

## 03-24-2021 Town Council Meeting Responses to Council Questions

### **ITEM #13: Consider an Application for Conditional Zoning 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:**

If the BRT stops are moved north, off the overpass (which I think would be a better location), would there be room on the Columbia Annex frontage to accommodate the SB stop?

**Applicant Response:**

*It is likely this could be accommodated at the south end of the site.*

**Council Question:**

Will the applicant be bringing revised sections showing proposed stepping of the large retaining walls?

**Applicant Response:**

Yes.

**Council Question:**

On page 167 of the packet, you talk about setting nitrogen standards for the project. Are there any other standards we should be stipulating?

**Staff Response:**

*The following condition has been added to the CZ Ordinance regarding nutrient exports from the property. The proposed stream restoration shall be designed and evaluated for nutrient reduction with the goal of reducing the nutrient export down to the pre-project total loading rates for nitrogen and phosphorous from the site. The Nutrient export limit for Nitrogen is 2.2 lb/ac/year and for Phosphorus is 0.82 lb/ac/year prior to stream restoration.*

**Council Question:**

The HOA will be responsible for stream maintenance. Is there any guarantee that they will have the resources to do this? Is there another way to guarantee that the stream restoration will be maintained? Should there be some kind of maintenance bond similar to that for the stormwater control facilities?

**Applicant Response:**

*The developer commits to contributing \$10,000 to the HOA at its inception from proceeds from the first unit closing. Money to be used exclusively for maintenance of the stream restoration*

## 03-24-2021 Town Council Meeting

### Responses to Council Questions

*program. If that money is insufficient for the first year, the developer pledges to augment the fund to make up any shortfall.*

**Staff Response:**

*A performance guarantee has been added to CZ Ordinance for the stream restoration. The condition states that the developer will provide a performance guarantee for the stream restoration in an amount satisfiable to the Town Manager. The performance guarantee shall be satisfactory as to the form and manner of execution, and as to the sufficiency of their amount in securing the satisfactory construction, installation, or maintenance of the stream restoration. Upon completion of the stream restoration and acceptance by the Town after final site inspection, one hundred and twenty-five percent (125%) of the performance guarantee shall be released to the developer and a maintenance guarantee in an amount of twenty-five percent (25%) of the construction cost estimate shall be submitted by the developer prior to the issuance of certificate of occupancy that will last for 5 years.*

**Council Question:**

Do we have a final number of proposed parking spaces?

**Applicant Response:**

*69 parking spaces – some will be reserved for handicap parking, car charging, and car ride services.*

**Council Question:**

Page 127: The stipulation called “Traffic Counts” does not say what those counts will be used for or how they will affect the project. Can we get some further information on this?

**Staff Response:**

*Traffic counts (vehicles, pedestrians, and bicycles) will be conducted at Columbia Street/Purefoy Road and Columbia Street/ Both NC 54 Ramps. Counts will be used to conduct revised signal warrant analysis and capacity analysis at the intersection of Columbia Street and Purefoy Road. Traffic counts will also be used to develop new signal timing plans if needed on Columbia Street at both ramps.*

## 03-24-2021 Town Council Meeting

### Responses to Council Questions

#### **Council Question:**

Can we get an opinion from our Stormwater staff as to the desirability of granting the applicant the RCD modifications requested? The current staff language says we could, but doesn't say whether they think it is harmful, beneficial, or neutral?

#### **Staff Response:**

*The Stormwater department is tasked with enforcing Town ordinances, specifically those that have a stormwater impact. The objective of the Resource Conservation District is stated in Section 3.6.3 of the LUMO. For each objective, staff is noting how the project is attempting to comply with the ordinance.*

- *Preserve the water quality of the town's actual or potential water supply sources*

*The project is meeting the stormwater management performance criteria in LUMO Section 5.4.6 which include volume retention, peak flow mitigation, and treatment for total sediment solids. These criteria are met through the provision of stormwater control measures (i.e. underground detention and sand filter) within the built-upon area. To gauge the nutrient loading from the buffer impact, the applicant provided an analysis using NCDEQ's Stormwater Nitrogen and Phosphorus Tool (SNAP). The SNAP analysis indicated that the post-project loading rates for nitrogen and phosphorous exceeded pre-project loading rates accounting for the proposed stormwater control measures. The post-project loading rates are below the nutrient export targets for the Jordan Watershed established by NCDEQ. The SNAP analysis is conditional on the preservation of the open space on this site, which is a condition of CZ Ordinance.*

- *Minimize danger to lives and properties from flooding in and near the watercourses to preserve the water-carrying capacity of the watercourses*

*This site is not within a designated floodplain. A condition of the CZ is to restore the channel dimension to preserve and/or provide the capacity flow depending on the needs of the stream segment. The proposed building and the adjacent homes are situated 26' and 34' respectfully above the stream surface. The danger of flooding adjacent properties is low based on the size of the contributing watershed.*

- *Protect them from erosion and sedimentation*

*Per the NCDEQ stream determination in 2018, state staff stated that the feature "has been heavily impacted by offsite sedimentation and buried underfill and debris from historic development activities". A proposed condition of the stream restoration is remove fill material (i.e. sediment, trash, broken pipe) along the entire length of stream*

## 03-24-2021 Town Council Meeting

### Responses to Council Questions

*within the boundaries of the their property, remove the approximate 16 linear feet of the existing 18-inch pipe from the southern portion of the site such that the stream is daylighted. To prevent possible future scour, a condition has been added to the CZ Ordinance such that the HOA agrees to incorporate additional detention, if necessary, in conjunction with the stream restoration to prevent scouring of the stream channel within 5 years after the project completion.*

- *Retain open spaces and greenways and to protect their environmentally-sensitive character*

*LUMO Section 3.6.3(g) provides standards of development in the RCD. Item #4 states : "Permanent structures shall be located, to the maximum extent feasible, as far from the watercourse, and as close to the outer boundary of the resource conservation district, as is practical. Permanent structures shall be clustered as much as practical, to minimize land disturbance, to maximize undeveloped open space, and to maximize retention of natural vegetation and buffer." The appropriate size and scale of development on this site is up to Council to decide. To retain open space, a condition of the CZ is for the establishment of a preservation easement for the wooded area west of the stream that would be recorded with the Orange County Register of Deeds. This wooded area represents approximately 60% of the site.*

- *Preserve urban wildlife and plant life habitats from the intrusions of urbanization*

*The applicant retained an environmental and natural resources biologist to submit a wildlife habitat assessment for the site. The assessment identified non-native invasive vegetation. A condition of the CZ stipulates the removal non-native invasive vegetation from the stream buffer area and stabilization of the stream banks using bioengineering techniques that incorporate seeding, staking, and planting of native woody species. The introduction of native woody species would improve habitat conditions.*

- *Provide air and noise buffers to ameliorate the effects of development*

*These criteria are not stormwater specific. The property is located adjacent to a major arterial road (i.e. NC 54). The building southern edge will be offset 50-100 feet from the entry ramp to the highway. The preservation of the wooded area on the western site will provide a buffer between the site and the neighborhood to the west.*

## 03-24-2021 Town Council Meeting

### Responses to Council Questions

- Preserve and maintain the aesthetic qualities and appearance of the town.

*These criteria are not stormwater specific. As such, please refer these criteria for evaluation to the Community Design Commission or the Town's Urban Designer and in the context of the recently accepted FLUM.*

#### **Council Question:**

Page 132: The applicant's proposal is for only six percent commercial, when the Mixed Use-Village zoning normally requires 25 percent. What other zoning types were considered for this property and why were they rejected?

#### **Staff Response:**

*The previous zonings considered were Mixed Use Village (MU-V) in 2014 and Community Commercial-Conditional (CC-C) in 2018. Staff agreed that the intent of the Mixed Use- Village district was a closer match than the intent of Community Commercial district.*

#### **Council Question:**

Page 139: The document says that there is no HOA proposed, but as a for sale property isn't one needed to govern the condominium?

#### **Applicant Response:**

*An HOA is proposed, but will not be in effect at ZCP or at construction start. Documents will be in place at the beginning of construction and would be available at the time building permits are received, but generally HOA is put in place the time of occupancy. Documents would be recorded at the first occupancy.*

#### **Staff Response:**

*The Ordinance requires a HOA to be formed as part of the Zoning Compliance Permit phase. Stipulations 71-74 address HOA standards.*

#### **Council Question:**

Can we ask the applicant to include in the HOA/UOA rules/declaration of condominium a prohibition on dedicated STRs?

#### **Applicant Response:**

*Developer agrees to prohibit dedicated STRs.*

## 03-24-2021 Town Council Meeting

### Responses to Council Questions

**Council Question:**

Page 140: The arguments against rezoning note an inconsistency with the Land Use Plan. Does this argument still pertain given the newly adopted FLUM?

**Staff Response:**

*This no longer applicable now that the new Future Land Use Map has been adopted. The proposal is consistent with the FLUM.*

**Council Question:**

Given the experience at Downtown buildings such as Greenbridge, Shortbread Lofts, and the Warehouse, 21 bicycle spaces seem quite inadequate. If not built initially, does the applicant have an ability to add spaces at a later date?

**Applicant Response:**

*Bicycle parking proposed totals 30 spaces. 4 are outdoor, 16 protected in the parking deck, 10 are inside the common space.*

**Council Question:**

Page 149 says a maximum of 52 units (8 affordable). Elsewhere, the material indicates 60 units with 9 affordable. Which is correct?

**Applicant Response:**

*Drawings as submitted call out 52 units, but after working with Brian Peterson it is more likely that we can get 58 units in the mix. If we get at least 56 units there will be 9 affordable, if we get less than that, there will be 8 affordable. This will keep us over the 15% affordable offering.*

## Amy Harvey

---

**From:** Maurice Jones  
**Sent:** Wednesday, March 24, 2021 9:45 AM  
**To:** Allen Buansi; Amy Harvey; Amy Ryan; Hongbin Gu; Jeanne Brown; Jess Anderson; Karen Stegman; Michael Parker; Pam Hemminger; Tai Huynh; Town Council  
**Cc:** Flo Miller; Mary Jane Nirdlinger; Ross Tompkins; Colleen Willger; Judy Johnson; Kumar Neppalli; Lance Norris; CHRIS BLUE  
**Subject:** RE: Staff Responses to Council Member Questions 3-24-21  
**Attachments:** North-South Corridor Study Petition.pdf

Mayor and Council,

There was a question raised about the location of the BRT stops along South Columbia Street. Brian provides some history and background on the proposed locations below. Attached you will find the petition that the Purefoy neighbors sent to the Council back in 2015. Please let us know if you have any additional questions.

All the Best,  
Maurice

From Brian Litchfield concerning the petition:

“Took some digging, however found the original petition (attached) council accepted and as part of the LPA asked use to honor. Note sections related to stations in neighborhood areas. The current location meets these interests, project interests and are accessible to the customers coming from south and east of Purefoy.

If memory serves - Kim Brewer and Joe Capowski led this effort and the meetings with the neighborhood and property owners. Merritt's Store ownership was very concerned about stations being at/near their property to do to their limited space and needs. Our initial project team meet with the neighborhood and the current station locations, at the time, generated no significant concerns and have been sited in this location since 2015.”

Memo From Brian

To: Mayor Hemminger and Manager Jones

From: Brian M Litchfield, Transit Director and Matt Cecil, NSBRT Project Manager

RE: North South BRT (NSBRT) Stations at South Columbia and Purefoy

Date: March 23, 2021

The stations are in their current configuration (map 1) adjacent and prior to the bridge at the intersection of 15-501 and NC 54 due an agreement with the neighborhood and Council to not impact private property or extend existing ROW to make the NSBRT project work. This agreement was made in the aftermath of the South Columbia widening project and the initial LPA adoption.

It is possible to move the stations further north, however there are challenge especially on the East side of South Columbia (Map 2). Noting - current and future ridership is likely to come from areas South and East of Purefoy. The challenges include:

- For safety and operational reasons and ease of customer use, stops are best sighted as pairs.
- Moving the Northbound stop north towards Purefoy and Merritt's store impacts ROW, private property and requires signaling the Purefoy intersection.
  - Moving this stop would impact at least one property (see attached) and perhaps two – having an active bus stop within feet of a single family residence(s) could also have impacts from customers, noise, trash, etc.
  - A traffic signal will be necessary at the intersection of South Columbia Street and Purefoy Road and NCDOT has not been supportive of a signal at this intersection.
- Moving North of Purefoy puts the stops in the area of historic property (Merritt's Store)
- Moving further North of Merritt's creates challenges for more single family homes on both sides of the South Columbia and a Day Care on the East side of the road and a historic wall on the West side of the road.
  - The curve of the road in this area also creates challenges for customers crossing the road and for traffic and buses.
  - This would require an additional pedestrian crossing, where the current location takes advantage of an existing crossing.
- Moving further North towards Chase Ave., puts the stations within the area of the Mason Farm Stations and well away from the ridership generators along Purefoy.

Another option to consider that would increase costs and require neighborhood consideration and have impacts to private property – would be to move the stations North to Purefoy and mitigate the impacts to the homes on the East side of South Columbia by obtaining easements or private property (~15' feet in the station area) on the West side of South Columbia – allowing the travel lanes and station area to shift West away the homes. This would require the acquisition of private property or easements, NCDOT approval and approval of a signal at Purefoy.

In this area we would likely consolidate the existing local bus stops with the NSBRT stations. The Northbound BRT station as shown in Map 1 will be about 500 feet from the current bus stop/shelter.

Please let us know if there is anything we can clarify.

---

**From:** Maurice Jones

**Sent:** Wednesday, March 24, 2021 7:57 AM

**To:** Allen Buansi <abuansi@townofchapelhill.org>; Amy Harvey <aharvey@townofchapelhill.org>; Amy Ryan



<aryan@townofchapelhill.org>; Hongbin Gu <hgu@townofchapelhill.org>; Jeanne Brown <jbrown2@townofchapelhill.org>; Jess Anderson <janderson@townofchapelhill.org>; Karen Stegman <kstegman@townofchapelhill.org>; Michael Parker <mparker@townofchapelhill.org>; Pam Hemminger <phemminger@townofchapelhill.org>; Tai Huynh <thuynh@townofchapelhill.org>; Town Council <mayorandcouncil@townofchapelhill.org>

**Cc:** Flo Miller <fmiller@townofchapelhill.org>; Mary Jane Nirdlinger ( <mnirdlinger@townofchapelhill.org>; Ross Tompkins <rtompkins@townofchapelhill.org>; Colleen Willger <cwillger@townofchapelhill.org>; Judy Johnson <jjohnson@townofchapelhill.org>; 'Kumar Neppalli' <kneppalli@townofchapelhill.org>; 'Lance Norris' <lnorris@townofchapelhill.org>; CHRIS BLUE <CBLUE@townofchapelhill.org>

**Subject:** Staff Responses to Council Member Questions 3-24-21

Mayor and Council,

I have attached the staff responses to Council Member questions. The applicant provided responses to a number of questions on Item #13 (Columbia Street Annex). Please let us know if you have any additional questions.

All the Best,  
Maurice

Maurice Jones  
Town Manager  
Town of Chapel Hill, NC  
(919) 968-2743  
[www.townofchapelhill.org](http://www.townofchapelhill.org)

**Petition to the Chapel Hill Town Council  
Regarding the North-South Corridor Study  
5-28-2015**

Dear Mayor and Council Members,  
Neighbors in the South Columbia-Purefoy and Westwood-Westside area recently learned about the Town's North South Corridor Study which evaluates transit improvements on the road corridor from Eubanks Road (North Chapel Hill) to Dogwood Acres (South Chapel Hill). There are four options being considered for different segments of the corridor.

- Option 1- Adding 2 dedicated Bus Rapid Transit (BRT) middle lanes plus bus shelters.
- Option 2 - Adding 2 dedicated BRT side lanes plus bus shelters.
- Option 3 - BRT in mixed traffic adding bus shelters.
- Option 4 - No build.

Option 1 and 2 would go outside of the existing road right-of-way and impact private property, homes, and businesses in our neighborhood. Option 3 will have impact on property/homes in our neighborhood if the proposed bus shelters are not properly sized and located.

In 1990, NCDOT proposed to straighten and widen the two-lane South Columbia Street to a 5-lane section identical to Martin Luther King. The Town Council overwhelmingly voted to refuse this "improvement." The neighbors of South Columbia Street and the Town Council fought approximately 20 years to get a bike-pedestrian friendly corridor that also accommodated traffic flow and buses. In late 2014, after years of uncertainty and a 7.1 million dollar, multi-year construction project, we now have a beautiful, highly functional, safe corridor. Residents and property owners are pleased with the stabilized South Columbia Street, which now provides renewed incentive to invest in and upgrade our properties.

Our review of the study reports to date reveal limited benefit and potential high impact on the neighbors of South Columbia for 3 of the 4 options being considered:

- (1) Adding a lane on either side of South Columbia Street would take property and a number of homes. Adding a lane and bus shelters on the east side would:
  - a. take numerous homes;
  - b. take property of and impact the popular and historic Merritt's Grill;
  - c. undo the 7.1 million dollar investment just completed, including an expensive stormwater control system DOT just built for the entire corridor;
  - d. involve filling/building over a deep ravine; and
  - e. make access to and from streets and businesses very difficult.
- (2) Designating these as potential options in a future report, even if never constructed or constructed decades from now, would create uncertainty for property owners that could affect future investments and property up-keep in the corridor.

- (3) 2014 Tier 1 Analysis, which screened the current options for analysis, has the following gaps and deficiencies:
- a. The Study says that the segment from Mason Farm Road to Fordham Boulevard is the most constrained in terms of right-of-way, and that under Options 1 and 2 this segment would require the most land acquisition and cause the most environmental impacts of any stretch in the corridor. But it goes on to say, with no supporting quantitative analysis, that the environmental benefits of improved air quality would outweigh these costs.
  - b. The study does not address how widening South Columbia from Mason Farm to Fordham Boulevard for dedicated bus lanes could improve air quality when mixed bus-car lanes would still be needed just south and north of this section due to right-of-way and space constraints.
  - c. The two options with dedicated bus lanes appear to have a high cost to benefit ratio with regard to increased bus ridership, although the ridership benefits are very vague.
  - d. The study says that BRT is in line with local plans. However, no local or regional plans call for BRT in the South Columbia Street corridor (only in the MLK corridor).
  - e. Finally, the Tier 1 Analysis said that the dedicated bus lane rapid transit (Options 1 and 2) are rated as the best in terms of community support, and characterized as having “strong community support”. This was based on 2 public workshops in 2014 where a total of 20 people attended. No stakeholder neighborhoods or businesses in our corridor were directly contacted regarding these workshops.

In recent weeks, neighbors have had discussions with the project’s staff and consultants to share concerns and discuss options. In addition, town staff and consultants hosted a meeting and walking tour of South Columbia on May 26 to discuss the project. Based on these discussions, we respectfully request that the Town Council take the following actions for the North-South Corridor segment from Fordham Boulevard to Manning Drive before the next phase of detailed evaluation.

- (1) Remove Option 1 and 2 from future consideration: BRT with Dedicated Middle Lanes and BRT in Dedicated Side Lanes.
- (2) The neighbors support the BRT in Mixed Traffic Option 3 with the following design features: (a) at or near existing bus stops in the corridor, provide small, neighborhood bus shelters comprised of 5 foot deep, 15 to 20 foot long overhang shelters above the existing sidewalk area (i.e. the sidewalk is the shelter floor); (b) reactivate the bus stop across from the Coolidge Street-Columbia Street intersection at the current (unused) bus pullout; and c) maintain any existing trees as buffers between the stations and the private property. This design places appropriately scaled shelters within the existing street right of way areas, and provides integrated rather than separated sidewalk-shelter areas in such a way as to minimize impacts on existing homes and businesses. If such a design is not feasible, implement Option 4 (No Build).

The South Columbia entrance to the University and Town runs through a residential, tree-lined neighborhood; the current configuration and character of the road provides safe, efficient passage for cars, buses, bikes and pedestrians. And the size of the road and placement of the lanes are well-suited to the neighborhoods that border it. This is no accident; this recently upgraded and well-designed section of the road is entirely due to the persistent and strategic efforts of the Town Council, residents, and various town staff over the years.

Please consider that any large bus shelter and road widening would be out of scale and out of place along our portion of South Columbia Street.


Also, in closing, please consider the waste, inefficient planning, and poor use of taxpayer dollars that any significant new construction on South Columbia will entail. This road has only recently been completed after many years of discussion and planning. It seems ill-advised to waste that considerable public investment with a new plan for our portion of the road.

Thank you for your consideration of these concerns and requests.



---

Kurt Ribisi, 405 Ransom Street



---

Bob White, 224 McCauley Street



---

Claire Horne, 404 Westwood Drive



---

Joe Capowski, 404 Coolidge Street



---

Bob Britt (on behalf of Merritt's Store and Grill)

*Claudia Palacios*

Claudia Palacios (on behalf of Merritt's Store and Grill)

*Thomas A. East, Jr.*

*Joan K. East*

Thomas A. East, Jr. and Joan K. East, 315 Purefoy Road (residence) & 311 and 313 Purefoy Road & 1103, 1105, 1107, and 1109 South Columbia Street

*Kimberly B.*

Kimberly Brewer, 301 Purefoy Road

*Martin Feinstein*

Martin Feinstein, 400 Coolidge Street

*Nina B. East*

Nina East, 1101 South Columbia Street

*Sandra Eisdorfer*

Sandra Eisdorfer, 303 Purefoy Road