

**04-24-2019 Town Council Meeting**  
**Responses to Council Questions**

**ITEM #8: Consider a Memorandum of Understanding and Agreement for Sharing Costs for Improvements to High School Road in Conjunction with the Chapel Hill-Carrboro City Schools Chapel Hill High School Redevelopment and Maintenance Building Projects**

**Council Question:** Are we opening up negotiations because originally the school system expected the state to pick up some of the costs, and now state law has changed and shifted more costs back to the school system?

**Staff Response:** *The recent changes in State Law require that, for school projects, the State pay for State-required improvements to State roads and the Town pay for Town-required improvements to Town roads. In that respect, no costs have been shifted back to the school system. At the same time, the Town's special use permit in this case proposes to require improvements (specifically the installation of the bicycle lane) to State roads that are not required by the State. While this is a circumstance not covered one way or the other by the State law, the recent changes did prompt a conversation about which agency or agencies share the responsibility for the cost of the improvements.*

**Council Question:** On p. 179: How much was the payment-in-lieu we were expecting for the maintenance building bike lane?

**Staff Response:** *The estimated payment-in-lieu for the bike lane is \$170,000.*

**Council Question:** Why do the adjustments that are part of the proposed MOU and Agreement for Sharing Costs not considered an SUP major modification?

**Staff Response:** *The Special Use Permit required bicycle lanes to be constructed along High School Road to provide bicycle access along High School Road. We believe the proposed bicycle multi-use path provides the same or greater level of bicycle service and so is not a major modification but instead is considered a minor SUP modification. (Please see response to question below).*

**Council Question:** What is the distinction between a minor SUP modification and a major SUP modification?

**Staff Response:** *The Land Use Management Ordinance outlines eight modifications that constitutes a major Special Use Permit modification. These include:*

1. *Change in boundary of SUP*

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2. *Change in use approved by the Town Council*
3. *Increase in floor area of more than 5 percent*
4. *Increase in more than 5 percent of the number of parking spaces*
5. *Substantial change in location of principal and/or accessory structures on the site*
6. *Structural alterations significantly affecting basic size, form, style, ornamentation, and appearance of principal and/or accessory structures*
7. *Substantial change in pedestrian and bicycle or vehicle access or circulation with substantial changes defined as:*
  - a. *Change in trip distribution that involves more than 5 percent of projected trips*
  - b. *Change resulting in a reduction in Level of Service of nearby street or intersection*
8. *Substantial change in amount or location of landscape screens*

*The Special Use Permit required bicycle lanes to be constructed along High School Road to provide bicycle access along High School Road. Because the proposed bicycle multi-use path provides the same or greater level of bicycle service, we believe it is not a major modification but is considered a minor SUP modification based on these criteria set out in the LUMO.*

**Council Question:** What are the safety implications of changing the on-road bike lanes to an off-road combined bike-pedestrian path along High School Road?

**Staff Response:** *While there are driveway conflicts associated with the proposed off-road multi-use path, staff believes the path provides bicyclists a potentially safer travel by providing distance between vehicles and bicyclists. Bicycle safety can be enhanced by taking additional design measures such as pulling back stop bars and signage for exiting traffic and moving the path closer to road at intersections. Trail stop signage for bicyclists would be installed to warn bicyclists of potential conflicts. We anticipate working with the school district over the next year to facilitate transitions between on-road bike lanes and off-road bike paths including connecting with the multi-use path connecting with Carrboro.*