved surfaces. Council Member Andresen added that she would like to see the Council make the proposed change in the foreseeable future. Council Member Evans remarked that in some cases changes might increase the cost of housing and cautioned that the Council needed to be careful when making such changes so that it did not negatively impact the local housing market.

COUNCIL MEMBER EVANS MOVED, SECONDED BY COUNCIL MEMBER PAVAO, TO REFER THE PROPOSED CHANGE IN THE DEVELOPMENT ORDINANCE TO THE MANAGER AND ATTORNEY. THE MOTION WAS

ADOPTED UNANIMOUSLY (6-0).

COUNCIL MEMBER CAPOWSKI MOVED, SECONDED BY COUNCIL MEMBER PAVAO, MOVED THAT THE COUNCIL GO INTO CLOSED SESSION TO DISCUSS PENDING LITIGATION AND OTHER MATTERS AS AUTHORIZED BY NORTH CAROLINA GENERAL STATUTES. THE MOTION WAS ADOPTED UNANIMOUSLY (6-0).

The public hearing concluded at 7:59 p.m.