11-18-2020 Town Council Meeting
Responses to Council Questions

ITEM #13: Open the Public Hearing: Application for Conditional Rezoning - Phi Gamma Delta at 108 W. Cameron Avenue

Council Question:
What are the allowed uses under the current SUP?

***Staff Response**:*
The 1997 SUP limited the use to the Phi Gamma Delta Fraternity.

Council Question:
Are there any photos available of the current conditions, with respect to the enclosed rear porch and the current on-site parking?

***Staff Response**:*
Please see attached.

Council Question:
With respect to TCAB's concerns about fire access and the Planning Commission's concerns about fire sprinklers on the porch, has the fire marshal weighed in on these two concerns?

***Staff Response**:*
Planning staff brought both of these concerns to the Fire Department. The applicant has worked with the Fire Department to ensure that parking in the shared driveway on the west side of the house would not impede fire access. There were also some concerns that the bollards the property owner placed at the end of the driveway to prevent the fraternity brothers from parking on the lawn in the backyard would also prevent emergency vehicle access. We have checked with the Fire Department, and they did not find that the improvements impeded their access to the site. We have spoken to the Inspections Department and confirmed that the porch is sprinklered and does have a fire alarm.

Water Resources
Environmental Quality

ROY COOPER
Governor
MICHAEL S. REGAN
Secretary
LINDA CULPEPPER
Interim Director

June 19, 2018

DWQ Project # 2018-0516
Orange County

Philip Szostak
310 ½ W Franklin St
Chapel Hill, NC 27516

Subject Property: **Columbia Street Annex, 1150 South Columbia Street**
Unnamed Tributary to Morgan Creek

On-Site Determination for Applicability to the Jordan Lake Watershed Riparian Area Protection Rules (15A NCAC 02B .0267)

Dear Mr. Szostak:

On March 29, 2018, the Division of Water Resources (DWR) received your request to appeal an on-site determination made by the Town of Chapel Hill as provided in 15A NCAC 02B .0267 (4)(d). On June 6, 2018, Niki Maher and Shelton Sullivan of DWR conducted an on-site determination to review the feature located on the subject properties for applicability to the Jordan Buffer Rules (15A NCAC 2B .0267).

The feature was evaluated at two locations (labeled as "Site A" and "Site B" on the attached map initialed by Niki Maher on Jun 19, 2018) using the DWR Stream Classification Form. At Site A, the stream was evaluated to have a score of 32.5 on the DWR form. At Site B, the stream was evaluated to have a score of 33.5 on the DWR form. The form states that the "stream is at least intermittent if ≥ 19 or perennial if ≥30." The forms are attached to this letter.

An additional site was located below site A, labeled on the attached map as "Site C". Though the channel is still evident and biology found in wetted portions of the stream in this location support the stream continuing to carry the "perennial" designation, this portion of the stream around and below site C is heavily impacted by sedimentation. Approximately 18 inches of loosely associated sediment was measured in the channel, with the parent streambed substrate and water found beneath the sediment. Large scale debris and fill (from the parking lot upslope to the east) is still evident in the streamside areas east of the stream, but doesn't appear to encroach on the active channel as much at this location.

Further downstream of Site C, the area is characterized by a change in topography resulting in a broader, flatter valley. This area is impacted by years of sedimentation and burial by fill and debris from historic development activities, though rather than sediment confined to a discrete channel within a narrow valley as above (near Site C), the larger scale load is spread across the breadth of the valley floor and has been compacted over time, making it impossible to auger through to reach parent material. Further confounding determination efforts, invasive vegetation (privet, especially) has colonized

throughout, and the channel that is more obvious upstream is difficult to locate in this section. Though this area may have historically been a wetland area and/or included a stream channel within it, it appears to have normalized to its current impacted state. Over time, stormwater events may downgrade through sediment and through or around debris to the original channel, but the difficulty in making a stream determination at this time precludes DWR from regulating it as a perennial stream.

The DWR has determined that the stream at the locations labeled Site A and Site B on the attached map are "perennial" and subject to the Jordan Lake Buffer Rule.

The portion of the stream including Site C, though impacted, has been determined to carry the "perennial" designation and is subject to the Jordan Lake Buffer Rule.

The feature, between Site C and Site B (labeled "Impacted Variant Section" on the attached map), has been heavily impacted by offsite sedimentation and buried under fill and debris from historic development activities. For regulatory purposes, this portion of the feature is designated as "not subject" to the Jordan Lake Buffer Rule.

This determination shall replace the determination originally performed by the Town of Chapel Hill and shall expire five years from the date of this letter.

This determination can be contested as provided in General Statute 150B by filing a written petition for an administrative hearing to the Office of Administrative Hearings (hereby known as OAH) **within sixty (60) calendar days**.

A petition form may be obtained from the OAH at http://www.ncoah.com/ or by calling the OAH Clerk's Office at (919) 431-3000 for information. A petition is considered filed when the original and one (1) copy along with any applicable OAH filing fee is received in the OAH during normal office hours (Monday through Friday between 8:00am and 5:00pm, excluding official state holidays).

The petition may be faxed to the OAH at (919) 431-3100, provided the original and one copy of the petition along with any applicable OAH filing fee is received by the OAH within five (5) business days following the faxed transmission.

Mailing address for the OAH:

If sending via U.S. Postal Service:
Office of Administrative Hearings
6714 Mail Service Center
Raleigh, NC 27699-6714

If sending via delivery service (UPS, FedEx, etc.)
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh, NC 27609-6285

One (1) copy of the petition must also be served to DENR:

William F. Lane, General Counsel
Department of Environmental Quality
1601 Mail Service Center
Raleigh, NC 27699-1601

This letter only addresses the applicability to the buffer rules and does not approve any activity within buffers or within waters of the state. If you have any additional questions or require additional information, please call Niki Maher at (919) 807-6367.

Sincerely,

Karen Higgins

Karen Higgins, Supervisor
401 & Buffer Permitting Unit

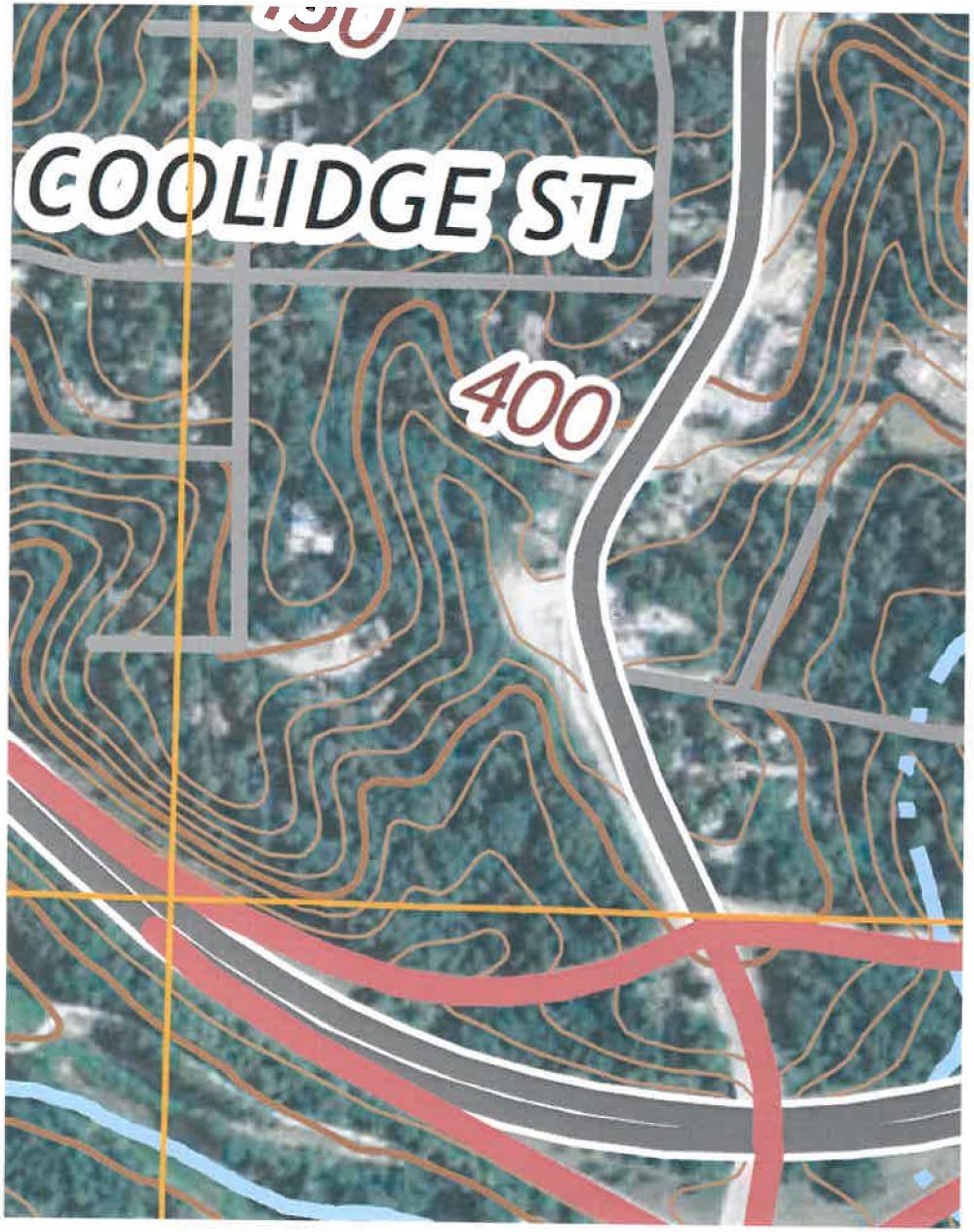
KAH/*NM*

Enclosures: USGS Topo, Soil Survey, Site Map, Stream ID Forms

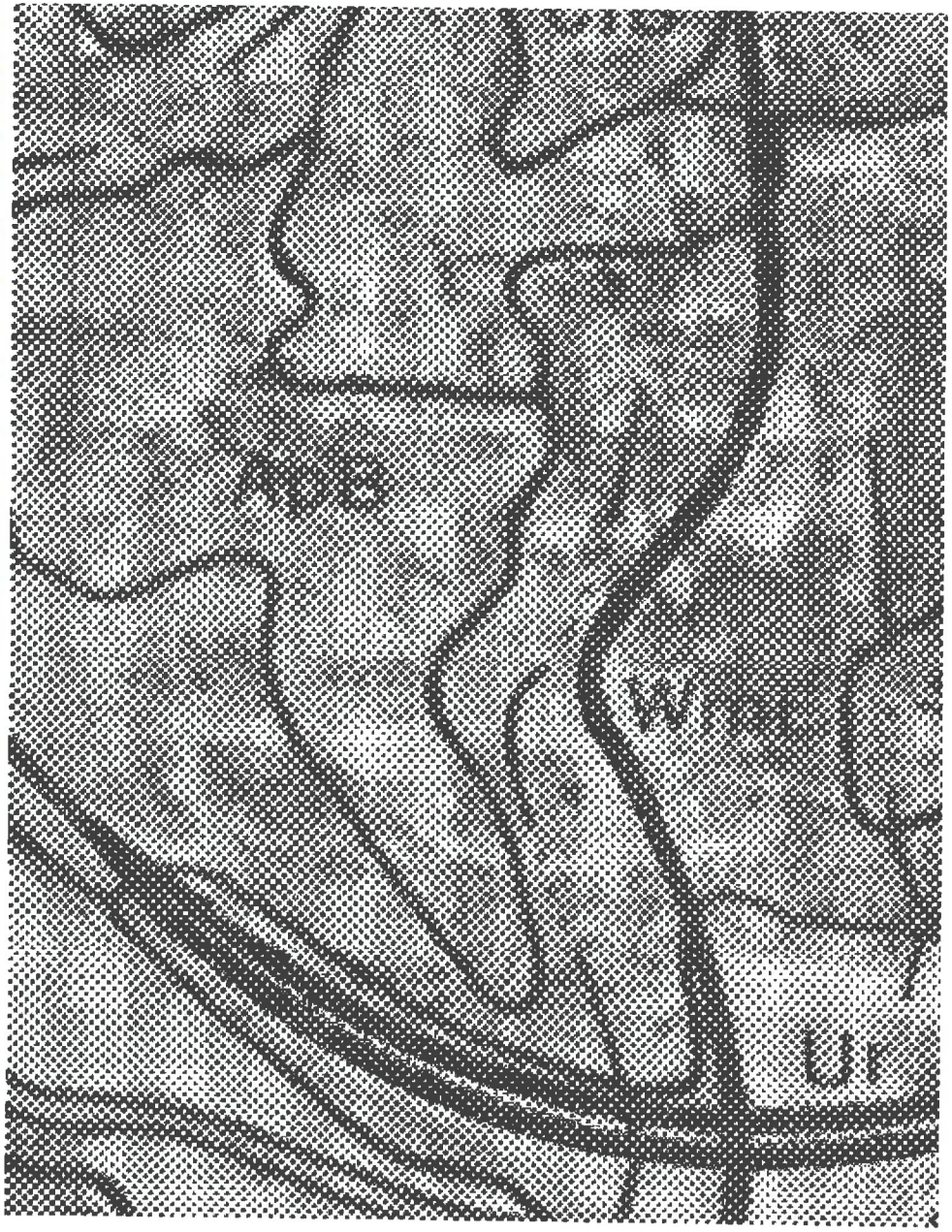
cc: Allison Weakley, Town of Chapel Hill- via email: aweakley@townofchapelhill.org
Danny Smith, DWR RRO
401 & Buffer Permitting Branch files

Filename: 18-0516SColumbiaSt(Orange)_bufferappeal

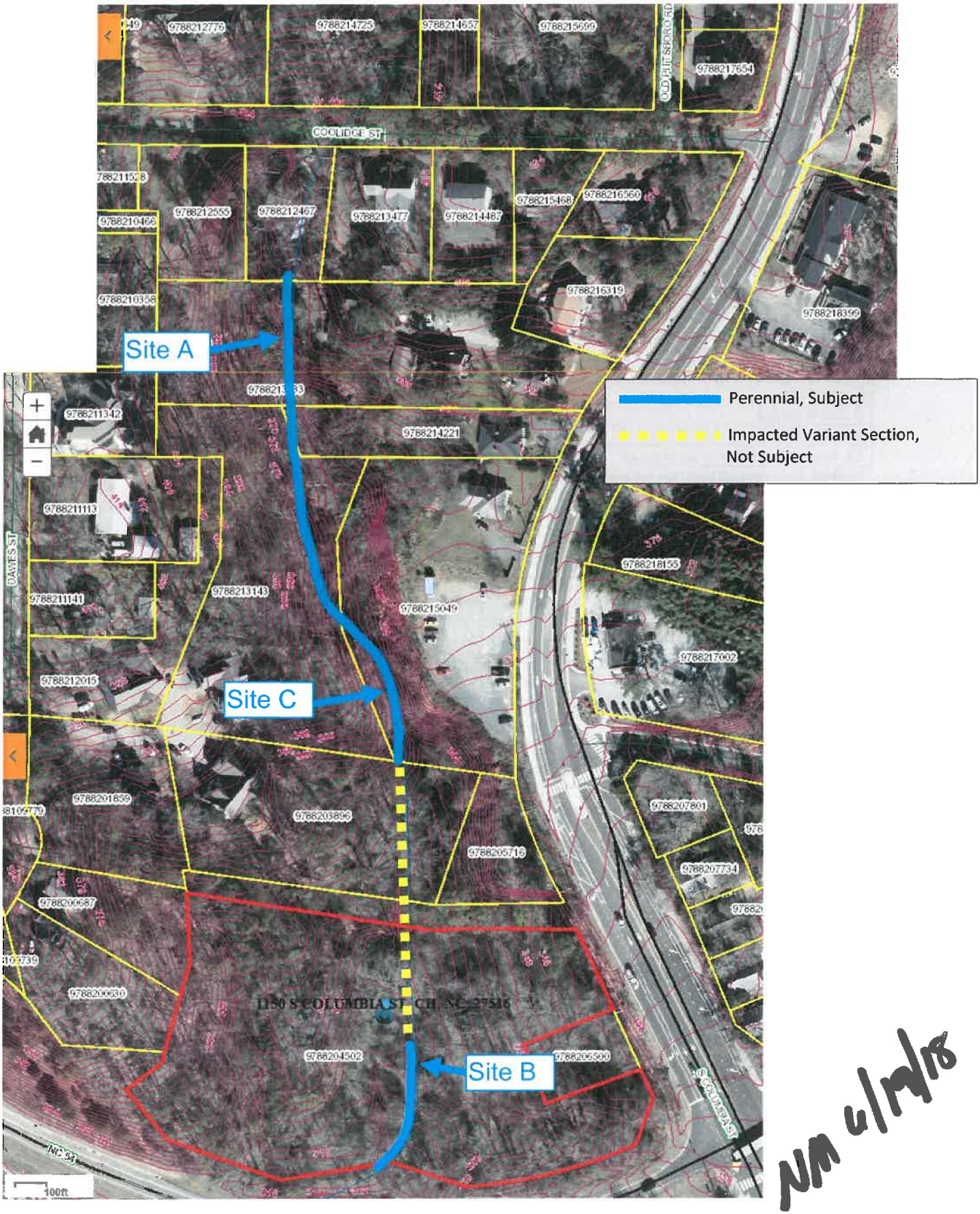
2016 USGS Topo Map, Chapel Hill Quad



1977 NRCS Soil Survey, Orange County



1150 S Columbia St Stream Appeal (DWR #2018-0516)



NM 6/19/18

Site A

NC DWQ Stream Identification Form Version 4.11

Date: 6/6/18	**Project/Site:** 1150 S Columbia St Project Site A (NCHSite1)	**Latitude:**
Evaluator: NM, SOS	**County:** Orange	**Longitude:**
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** 32.5	**Stream Determination (circle one)** Ephemeral Intermittent (Perennial)	**Other** *e.g. Quad Name:*

A. Geomorphology (Subtotal = 13.5)	Absent	Weak	Moderate	Strong
1ª Continuity of channel bed and bank	0	1	(2)	3
2. Sinuosity of channel along thalweg	0	(1)	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	1	2	(3)
4. Particle size of stream substrate	0	1	2	(3)
5. Active/relict floodplain	(0)	1	2	3
6. Depositional bars or benches	(0)	1	2	3
7. Recent alluvial deposits	0	1	(2)	3
8. Headcuts	0	(1)	2	3
9. Grade control	0	(0.5)	1	1.5
10. Natural valley	0	0.5	(1)	1.5
11. Second or greater order channel	No = 0		Yes = 3	

ª artificial ditches are not rated; see discussions in manual

B. Hydrology (Subtotal = 8)				
12. Presence of Baseflow	0	1	(2)	3
13. Iron oxidizing bacteria	(0)	1	2	3
14. Leaf litter	(1.5)	1	0.5	0
15. Sediment on plants or debris	0	0.5	(1)	1.5
16. Organic debris lines or piles	0	(0.5)	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = 3	

C. Biology (Subtotal = 11)				
18. Fibrous roots in streambed	(3)	2	1	0
19. Rooted upland plants in streambed	(3)	2	1	0
20. Macrobenthos (note diversity and abundance)	0	1	(2)	3
21. Aquatic Mollusks	0	(1)	2	3
22. Fish	(0)	0.5	1	1.5
23. Crayfish	0	(0.5)	1	1.5
24. Amphibians	0	0.5	(1)	1.5
25. Algae	0	(0.5)	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = 0			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch: L snail - 1
larval salamander - 1
crayfish - 1
leeches - 1
amphipods - 1
worms - 1
adult diving beetle - 1
trichoptera caddisfly - 4

Site B

NC DWQ Stream Identification Form Version 4.11

Date: 9/6/18	Project/Site: 1150 S Columbia St Site B (~CH site 5)	Latitude:
Evaluator: NM/SOS	County: Orange	Longitude:
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30** 33.5	Stream Determination (circle one) Ephemeral Intermittent (Perennial)	Other e.g. Quad Name:

A. Geomorphology (Subtotal = 14.5)	Absent	Weak	Moderate	Strong
1ª. Continuity of channel bed and bank	0	1	(2)	3
2. Sinuosity of channel along thalweg	0	1	(2)	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	1	(2)	3
4. Particle size of stream substrate	0	1	(2)	3
5. Active/relict floodplain	0	(1)	2	3
6. Depositional bars or benches	0	(1)	2	3
7. Recent alluvial deposits	0	1	(2)	3
8. Headcuts	0	(1)	2	3
9. Grade control	0	0.5	(1)	1.5
10. Natural valley	0	(0.5)	1	1.5
11. Second or greater order channel	No = 0		Yes = 3	

ª artificial ditches are not rated; see discussions in manual

B. Hydrology (Subtotal = 10)				
12. Presence of Baseflow	0	1	(2)	3
13. Iron oxidizing bacteria	0	1	(2)	3
14. Leaf litter	(1.5)	1	0.5	0
15. Sediment on plants or debris	0	0.5	(1)	1.5
16. Organic debris lines or piles	0	(0.5)	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = 3	

C. Biology (Subtotal = 9)				
18. Fibrous roots in streambed	(3)	2	1	0
19. Rooted upland plants in streambed	(3)	2	1	0
20. Macrobenthos (note diversity and abundance)	0	(1)	2	3
21. Aquatic Mollusks	0	1	(2)	3
22. Fish	(0)	0.5	1	1.5
23. Crayfish	(0)	0.5	1	1.5
24. Amphibians	(0)	0.5	1	1.5
25. Algae	(0)	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = 0			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch: [illegible] iron oxi bacteria ✓ [illegible] water appears @ scour hole below culvert. [illegible]

Site C

NC DWQ Stream Identification Form Version 4.11

Date: 6/7/18	Project/Site: 1150 S Columbia St ~ CHSIE R2 (below)	Latitude:
Evaluator: NM / SC	County: Orange	Longitude:
Total Points: *Stream is at least intermittent if ≥ 19 or perennial if ≥ 30**	Stream Determination (circle one) Ephemeral Intermittent Perennial	Other *e.g. Quad Name:*

A. Geomorphology (Subtotal =)	Absent	Weak	Moderate	Strong
1ª Continuity of channel bed and bank	0	1	2	3
2. Sinuosity of channel along thalweg	0	1	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	1	2	3
4. Particle size of stream substrate	0	1	2	3
5. Active/relict floodplain	0	1	2	3
6. Depositional bars or benches	0	1	2	3
7. Recent alluvial deposits	0	1	2	3
8. Headcuts	0	1	2	3
9. Grade control	0	0.5	1	1.5
10. Natural valley	0	0.5	1	1.5
11. Second or greater order channel	No = 0		Yes = 3	

ª artificial ditches are not rated; see discussions in manual

B. Hydrology (Subtotal =)				
12. Presence of Baseflow	0	1	2	3
13. Iron oxidizing bacteria	0	1	2	3
14. Leaf litter	1.5	1	0.5	0
15. Sediment on plants or debris	0	0.5	1	1.5
16. Organic debris lines or piles	0	0.5	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = 3	

C. Biology (Subtotal =)				
18. Fibrous roots in streambed	3	2	1	0
19. Rooted upland plants in streambed	3	2	1	0
20. Macrobenthos (note diversity and abundance)	0	1	2	3
21. Aquatic Mollusks	0	1	2	3
22. Fish	0	0.5	1	1.5
23. Crayfish	0	0.5	1	1.5
24. Amphibians	0	0.5	1	1.5
25. Algae	0	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = 0			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

[illegible]
mosquito larvae [illegible] (1 page)
aquatic worms [illegible]
[illegible] (1)

3 isolated pools [illegible]
heavy iron oxidizing bacteria [illegible]
valley [illegible]
8" sediment in thalweg – IMPACTED
no leaves in channel
debris lines

[illegible]

below R3 – [illegible] [illegible] continue [illegible]