

11-18-2020 Town Council Meeting

Responses to Council Questions

ITEM #10: Open the Public Hearing: Conditional Zoning Application for Columbia Street Annex, 1150 S. Columbia Street, from Residential-2 (R-2) to Mixed Use - Village - Conditional Zoning District (MU-V-CZD)

Council Question:

The applicant is proposing the minimum number of bicycle spaces required by ordinance. Is the applicant prepared to add additional spaces if demand materializes after opening and, if so, who would pay – the applicant or the HOA?

Staff Response:

A total of 19 bicycle spaces are required. The development is proposing a total of 54 spaces, a ratio of 1 space per unit:

The spaces are located with 2 loops/4 spaces outside on the upper plaza area; 5 loops/10 spaces in the underground garage; 40 spaces inside the main floor of the building accessible from the upper plaza. (these spaces are additional to the ones noted on the plans you have) The architect plans to show how this will work in an illustration/interior plan to be presented as part of the presentation to Council. The developer will provide the HOA with some additional funds to add bicycle parking if it is needed in the first few years after occupancy.

Council Question:

It is likely that over the next ten or so years demand for EV charging will increase significantly. If each unit will have its own dedicated parking space, will there be sufficient unallocated spaces to allow for the installation of charging stations or will charging stations be the responsibility of individual unit owners?

Staff Response:

The original plans proposed 1 dual station, but after the Transportation and Connectivity Advisory Board, the developer has agreed to provide 2 dual stations serving 4 parking spaces or greater than 5% of total spaces right from the start. The initial construction will also include conduit to 14 more spaces (20%), but EV charging stations desired after units are sold will be the responsibility of the owner wanting such a charger.

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Council Question:

In what ways would the applicant provide riparian buffer restoration or enhancement to improve the current poor conditions of the stream?

Staff Response:

The objective of stream and riparian buffer enhancement and restoration is to establish a forested riparian buffer and improve stream conditions to support aquatic wildlife. The applicant would restore areas of channel degradation by removing fill, regrading the stream, and stabilizing the streambanks. The riparian buffer would be planted according to Jordan Buffer standards outlined in LUMO Section 5.18.8(7) which require a minimum of at least two (2) native hardwood tree species planted at a density sufficient to provide three hundred twenty (320) trees per acre at maturity. The exact conditions have not been agreed upon with the applicant.

Council Question:

Are there target groups with this housing? If so, what are they?

Staff Response:

We understand target audience is UNC and UNC Health Care workers and are confirming with the applicant.

Council Question:

Is a list available of the times the Town has made an amendment to its current Land Use Plan prior to consideration of a rezoning?

Staff Response:

Yes, amending the Land Use Plan has only happened twice – Weavers Grove and Active Adults on Homestead Road. There was new State legislation in 2017 that tied our rezoning decisions more closely to Land Use Plan designations. It allowed us to use our Resolutions of Consistency as a vehicle to amend the Plan.

Council Question:

Are there any renderings available of the contemplated development?

Staff Response:

We are working with the applicant to provide renderings.

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Council Question:

Does the Town have the authority to mandate or block formation of a HOA?

Staff Response:

The Town has the authority to mandate a homeowners association if the entity will maintain portions of a development and is responsible for improvements. We are not aware of any ability to block the creation of an HOA.

Council Question:

In the interval between the initial submittal and the recent submittal, Town Staff re-evaluated the stream and subsequently determined that it is now a perennial stream - could you provide more details about why this shift occurred?

Staff Response:

The applicant appealed the Town stream determination to the state which resulted in a re-evaluation of the stream by NC Division of Water Resources staff. The NC DWR staff followed the DWR Stream Classification Form and determined that the stream was perennial, as stated in the attached determination letter.

Council Question:

Can our stormwater staff speak to the RCD issues?

Staff Response:

Stormwater staff will be available at the meeting to answer Council questions about RCD and stormwater.

Council Question:

The affordable housing plan states that "If the calculation comes out to a percentage of a unit, the owner would make a payment in lieu for 15% of the partial unit. The payment in lieu funds would allow the Community Home Trust to subsidize affordable units for use by specialized groups such as adults with intellectual disabilities." Could you please explain the math on the percentage on this? Also, wouldn't any PIL go into Town affordable housing funds?

Staff Response:

Normally a payment in lieu would typically go to the Town's housing fund if less than 15% of the units are built on site. (Example- if the ordinance requires 7.6 units and the developer only builds 7 units on site, the remaining .6 would be made as a PIL). The Columbia Street Annex Project is proposing 18% on site, therefore no payment in lieu will be made.

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Council Question:

The developer proposes to make the affordable units available to individuals and couples making less than the median income for the area. This statement implies they will not be available to families - wouldn't that be a violation of the Fair Housing Act?

Staff Response:

The 8 proposed affordable homeownership units are 1BR, 575 square feet units. The Community Home Trust will oversee the marketing and sale of these affordable units to interested and eligible households. In doing so, they will comply with the Fair Housing Act, which would prohibit a housing provider from refusing to sell to families with children.

Council Question:

Did stormwater staff issue an opinion on the appropriateness of the RCD incursion proposed by this project (separate from any stream determination)? If so, can we see this report?

Council Question:

Why is there such large incursion into the RCD? Where is our stormwater review for these projects and how do we ensure we get better RCD protection and stormwater analysis in the future?

Staff Response:

Staff review applications with respect to the town ordinances and note when modifications to those ordinances are needed. Please refer to Ordinance A, specifically the section entitled Modifications to Regulations items #1 and #3, to review the modifications to regulations that Stormwater staff determined were needed for the Columbia Street Annex project.

Staff encourage the developer to avoid activity in the RCD, but the developer can decide to present their case to Council for modifications to the regulations if they desire. The modifications to regulations, such as expanded RCD incursion, are stated in the Ordinance presented to the Town Council as part of the Conditional Zoning review. The Council determines whether to allow the project to receive exemption from Town ordinances.