

SPECIAL USE PERMIT APPLICATION



TOWN OF CHAPEL HILL
Planning Department
405 Martin Luther King Jr. Blvd.
Chapel Hill, NC 27514
phone (919) 969-5066 fax (919) 969-2014
www.townofchapelhill.org

Parcel Identifier Number (PIN): 9788206500/ -4502 /-5716 Date: 11 May 2020 REV

Section A: Project Information

Project Name: Columbia Street Annex

Property Address: 1150 South Columbia Street Zip Code: 27514

Use Groups (A, B, and/or C): A and C Existing Zoning District: R-2

Project Description: Multi-use development, 6-stories including underground parking.
52 residential units with 4,000 sf general business space

Section B: Applicant, Owner, and/or Contract Purchaser Information

Applicant Information (to whom correspondence will be mailed):

Name: Coulter Jewell Thames PA, Attn Wendi Ramsden

Address: 111 West Main Street

City: Durham State: NC Zip Code: 27701

Phone: 919-682-0368 Email: wramsdn@cjtpe.com

The undersigned applicant hereby certifies that, to the best of their knowledge and belief, all information supplied with this application and accurate.

Signature: On file Date: _____

Owner/Contract Purchaser Information:

Owner **Contract Purchaser**

Name: CN Hotel LLP c/o White Oak Properties, Attn: Roland Gammon, General Partner

Address: 3008 Anderson Drive

City: Raleigh State: NC Zip Code: 27609

Phone: 919-821-4665 Email: roland@whiteoakinc.com

The undersigned applicant hereby certifies that, to the best of their knowledge and belief, all information supplied with this application and accurate.

Signature: On file Date: _____

Click [here](#) for application submittal instructions.



PROJECT FACT SHEET

TOWN OF CHAPEL HILL
 Planning Department
 REVISED 5-11-20

Section A: Project Information

Use Type: (check/list all that apply)

Office/Institutional Residential Mixed-Use Other: _____

Overlay District: (check all that apply)

Historic District Neighborhood Conservation District Airport Hazard Zone

Section B: Land Area

Net Land Area (NLA): Area within zoning lot boundaries		NLA=	160,997	sq. ft.
Choose one, or both, of the following (a or b), not to exceed 10% of NLA	a) Credited Street Area (total adjacent frontage) x ½ width of public right-of-way	CSA=		sq. ft.
	b) Credited Permanent Open Space (total adjacent frontage) x ½ public or dedicated open space	COS=		sq. ft.
TOTAL: NLA + CSA and/or COS = Gross Land Area (not to exceed NLA + 10%)		GLA=	177,090	sq. ft.

Section C: Special Protection Areas, Land Disturbance, and Impervious Area

Special Protection Areas: (check all those that apply)

Jordan Buffer Resource Conservation District 100 Year Floodplain Watershed Protection District

Land Disturbance	Total (sq. ft.)
Area of Land Disturbance (Includes: Footprint of proposed activity plus work area envelope, staging area for materials, access/equipment paths, and all grading, including off-site clearing)	71,635 sf
Area of Land Disturbance within RCD	43,610 sf
Area of Land Disturbance within Jordan Buffer	2,210 sf

Impervious Areas	Existing (sq. ft.)	Demolition (sq. ft.)	Proposed (sq. ft.)	Total (sq. ft.)
Impervious Surface Area (ISA)	676	676	48,950	48,950
Impervious Surface Ratio: Percent Impervious Surface Area of Gross Land Area (ISA/GLA)%	.38%	.38%	27.64%	27.64%
If located in Watershed Protection District, % of impervious surface on 7/1/1993	.38%	.38%	27,925 sf	27,925 sf



PROJECT FACT SHEET

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Section D: Dimensions

Dimensional Unit (sq. ft.)	Existing (sq. ft.)	Demolition (sq. ft.)	Proposed (sq. ft.)	Total (sq. ft.)
Number of Buildings	0	0	1(61,000 sf)	1(61,000 sf)
Number of Floors	0	0	6	6
Recreational Space	0	0	3,070 sf and/or PIL	3,070 sf &/or PIL

Residential Space

Dimensional Unit (sq. ft.)	Existing (sq.ft.)	Demolition (sq. ft.)	Proposed (sq. ft.)	Total (sq. ft.)
Floor Area (all floors – heated and unheated)	0	0	57,000 sf	57,000 sf
Total Square Footage of All Units				
Total Square Footage of Affordable Units				
Total Residential Density				
Number of Dwelling Units	0	0	52	52
Number of Affordable Dwelling Units	0	0	8 units	8 units
Number of Single Bedroom Units				
Number of Two Bedroom Units				
Number of Three Bedroom Units				

Non-Residential Space (Gross Floor Area in Square Feet)

Use Type	Existing	Proposed	Uses	Existing	Proposed
Commercial	0	0			
Restaurant			# of Seats		
Government					
Institutional					
Medical					
Office	0	4,000 sf			
Hotel			# of Rooms		
Industrial					
Place of Worship			# of Seats		
Other					

260'		Required by Ordinance	Existing	Proposed
Setbacks (minimum)	Street	0	n/a	26'
	Interior (neighboring property lines)	0	n/a	112'
	Solar (northern property line)	20'	n/a	170'
Height (maximum)	Primary	70'	n/a	70'
	Secondary	114'	n/a	84.5'
Streets	Frontages	80'	n/a	390'
	Widths	62'	n/a	260'



PROJECT FACT SHEET

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Section F: Adjoining or Connecting Streets and Sidewalks

Note: For approval of proposed street names, contact the Engineering Department.

Street Name	Right-of-Way Width	Pavement Width	Number of Lanes	Existing Sidewalk*	Existing Curb/Gutter
S Columbia Street	var	76'	5	<input type="checkbox"/> Yes	NC 54 Yes
NC 54 ramp	var	20' (on ramp)	1	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes

List Proposed Points of Access (Ex: Number, Street Name):

*If existing sidewalks do not exist and the applicant is adding sidewalks, please provide the following information:

Sidewalk Information			
Street Names	Dimensions	Surface	Handicapped Ramps
S Columbia Street	5' wide	concrete	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
			<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Section G: Parking Information

Parking Spaces	Minimum	Maximum	Proposed
Regular Spaces	62	106	66
Handicap Spaces	3	5	3
Total Spaces	65	111	69
Loading Spaces	0		0
Bicycle Spaces	19		Will meet LUMO minimum
Surface Type	Concrete, asphalt, pavers		

Section H: Landscape Buffers

Location (North, South, Street, Etc.)	Minimum Width	Proposed Width	Alternate Buffer	Modify Buffer
North	20'	20'	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
West	20'	20'	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
South	30'	30'	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
East (street)	30'	0-30'	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes



Section I: Land Use Intensity

Existing Zoning District:
 Proposed Zoning Change (if any):

Zoning – Area – Ratio			Impervious Surface Thresholds			Minimum and Maximum Limitations	
Zoning District(s)	Floor Area Ratio (FAR)	Recreation Space Ratio (RSR)	Low Density Residential (0.24)	High Density Residential (0.50)	Non-Residential (0.70)	Maximum Floor Area (MFA) = FAR x GLA	Minimum Recreation Space (MSR) = RSR x GLA
MU-V Art'l	1.2					103,724	
streamside	.01					359	
managed	.019					734	
TOTAL						104,817 sf	3,070 sf
RCD Streamside	.01						
RCD Managed	.019						
RCD Upland	1.2						

Section J: Utility Service

Check all that apply:

Water	<input checked="" type="checkbox"/> OWASA	<input type="checkbox"/> Individual Well	<input type="checkbox"/> Community Well	<input type="checkbox"/> Other
Sewer	<input checked="" type="checkbox"/> OWASA	<input type="checkbox"/> Individual Septic Tank	<input type="checkbox"/> Community Package Plant	<input type="checkbox"/> Other
Electrical	<input type="checkbox"/> Underground <input type="checkbox"/> Above Ground			
Telephone	<input type="checkbox"/> Underground <input type="checkbox"/> Above Ground			
Solid Waste	<input checked="" type="checkbox"/> Town	<input type="checkbox"/> Private		



**SPECIAL USE PERMIT APPLICATION
SUBMITTAL REQUIREMENTS
TOWN OF CHAPEL HILL
Planning Department**

The following must accompany your application. Failure to do so will result in your application being considered incomplete. For assistance with this application, please contact the Chapel Hill Planning Department (Planning) at (919) 969-5066 or at planning@townofchapelhill.org.

<input type="checkbox"/>	Application fee (including Engineering Review fee) (refer to fee schedule)	Amount Paid \$ <input type="text"/>
<input type="checkbox"/>	Pre-application meeting –with appropriate staff	
<input checked="" type="checkbox"/>	Digital Files – provide digital files of all plans and documents	
<input type="checkbox"/>	Recorded Plat or Deed of Property	
<input checked="" type="checkbox"/>	Project Fact Sheet	
<input type="checkbox"/>	Traffic Impact Statement – completed by Town’s consultant (or exemption)	
<input type="checkbox"/>	Description of Public Art Proposal	
<input checked="" type="checkbox"/>	Statement of Justification	
<input checked="" type="checkbox"/>	Response to Community Design Commission and Town Council Concept Plan comments	
<input checked="" type="checkbox"/>	Affordable Housing Proposal, if applicable	
<input type="checkbox"/>	Provide existing Special Use Permit, if Modification	
<input type="checkbox"/>	Mailing list of owners of property within 1,000 feet perimeter of subject property (see GIS notification tool)	
<input type="checkbox"/>	Mailing fee for above mailing list (mailing fee is double due to 2 mailings)	Amount Paid \$ <input type="text"/>
<input checked="" type="checkbox"/>	Written Narrative describing the proposal	
<input type="checkbox"/>	Resource Conservation District, Floodplain, & Jordan Buffers Determination – necessary for all submittals	
<input type="checkbox"/>	Jurisdictional Wetland Determination – if applicable	
<input type="checkbox"/>	Resource Conservation District Encroachment Exemption or Variance (determined by Planning)	
<input type="checkbox"/>	Jordan Buffer Authorization Certificate or Mitigation Plan Approval (determined by Planning)	
<input type="checkbox"/>	Reduced Site Plan Set (reduced to 8.5” x 11”)	

Stormwater Impact Statement (1 copy to be submitted)

- a) Written narrative describing existing & proposed conditions, anticipated stormwater impacts and management structures and strategies to mitigate impacts
- b) Description of land uses and area (in square footage)
- c) Existing and proposed impervious surface area in square feet for all subareas and project area
- d) Ground cover and uses information
- e) Soil information (classification, infiltration rates, depth to groundwater and bedrock)
- f) Time of concentration calculations and assumptions
- g) Topography (2-foot contours)
- h) Pertinent on-site and off-site drainage conditions
- i) Upstream and/or downstream volumes
- j) Discharges and velocities
- k) Backwater elevations and effects on existing drainage conveyance facilities
- l) Location of jurisdictional wetlands and regulatory FEMA Special Flood Hazard Areas
- m) Water quality volume calculations
- n) Drainage areas and sub-areas delineated
- o) Peak discharge calculations and rates (1, 2, and 25-year storms)
- p) Hydrographs for pre- & post-development without mitigation, post-development with mitigation
- q) Volume calculations and documentation of retention for 2-year storm



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- r) 85% TSS removal for post-development stormwater runoff
- s) Nutrient loading calculations
- t) BMP sizing calculations
- u) Pipe sizing calculations and schedule (include HGL & EGL calculations and profiles)

Plan Sets (10 copies to be submitted no larger than 24" x 36")

Plans should be legible and clearly drawn. All plan set sheets should include the following:

- Project Name
- Legend
- Labels
- North Arrow (North oriented toward top of page)
- Property boundaries with bearing and distances
- Scale (Engineering), denoted graphically and numerically
- Setbacks
- Streams, RCD Boundary, Jordan Riparian Buffer Boundary, Floodplain, and Wetlands Boundary, where applicable
- Revision dates and professional seals and signatures, as applicable

Cover Sheet

- a) Include Project Name, Project fact information, PIN, and Design Team

Area Map

- a) Project name, applicant, contact information, location, PIN, & legend
- b) Dedicated open space, parks, greenways
- c) Overlay Districts, if applicable
- d) Property lines, zoning district boundaries, land uses, project names of site and surrounding properties, significant buildings, corporate limit lines
- e) Existing roads (public & private), rights-of-way, sidewalks, driveways, vehicular parking areas, bicycle parking, handicapped parking, street names
- f) 1,000' notification boundary

Existing Conditions Plan

- a) Slopes, soils, environmental constraints, existing vegetation, and any existing land features
- b) Location of all existing structures and uses
- c) Existing property line and right-of-way lines
- d) Existing utilities & easements including location & sizes of water, sewer, electrical, & drainage lines
- e) Nearest fire hydrants
- f) Nearest bus shelters and transit facilities
- g) Existing topography at minimum 2-foot intervals and finished grade
- h) Natural drainage features & water bodies, floodways, floodplain, RCD, Jordan Buffers & Watershed boundaries



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Detailed Site Plan

- a) Existing and proposed building locations
- b) Description & analysis of adjacent land uses, roads, topography, soils, drainage patterns, environmental constraints, features, existing vegetation, vistas (on and off-site)
- c) Location, arrangement, & dimension of vehicular parking, width of aisles and bays, angle of parking, number of spaces, handicapped parking, bicycle parking. Typical pavement sections & surface type.
- d) Location of existing and proposed fire hydrants
- e) Location and dimension of all vehicle entrances, exits, and drives
- f) Dimensioned street cross-sections and rights-of-way widths
- g) Pavement and curb & gutter construction details
- h) Dimensioned sidewalk and tree lawn cross sections
- i) Proposed transit improvements including bus pull-off and/or bus shelter
- j) Required landscape buffers (or proposed alternate/modified buffers)
- k) Required recreation area/space (including written statement of recreation plans)
- l) Refuse collection facilities (existing and proposed) or shared dumpster agreement
- m) Construction parking, staging, storage area, and construction trailer location
- n) Sight distance triangles at intersections
- o) Proposed location of street lights and underground utility lines and/or conduit lines to be installed
- p) Easements
- q) Clearing and construction limits
- r) Traffic Calming Plan – detailed construction designs of devices proposed & associated sign & marking plan

Stormwater Management Plan

- a) Topography (2-foot contours)
- b) Existing drainage conditions
- c) RCD and Jordan Riparian Buffer delineation and boundary (perennial & intermittent streams; note ephemeral streams on site)
- d) Proposed drainage and stormwater conditions
- e) Drainage conveyance system (piping)
- f) Roof drains
- g) Easements
- h) BMP plans, dimensions, details, and cross-sections
- i) Planting and stabilization plans and specifications

Landscape Protection Plan

- a) Rare, specimen, and significant tree survey within 50 feet of construction area
- b) Rare and specimen tree critical root zones
- c) Rare and specimen trees proposed to be removed
- d) Certified arborist tree evaluation, if applicable
- e) Significant tree stand survey
- f) Clearing limit line
- g) Proposed tree protection/silt fence location
- h) Pre-construction/demolition conference note
- i) Landscape protection supervisor note
- j) Existing and proposed tree canopy calculations, if applicable



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Planting Plan

- a) Dimensioned and labeled perimeter buffers
- b) Off-site buffer easement, if applicable
- c) Landscape buffer and parking lot planting plan (including planting strip between parking and building, entryway planting, and 35% shading requirement)

Steep Slope Plan

- a) Classify and quantify slopes 0-10%, 10-15%, 15-25%, and 25% and greater
- b) Show and quantify areas of disturbance in each slope category
- c) Provide/show specialized site design and construction techniques

Grading and Erosion Control Plan

- a) Topography (2-foot contours)
- b) Limits of Disturbance
- c) Pertinent off-site drainage features
- d) Existing and proposed impervious surface tallies

Streetscape Plan, if applicable

- a) Public right-of-way existing conditions plan
- b) Streetscape demolition plan
- c) Streetscape proposed improvement plan
- d) Streetscape proposed utility plan and details
- e) Streetscape proposed pavement/sidewalk details
- f) Streetscape proposed furnishing details
- g) Streetscape proposed lighting detail

Solid Waste Plan

- a) Preliminary Solid Waste Management Plan
- b) Existing and proposed dumpster pads
- c) Proposed dumpster pad layout design
- d) Proposed heavy duty pavement locations and pavement construction detail
- e) Preliminary shared dumpster agreement, if applicable



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Construction Management Plan

- a) Construction trailer location
- b) Location of construction personnel parking and construction equipment parking
- c) Location and size of staging and materials storage area
- d) Description of emergency vehicle access to and around project site during construction
- e) Delivery truck routes shown or noted on plan sheets

Energy Management Plan

- a) Description of how project will be 20% more energy efficient than ASHRAE standards
- b) Description of utilization of sustainable forms of energy (Solar, Wind, Hydroelectric, and Biofuels)
- c) Participation in NC GreenPower program
- d) Description of how project will ensure indoor air quality, adequate access to natural lighting, and allow for proposed utilization of sustainable energy
- e) Description of how project will maintain commitment to energy efficiency and reduced carbon footprint over time
- f) Description of how the project's Transportation Management Plan will support efforts to reduce energy consumption as it affects the community

Exterior Elevations

- a) An outline of each elevation of the building, including the finished grade line along the foundation (height of building measured from mean natural grade)



Coulter Jewell Thames, PA

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Planning for the Future

May 11, 2020

Mr Jake Lowman
Town of Chapel Hill Planning Department
405 Martin Luther King Jr Blvd
Chapel Hill, NC 27514

RE: SPECIAL USE PERMIT APPLICATION – PROJECT NARRATIVE - REVISED
COLUMBIA STREET ANNEX, 1150 South Columbia Street

Jake:

Enclosed is the resubmittal for the Special Use Permit application for the Columbia Street Annex multi-use project.

The project site is located at the northwest corner of South Columbia Street and the NC 54 westbound on-ramp at the south end of Chapel Hill. The site is currently wooded / vacant with a jurisdictional stream buffer running north to south approximately 200-300 feet west of the street right of way.

The proposed development will include 6-story buildings set into the steep drop between the Columbia Street roadway and the much lower stream area to the west, and connected by a pedestrian plaza at street level. The lowest level will be underground parking and walk up entries to some residential units facing the stream area. The main floor at street level will be residential and office/general business space. This level will sit above and overlook the stream area to the west, but will be at street level with plaza pedestrian access on the Columbia Street side. This space is intended to provide offices and shared commercial space for the residential tenants to create a live/work environment for the project. The top four levels will be residential units; mainly 1 bedroom, with a few 2 bedroom units.

Total square footage for the building will not exceed 61,000 square feet broken down as approximately 4,000 sf of general business space, and 57,000 sf for 52 residential units. There will be 69 parking spaces in an underground garage and surface spaces on the west side of the building, not visible from the street. Some surface parking located near Columbia Street right of way will sit 16' below street level but will be separated from the street view by a retaining wall and plant screening. Service and trash will be located at the south end of the project and not visible from the road. The vehicular layout allows service and emergency vehicle access. Bicycle parking will be accommodated in the residential units, in the

underground garage, and a few short term spaces located in the street level plaza accessible from Columbia Street.

Site vehicular access will be located at the northernmost part of the site, across from Purefoy Road to remove it as much as possible from the 15/501/54 / Columbia Street intersection. This configuration will allow full turn circulation as requested by NC DOT. A new sidewalk would be built in the right of way to connect to existing sidewalk from the north and continuing down to the NC54 ramp intersection. There is a requirement for 40% tree coverage on site that will be satisfied entirely with existing trees on the west side of the stream buffer. This project will include only minimal land disturbance west of the stream where an existing culvert will be removed at the request of the Town's stormwater group. Landscape buffers will be planted in disturbed areas on the northern, northwestern and eastern property lines, and a modified buffer will be provided on the street frontage.

The applicant is requesting a landscape buffer modification on South Columbia Street. The required buffer would be a 30' wide buffer planted to 'D' level opacity. But we are requesting a buffer ranging in width from 0 to 30' and with 30% of the total required plantings on the project property. This frontage will be opening to a pedestrian plaza to allow this awkward site to be accessible by pedestrians from South Columbia Street. The Owner would like to also plant some street trees in the DOT right of way and will work with DOT toward this condition. Those would be additional to the 30% plantings. The reduction will provide some buffering between the street and the building and shade for pedestrians along that sidewalk, while still providing view of the building and extensive access to the plaza area.

The applicant is requesting a reduction in parking to a minimum of 80% of the minimum requirement. The unit mix and quantity within the building have not been finalized by the owner. Project minimum parking is 65 spaces, and if the unit count is kept to 52 and the non-residential space to the low end, the 69 spaces that can be provided on site will satisfy the requirement. But the project is accessible to multiple alternate forms of transit, and if at the time of final design the market does not demand as much parking and the building program is at the higher end of the approved range, the total parking count may fall below the current LUMO requirement. The 69 spaces shown on the current plan are expected to satisfy the parking demand at this location. There are 28 double stacked spaces in the underground garage, suiting parking needs for 14 of the largest residential units and leaving 41 spaces to satisfy the demands of the other units and the non-residential space. With the existing sidewalk system in place, the bike lanes, public transit service, and the location of this project close to campus and downtown Chapel Hill, it is expected that 80% of the parking requirement will fulfil the user demands and encourage alternative forms of transportation. The owner is requesting a modification to allow a reduction to 80% of the required spaces as the minimum standard, though would have the right to provide as many as 69 spaces total.

Stormwater management will be handled through a BMP located under the surface parking west of the building. Stormwater management will meet State regulations. The developer is arguing that during the early application review in 2014 the stream was determined to be intermittent and therefore needs only a 50' RCD and buffer area. This is the information shown on the plans. The site is steeply sloped and is not in a flood plain. The 50' stream buffer will be protected and the majority of all construction and disturbance will remain outside of that zone. The stream itself does not always have water in it, and is

only 1-2 feet wide, and any visible banks are less than a foot above the bottom of the channel. The new project will have a retaining wall as the divider between the buffer and the parking lot. The development sits a minimum of 11 feet higher than the bottom of the stream. A modification to allow development in the managed and upland RCD zones, and a modification to disturb all steep slopes east of the stream area also being requested. This modification also includes a request to disturb more than stated ordinance amount, and to increase the impervious more than the stated ordinance amount. The project will be in conformance with the disturbance and impervious limits in the streamside zone. In the managed zone the disturbance will be approximately 60% - the ordinance restricts disturbance in this area to 40%. The project will be in conformance with the impervious limits in the managed zone.

In the upland zone, the disturbance will be approximately 53% while the ordinance restricts it to 40%. And the final impervious will be approximately 40% - double the ordinance restriction of 20%. A separate RCD Exemption Application has been submitted.

The final modification being requested is for a use mix percentage well below the LUMO mandated 25% per use. This is to reduce the parking needs while still providing general business space to encourage a live-work opportunity.

Trash and recycling will be handled in a dumpster facility at the bottom on the entry drive, accessible for Town and County pickup. Both garbage truck and fire truck access will meet Town standards.

A traffic impact study has been completed for this project, which fronts two NC DOT streets and no Town streets. The Owner has spoken with Chuck Edwards at DOT and will work with DOT to provide the turn lanes and safety measures required by DOT. The Town has requested an updated traffic impact study which the Owner is proposing to do during the ZCP phase of approvals when the counts and flows would be more accurate to the final project.

A rezoning application to change this site from R-2 to MU-V is being submitted concurrently with this SUP application to allow for a development with more building height and density.

The project has gone through the Town's Concept review process. It was presented to the Community Design Commission in October 2007 and there is a separate document responding to the board members' comments. The project also was reviewed by Town Council in February 2008, and a separate document addresses and responds to their concerns.

Sincerely,

Coulter Jewell Thames, PA

Wendi Ramsden RLA



cc. Phil Szostak – Architect, Szostak Design
Roland Gammon – Owner, CH Properties



Coulter Jewell Thames, PA

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Planning for the Future

COLUMBIA STREET ANNEX

1150 South Columbia Street

SPECIAL USE PERMIT APPLICATION - **STATEMENT OF JUSTIFICATION**

26 April 2018

REVISED 11 May 2020

The project site is located at the northwest corner of South Columbia Street and the NC54 westbound entry ramp. The proposed use will be a mix of 52 residential units and some office/general business space in a 61,000 sf building. Stormwater control and tree coverage will meet Town standards. We will be asking for 5 modifications: 1- Reduction of the width and plantings in the landscape buffer on South Columbia Street 2- Potential reduction of parking from the requirement 3- Permission to build in the managed use and upland RCD zones and to exceed ordinance disturbance and impervious limits, 4- Permission to disturb steep slopes, and 5-modification to the required use mix percentages.

We believe the project satisfies all the required findings as stated in section 4.5.2 of the Town's Land Use Management Ordinance. These findings and our responses to how we address each finding are submitted as follows:

- 1. The use is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare.***

The project will be designed with open public space on the South Columbia frontage and more private space for residents on the west facing part of the building and site. Parking and plaza areas will be well lighted to meet the Town's lighting codes. Public sidewalk and handicap accessibility will be provided. The new building will comply with all current building and safety codes.

A traffic impact study has been completed for this project, and the owner will work with Town Transportation and NC DOT to update counts as relevant during the final plan application phase. The proposed access to the site has been located at the north end of the whole parcel, across from Purefoy Road and as far from the highway overpass as possible. The drive would be located 420 feet away from

the 15/501/54 / Columbia intersection. There is no other possible frontage for vehicular access to or from the site. The south end of the property fronts the NC 54 entry ramp. The Monroe Street right of way is not improved, topographically doesn't meet the South Columbia Street pavement elevation, and to the west crosses a jurisdictional stream buffer into a quiet residential street. The closing of this right of way will be taken to Council prior to the final SUP and Rezoning presentations. When the right of way closing is recorded, an access easement will be recorded at the same time with boundaries to align with the project's proposed driveway and the remaining Monroe Street right of way at the site's western property line.

The project will have minimal impact on utility demands. The site is already serviced with water, sanitary sewer, power, and natural gas. There will be no need for public upgrade of utilities to service this site, though the project will be installing a pump force main to connect sanitary sewer service to an existing manhole in S Columbia Street at Purefoy. The project will add a fire hydrant on South Columbia Street which will directly serve the new facility but which will also be an appropriate additional streetside and publicly accessible hydrant for the area.

2. The use complies with all required regulations and standards of the LUMO including all applicable provisions of articles 3 and 5, the applicable specific standards contained in the supplemental use regulations (article 6) and with all other applicable regulations.

We are requesting a concurrent zoning amendment to allow for more built square footage and a taller building than would be allowed in the existing zoning. All dimensional, design, and development standards are in conformance with applicable LUMO standards for the proposed zone except for a request for five modifications outlined above: streetside landscape buffer, potential parking reduction, building disturbance, and impervious surfaces in the managed and upland RCD zones, disturbance of steep slopes, and a reduced non-residential use percentage.

3. The use is located, designed and proposed to be operated so as to maintain or enhance the value of contiguous property, or the use is a public necessity.

It is expected that the new project will maintain or enhance the value of contiguous property. The site is currently forested but is quite overgrown at the street edges. The streets have been built up over time in order to allow enough elevation for an overpass at the NC 54 intersection. Because of this, the property sits as much as 25' below street level. It would be difficult to fill the site to make it usable for single family homes as there is a jurisdictional stream buffer 200-300' inside the site which runs the entire length north to south. The proposed design will create a building which takes advantage of the elevation changes by putting underground parking on the lowest level (away from street view), and creating a pedestrian connection at street level to a plaza area and to the buildings. Because the parking and lowest floor will sit below the level of S Columbia Street, the structure will appear less than 6 stories. The upper floors and the space facing west toward the stream and lower slopes would be used for residential purposes. In this way the building itself acts as beacon at the gateway into Town, and provides a transition between the busy arterial street on the east facing side, and the residential

neighborhood to the west. Additionally because the space is constructed in a 6 story building, an economically efficient density can be reached while leaving more than half the site undisturbed in existing forest. The concurrent rezoning would support the taller structure of mixed residential and non-residential uses that are being proposed.

4. *The use conforms with the general plans for the physical development of the town as embodied in the appendix and in the comprehensive plan.*

The project site is located at the northwest corner of South Columbia Street and NC 54. Though not in an area specifically identified for future development, the area has definitely changed and traffic increased since the residential zoning was instated. The topographic constraints and the location of the parcel facing two arterial roads make it less attractive for single family home development than for a mix of other uses.

2020 Comprehensive Plan

The proposed project complies with all six goals as specified in the 2020 Plan.

Theme 1: A Place For Everyone - The proposed development will add to the diversified housing types in town. (PFE.3)

Theme 2: Community Prosperity and Engagement - The project site is a vacant lot in a gateway location at the south end of town. The proposed development will increase the value of the land in a place where infrastructure is already completely in place. Because the site is so far below the street (25') and is limited by a stream and associated buffer only 200-300 feet inside the site, there is a limit to the R-2 potential building in this location. By recombining the parcels and creating access to the whole piece from the most northerly point, the lot will become more valuable by being fully developed, but only if the increased density and building height can be built. (CPE.1) The small size general business space available within the building will foster small / start-up businesses and live-work space, and the project provides housing and small scale work space within walking distance of the hospital and science buildings on campus. (CPE.3)

Theme 3: Getting Around - The project site has accessible frontage on one public street and is already connected to the rest of the community by sidewalks, bike lanes, and local bus service. (GA.2) There is an existing Chapel Hill Transit stop at the north end of the site which is serviced by 4 local bus routes. (GA.4) The developer proposes to install a shelter, solar lighting, and a passenger information sign to improve the existing bus stop at the Purefoy / Columbia intersection. Potentially a future BRT station would also be located in this block. The project is located very close to schools, the University, and the Morgan Creek Greenway Trail, allowing users to access the site on foot or by bicycle as well as public transit or private car. The project will provide underground and open car parking, and covered bicycle parking. (GA.8)

Theme 4: Good Places, New Spaces - The proposed development increases density in a well-served area, which helps minimize sprawl. (GPNS.1) Development of these lots was made difficult years ago when the raised South Columbia / NC 54 intersection was installed, creating a site located as much as 25' below street level at points, and with no possible access from the south end. Additionally, more stringent stormwater and stream protection requirements adopted during the past 15 years have severely limited the building envelope on site. The proposed development works within these limitations. The underground parking takes advantage of land below street level and the building itself acts as a transition providing a public street front on the east side and a more private space overlooking the natural environment of stream and forest toward the west. (GPNS.2 and GPNX.6) This development will be a signature building visible to everyone entering Town at this location. At the same time, the project is protecting the stream and buffer area, and by increasing the density on the east portion of the site is able to leave a large treed area protected in the western half of the site, thereby fully utilizing the site while protecting environmental elements. (GPNS.8)

Theme 5: Nurturing Our Community - The proposed development will provide tree coverage and stormwater management on site to meet or exceed the Town's standard requirements. (NOC.2) The steep difference between the street elevation and the stream elevation only 200-300 feet away creates a challenge to development that would require either fill or very high retaining walls to create a level building envelope. The building design takes advantage of this elevation difference by setting the building into the slope and allowing the building to become the transition between the street and stream as fixed elements. The site allows for building access on at least two levels and the development takes advantage of that by tucking over half of the parking under the building, thereby reducing impervious area and screening the parking from the street view. There will be a pedestrian plaza at street level providing an urban feel for the pedestrian and creating a gracious visual and pedestrian entry into the building. The west facing side of the building will have views of the stream and forest and allow the building to create a noise and visual buffer from the busy street. This is the direction many of the residential units will face. (NOC.7) The high density of the building itself allows the footprint to remain small and therefore allows a large portion of the site to remain undisturbed in existing forest and stream buffer. (NOC.3) The siting of the building also creates a transition between the noise and commotion of Columbia Street and the quieter residential neighborhood to the west. (NOC.8)

Theme 6: Town and Gown Collaboration - Though the project is not being built in collaboration with the University, it's location within easy walking distance of the south end of campus will make it an attractive support facility for University employees and students and people whose business is connected with the University. (TGC.4 and TGC.6)

Requested Modifications

The applicant is requesting 5 modifications.

1. **Reduction of the width and plantings in the streetside landscape buffer on South Columbia Street.** The required buffer would be 30' wide and planted to 'D' level opacity. The applicant is

requesting a reduction to 70% of the plant material in an area with an average width of 12' against the proposed new street sidewalk.

Landscape Buffer Reduction Justification

The Owner is creating a pedestrian plaza at the street level which is being partially built on top of underground parking and that roof system will not support the full landscape buffer. Additionally the design intent is to create an open space for pedestrians to transition between the public sidewalk and the streetside plaza and for the space to have an urban atmosphere rather than a suburban one. Parking near the street will be located 16' below street level and retaining walls and landscaping will be used to screen that parking which will not be visible from the street. We will work with NC DOT and are requesting permission from them to plant some trees the Columbia Street DOT right of way. The buffer as currently designed will vary in width between zero and 30' with an average width of 12'. The modification also requests a 70% reduction in plant material from the required 23 canopy trees, 47 understory trees and 156 shrubs to 7 canopy trees, 15 understory trees, and 50 shrubs within the project site.

2. Potential Parking Reduction

The unit mix and quantity within the building has not been finalized by the owner. Project minimum parking is 65 spaces, and if the unit count is kept to this, the 69 spaces that can be provided on site will satisfy the requirement.

Parking Reduction Justification

The project is accessible to multiple alternate forms of transit, and if at the time of final permitting the market does not demand as much parking, the total count may fall below the current LUMO requirement. The 69 spaces shown on the current plan are expected to satisfy the parking demand at this location. There are 28 double stacked or tandem spaces in the underground garage, suiting parking needs for 14 of the larger residential units. With the existing sidewalk system in place, the bike lanes, public transit service, and the location of this project close to campus and downtown Chapel Hill, it is expected that 80% of the parking requirement will fulfil the user demands and encourage alternative forms of transportation. The owner also intends to offer a discount on some units if they are taken without associated parking spaces. The owner is requesting a modification to allow a reduction to 80% of the required spaces as the minimum standard if needed at final plan.

3. Modification to allow structures and parking in the managed and upland RCD zones and to exceed disturbance and impervious limits within the managed and upland RCD zones

There is only 120-320 feet between the right of way and the existing stream on site. There is no associated flood plain on this property or within 300' of the parcel. The developer is requesting permission to construction the building and parking in the outer RCD zones and to concentrate

development on the east side of the stream, thereby leaving over half the site in undisturbed forest.

RCD Buffer Impact Justification

The Special Use Permit Application for this project was first submitted in April, 2014. At that time, the subject stream was identified by the Town as being **Intermittent** in nature, and the resulting 50' RCD line was incorporated into the project design. The advancement of the SUP was then stalled by delays created over indecision by NCDOT and the Town about potential future right of way taking needed for a S. Columbia/Fordham Blvd. Interchange improvement precipitated by the Obey Creek Project south on NC 15/501. The Applicant subsequently withdrew the application and then re-submitted in order to try and force the issue on the right of way acquisition.

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, which by LUMO requires a 150' RCD from top of bank. The developer is puzzled by this, as the stream and surrounding environment have not changed since the initial application. This determination now essentially renders the land area between the eastern side of the stream and South Columbia unusable, absent a consideration of an RCD Encroachment.

Further, the location of the stream channel bisecting the site north to south, along with the constraint along Fordham Blvd on-ramp means that the land on the west side of the stream is challenging at best to access. This is further exacerbated by the steep slopes to the east and west of the channel. The site is for all intents and purposes rendered un-buildable given a 300' plus wide swath of RCD through the property.

We would suggest that proposed project has too many positive benefits to the goals of the Town to remain undeveloped. Those include creation of a mixed-use building that has the inherent efficiencies of live/work opportunities; the millions of dollars in tax base created for the Town and County; and not least the construction of a significant well-designed building that can further enhance the southern gateway into Town.

We would also suggest that there are negligible if any adverse environmental impacts that would be created by granting our RCD encroachment request. The lowest floor elevation will still be well above the above the stream channel. There is no flood plain on the site that would be impacted. Stormwater will be treated in an underground detention facility to meet State and Town standards. This facility will be reviewed and approved by the Town Stormwater Department prior to construction and will mitigate increased runoff conditions caused by the increase in impervious surface on the site. The project development will removed some stream obstructions currently in place, and will help remove some of the non-native invasive vegetation on site.

For these and other reasons we are therefore requesting that the project as proposed be allowed to be constructed in the location shown on the SUP Plans.

4. Modification to steep slope disturbance

LUMO section 5.3.2 specifies that the disturbance of steep slopes is to be minimized in order to protect water bodies from the effects of erosion on water quality, to protect plant and animal habitat, and to preserve the natural beauty and economic value of the Town's wooded hillsides. And the stated limit to disturbance of steep slopes is one quarter of existing steep slopes on site.

Steep Slope Disturbance Justification

Basically all the land between the stream buffer and the street will be disturbed to install the project and that land is very steep in its entirety. There is no flat space in the parcel that would be better suited to development. The majority of steep slope on the site is located in this area and was man-made during the South Columbia Street/15/501/NC54 interchange construction over 20 years ago.

The steep slopes on site are not related to water bodies or wetlands. And the terracing of the site and stormwater mitigation of all impervious area will protect the stream area. When the project is complete there will still be significant evidence of steep slopes and elevation change throughout the site.

5. Modification to required use mix percentages in the MU-V zone

LUMO section 3.5.1 specifies that the MU-V mixed use district have a mix of at least 25% floor area residential and a minimum 25% floor area in office/commercial uses. The developer is requesting an exemption to the minimum non-residential component to allow as little as 6% non-residential uses.

Office/Commercial Percentage Reduction Justification

The building is not located in an area with other businesses, but is on a busy street not suitable for the single family residential use it is currently zoned for. The existing topography of the site is conducive to a tall building (a high square footage) to bridge the elevation changes between the stream buffer area below and the existing streets above. But there is no on-street parking nearby or public parking available, so any uses on site will need to have parking provided on site. The parking requirements for commercial or office space are much higher per square foot than residential use, both the ordinance and market driven requirements. The non-residential space in this project will target consultants or businesses that do not have a lot of visitors, and will target users who live in the building so that the project is geared for a live/work facility. So the developer is asking for a reduction in the commercial component to be able to provide a live/work space, but not a full office/restaurant/retail experience as the area is not currently conducive to retail or restaurant uses.

037425

STATE OF NORTH CAROLINA



Real Estate Excise Tax

475.00

SEP 13 '89

P.B. 11224

BOOK 813 PAGE 144

FILED

BOOK 813 PAGE 144

SEP 13 5 16 PM '89

BETTY JUNE HAYES
REGISTER OF DEEDS
ORANGE COUNTY, N.C.

Excise Tax

475.00

Recording Time, Book and Page

Tax Lot No. 7-126-E-1 Parcel Identifier No. 9788-20-5442
Verified by _____ County on the _____ day of _____, 19
by _____

Mail after recording to G. Norman Acker, III, Acker, Adkins & Garner, P.A., 3518 Westgate Drive,
Suite 202, Durham, NC 27707

This instrument was prepared by G. Norman Acker, III

Brief description for the Index

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 11th day of August, 19 89, by and between

GRANTOR

GRANTEE

H & W Developers, Inc.

C. H. Hotel Associates,
Limited Partnership

P.O. Box 28091
Raleigh, NC 27611

RECEIVED
SEP 13 11 14 AM '89
ORANGE COUNTY, N.C.

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Chapel Hill, Chapel Hill Township, Orange County, North Carolina and more particularly described as follows:

See Attached Exhibit A



813 144 1/3

19890913000112150 DEED
Bk: RB813 Pg: 144
9/13/1989 1/3



Coulter Jewell Thames, PA

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111 WEST MAIN STREET
DURHAM, NC 27701
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Planning for the Future

RESPONSE TO CONCEPT PLAN REVIEW, COMMUNITY DESIGN COMMISSION COLUMBIA STREET ANNEX

1150 South Columbia Street

Town File 9788-20-4502

April 26, 2018

REVISED May 11, 2020

The concept plan was original presented to the COMMUNITY DESIGN COMMISSION on WEDNESDAY, OCTOBER 24, 2007, 6:00 P.M.

The project included 87,000 sf floor area in four buildings proposed as a mixed use development on a 4.6 acre site located in an R-2 zoning district. There is RCD on the site. The uses included 75,000 sf residential in 32 dwelling units with 15% proposed as affordable housing. The remaining 12,000 sf would be retail and office on the ground floor. Parking for 80 cars was proposed. The mixed use proposal was described as a carbon zero development.

The scope has changed slightly since 2007. As the design is developed, the proposed design for the 4.6 acre project now includes 52 residential units, 4,000 sf of non-residential general business space, and a parking reduction to approximately 69 spaces. Total building square footage will be reduced to 61,000 sf.

At the hearing: Chairperson Jonathan Whitney called the meeting to order at 6:00 p.m. Commission members present were Mark Broadwell, George Cianciolo, Kathryn James, Gretchen MacNair, Laura King Moore, Scott Nilsen, Amy Ryan, Jonathan Whitney (Chair), and Robin Whitsell (Vice-Chair). Staff members present were Kay Pearlstein, Senior Planner and Kay Tapp, Senior Planning Technician.

CITIZEN COMMENTS

1. Joe Capowski, a resident of Coolidge Street, stated that the biggest bottle-neck to the project is S. Columbia Street traffic. He showed a photo taken the previous day at 5:00 p.m. of traffic on S. Columbia Street to illustrate the traffic problem. He believed that it would be difficult if not impossible to make a left turn out the proposed development at certain times of the day during peak traffic. He

supported bus use, but stated that it would be dangerous for people to cross S. Columbia Street to catch the bus to the University. He believed that the traffic problem has to be solved or the project will not be viable.

RESPONSE: Since the project was first proposed in 2007, DOT has completed road improvements on South Columbia Street. There is a stream and buffer running through the site from north to south which limits the opportunity for access/egress point anywhere but on the same side of the site as the development is proposed – which takes traffic onto South Columbia Street. Road improvements now completed include bike lanes and turn lanes and pedestrian crosswalks. Additionally this building as a mixed use space with sidewalks and bike lanes connecting it to other parts of town will promote a clustering of activities and alternate forms of transportation.

2. Kimberly Brewer, a resident of Purefoy Road, thought that it is a wonderful project but should be on a different site; too intensive; presence of Resource Conservation District; and heavy traffic on S. Columbia Street. She believed that the 80 spaces proposed with the project will create additional traffic hazards.

Ms. Brewer stated that the Entranceway Plan for this location identifies green areas and tree canopy rather than a 2-story building. She wanted to see a project more compatible with Residential-2 zoning and better bicycle and pedestrian circulation on S. Columbia Street before major projects are built.

RESPONSE: The on-site stream has been determined to be perennial, which creates a 50' stream buffer and 150' resource conservation district zone on each side from the top of bank. There will be little disturbance of the 50' stream buffer, and much of that disturbance will involve stream improvement including removal of old culverts that are creation erosion problems.

The developer is proposing 69 parking spaces on site, but it is expected that a higher than average number of trips to and from this site will be by foot or bicycle or public transit. Ms Brewer was concerned about bicycle and pedestrian circulation on S. Columbia Street, but DOT has finished road improvements on this stretch of road to accommodate bicycles and pedestrians, including bike lanes, sidewalk, and crosswalks. This project will add skip striping as a further visual indicator of multiple users on the street. As for the intensity of use on this site, major thoroughfares are exactly where higher intensity uses should be concentrated. And the higher density residential mix in the proposed project provides an appropriate buffer between South Columbia Street and the residential uses to the west.

3. Scott Radway, a resident of Chapel Hill, stated that he had presented a proposal on this property previously and that the site is an isolated piece leftover when NC 54 was constructed. He stated that the on-site Resource Conservation District is a man-made corridor of drainage pipes and should be reconstructed.

He believed that the traffic issues are significant but that the proposed driveway is a good solution. He thought that the project should be viewed as a significant RCD reclamation project.

RESPONSE: The developer proposes a single right-in/right-out access point across from Purefoy Road. The design team has started discussions with Town of Chapel Hill stormwater staff, and also with NC DWQ staff. The stream is under the jurisdiction of Waters of the United States, and therefore the developer would need to get a US 404 permit and a NC 401 permit to do any restoration work within the stream. The design team has been advised that there will be no stormwater credit given for restoration work done on site. Given the time and expense involved in the permits and the expense of stream restoration without reduction of other stormwater requirements on site, the Owner feels it is unlikely that stream restoration will be part of this project. Little disturbance of the 50' stream buffer is proposed, and will include some minor stream restoration where an old culvert is creating erosion problems.

COMMUNITY DESIGN COMMISSION COMMENTS

1. Commissioner George Cianciolo was interested in hearing more about reclamation of the Resource Conservation District. He wants this location to be used for significant project and architecture. He encouraged the Town to be innovative with the use of the site.

Commissioner Cianciolo believed that traffic was a significant problem and encouraged the applicant to talk to Town and NCDOT traffic engineers. He supports the use of geothermal heat and wants to know that it is workable from the beginning of the project.

He asked the applicant about an Affordable Housing component. The applicant replied that Robert Dowling had suggested a payment-in-lieu. The applicant replied that it was crucial to have a non-segregated social base. The applicant also proposed live-work building design to cut down on the need for car travel.

RESPONSE: The Commission comments reference many issues.

- The developer has investigated stream restoration work within the RCD and stream buffer. Work within that stream would require multiple permits from state and federal agencies and would not reduce stormwater mitigation facility requirements on site. Therefore, given the time and monetary costs of stream restoration, the owner feels it is not feasible for this size project though some small amount of stream restoration will occur where a misplaced culvert is creating erosion problems.

- The architecture on site will be distinctive, and will be intensive on the portion of the site that is developable. The architect and owner expect the building development to act as a gateway of sorts as people exit the highway and head toward the center of town.

- Traffic in this area is an issue but NCDOT has recently completed road improvements. The

scale of this project is small enough that the owner will be requesting a TIA exemption but will work with the Town Traffic Engineer to determine if counts are relevant at the final plan stage. The design team has started discussions with the Town Traffic Engineer and will also be coordinating with the DOT regional office.

- The use of geothermal heat has been further investigated and is not going to be feasible on this project.

- AFFORDABLE HOUSING – The developer has met with Robert Downing and is proposing 8 affordable units in the project.

- The project will be mixed use residential / general business and because of its proximity to UNC campus and to public transit, the owner expects lower than average vehicular traffic and higher than average pedestrian, bicycle, and public transit use.

2. Commissioner Scott Nilsen thought the design very innovative but the intensity was too great. He stated that in order to make the live-work concept effective ideal tenants would need to be found. He wanted to see further development of the project.

RESPONSE: The proposed development results in a .312 FAR which is not overly intense for development along a thoroughfare, and is within the 1.2 FAR allowed by the proposed MU-V zoning. During the SUP process the design will be developed with much the same scope as was presented during the Concept Plan phase.

3. Commissioner Mark Broadwell considered the presence of Resource Conservation District on the property an opportunity and not an obstacle. He suggested that the western portion of the site remain undeveloped and additional compact parking spaces be included. In so doing, the western parking area could be unnecessary. He also suggested a traffic light at Purefoy Road to help with traffic.

RESPONSE: The current project scope proposes to use only the eastern portion of the site between the stream buffer and South Columbia Street. The design proposes a single vehicular access point across from Purefoy Road, with a full turn configuration and will work with DOT to ensure a safe design. It is unlikely that DOT would approve an additional traffic light so close to the existing lights at the bypass on-ramp, which are located only 450 feet to the south.

4. Commissioner Robin Whitsell thought there was a lot of pavement on the western side of the site for parking area. She liked the environmental aspects and supported the scale of the project. She also wanted to see a bike-friendly design.

RESPONSE: All the pavement for parking is on the eastern portion of the site, and more than half will be under the buildings. That pavement not only serves the surface parking spaces, but in fact all of the aisles are required for fire access. The project will be bicycle friendly – indoor

bicycle storage will be provided, and general proximity to downtown, UNC campus, and greenway trails should provide incentive for bicycle use.

5. Commissioner Laura Moore liked the unique aspects of the project. She particularly liked the proposed stream restoration but is not comfortable with the encroachments into the RCD. She wondered why the RCD had to be crossed at all. Instead, she recommended focusing the development on the eastern portion of the site and leaving the remainder of the site undeveloped. She wanted the applicant to concentrate the development and retain tree stands. She is excited about the project but cautioned the applicant about traffic and bicycle circulation problems.

RESPONSE: See response on p.2 regarding the extent to which stream restoration which is likely to occur. The project will focus on the eastern portion of the site and is not expected to cross the stream and buffer, but the owner will be asking for permission to encroach into the managed and upland RCD zones.

6. Commissioner Amy Ryan supported leaving the western portion of the site undeveloped. She thought reclamation of the RCD was acceptable but concerned about precedents for encroaching into the RCD.

She thought the siting of the project across from Merritt's Pasture is significant and did not want to see a typical office building with parking lots on this site. Instead, she wanted to see something with a subtle impact on the land and recommended a green site with suitable architecture. She was excited about a zero carbon development.

RESPONSE: The current project proposes development on the eastern portion. The design proposes an intensive use of the eastern portion but for now leaves the western portion untouched. The majority of the parking will take advantage of the slopes on site and will be provided under the building. In fact the whole development takes advantage of the slopes and multiple stories will be located below the street level and therefore the project will appear much less intensive than the numbers imply.

7. Commissioner Kathryn James hopes that the project goal of zero carbon works. She recommended intensity on the street and at the same time retaining the green canopy along S. Columbia Street.

She is concerned about the building mass but supports careful integration with nature. Keeping the building transparent is important.

RESPONSE: It is unclear at this stage if a zero carbon footprint is feasible. The use of the eastern portion of the site will be intensive, but in a pedestrian friendly way, with plazas and new plantings at the street level overtop of underground parking. It is not anticipated that any existing vegetation along South Columbia will be retained.

8. Commissioner Gretchen MacNair hopes the buildings are wonderful and will be visible from Fordham Blvd. and S. Columbia Street.

RESPONSE: The buildings will certainly rise above and be visible from S. Columbia Street.

SUMMARY

The Commission was excited about the project, especially the proposal for a zero carbon design. They like the innovative design and architecture. The biggest concern for the Commissioners was traffic on S. Columbia Street – vehicular, pedestrian, and bicycle. A traffic light, easy bus access, unique tenants for the live-work units, and better circulation for bicycles to campus and pedestrians across S. Columbia St. were recommended.

RESPONSE: NC DOT has finished improvements on South Columbia Street with turn lanes, bicycle lanes, and pedestrian routes. A traffic light at the Purefoy / S. Columbia / project driveway location is unlikely to be allowed given the close proximity of the intersection with existing traffic light configuration at the by-pass junction just 450 feet to the south, and given that DOT recently completed extensive road improvements in this stretch and did not include a new light.

Several members were concerned about the proposed intensity and suggested leaving the western portion of the site undeveloped and not crossing the RCD. They wanted to keep the site green and concentrate the buildings close to the road. They encouraged the applicant to pursue reclamation of the RCD but concerned with precedent setting and minimizing encroachment into the RCD.

RESPONSE: The current proposal is for development to be concentrated in a high density use between the stream buffer and South Columbia Street, and to leave the western portion of the site untouched. The owner will be fully encroaching into the managed and upland RCD zones on the east side of the stream as there is no non-RCD land accessible on this site. Extensive stream restoration is not anticipated. Stormwater management will be built to manage any increase in runoff caused by the project.

Some Commissioners wanted the architecture to be seen from the highway and street and others were interested in maintaining tree canopies and reducing tree removal. A relationship to Merritt's Pasture and the Entranceway Plan was recommended that includes careful architectural design.

RESPONSE: The new development is proposed to extend multiple stories above South Columbia Street and will certainly be visible from that thoroughfare. The proposed architecture will be unique and the building design will incorporate some kind of street level plaza and plantings. It is unlikely that any existing tree canopy will be retained along South Columbia Street, but new plantings will be installed.



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Planning for the Future

RESPONSE TO CONCEPT PLAN REVIEW, PUBLIC HEARING AT TOWN COUNCIL

COLUMBIA STREET ANNEX

1150 South Columbia Street

Town File 9788-20-4502

April 26, 2018

REVISED MAY 11, 2020

The concept plan was original presented to the TOWN COUNCIL on MONDAY, FEBRUARY 18, 2008, 7.00 pm.

Present were Mayor Kevin Foy, Mayor pro tem Jim Ward, Council Member Matt Czajkowski, Council Member Laurin Easthom, Council Member Sally Greene, Council Member Ed Harrison, Council Member Mark Kleinschmidt, Council Member Bill Strom, and Council Member Bill Thorpe.

Staff members present were Town Manager Roger Stancil, Deputy Town Manager Florentine Miller, Assistant Town Manager Bruce Heflin, Town Attorney Ralph Karpinos, Planning Director J.B. Culpepper, Development Coordinator Gene Poveromo, Planner Dana Sridham, and Acting Town Clerk Amy Harvey.

3. [Concept Plan - Columbia Street Annex at 1150 S. Columbia Street.](#)

Ms. Culpepper presented the concept plan for the Columbia Street Annex Development and displayed a vicinity map of the location. She said the staff hadn't reviewed the proposal and they hadn't received a formal zoning or special use permit application. She said the proposal included construction of an 87,000 square foot development with residential, office, and retail space and 32 dwelling units. The ground floor would have approximately 12,000 square feet for retail and office use, parking for 80 vehicles and the property was 4.6 acres in size, she said. She recommended that the Council review the concept plan and following the discussion adopt a resolution transmitting the comments to the applicant. The CDC had reviewed the proposal and their comments were included in the materials provided.

Since 2008 the project has been refined and now includes an increase in residential units and a decrease in retail and commercial space and a decrease in parking. The current scope includes:

- *52 residential units*
- *4,000 sf general business space*
- *69 parking spaces*

Phil Szostak stated that his project wasn't required to present to the Council because it was less than five acres but said he really needed their input on the issues related to the RCD. He said they named the project Carbon Zero because the power generated was made on site and it was one of the country's first projects of its kind. He said they were looking for a site in Chapel Hill to build the project that had good solar exposure in a high traffic area and they had reduced the size from 80,000 square feet. He added that the project would be looked at globally, regionally and locally and they talked about the socio-economic environmental impacts on the community.

At this point a carbon zero project is not feasible.

Mr. Szostak said from the environmental sensitivity side they were using the project like a research building because they were looking at new systems, new ways to build and new financial dynamics. He stated that the social equity proposed affordable housing and the economic vitality was difficult because of the RCD issue. He said their project with a 150-foot buffer cut off every bit of the project except for one corner which was for a single family house, which was an unbuildable lot.

The Town and State have determined the stream is perennial, with a 50' stream buffer from top of bank on both sides, and 150' RCD zone from top of bank. The majority of the land between the buffer and the street is in the managed and upland RCD zones and therefore a request is being made to concentrate building in these zones, otherwise the site is practically unusable.

Mr. Szostak said that the ordinance, the way it was written, had a lot of specific tools used to determine creeks but they could only have a creek determination done once every five years and the last determination was in 2004. He said he had two scientists complete the creek evaluation and it hadn't been determined to be a perennial stream, but if someone had tampered with the waterway they would have to look downstream or upstream and use that classification. He stated they also looked at the entire watershed and how much water was generated that ran through their property. He said the 15-inch pipe was enough needed to transmit the water, but it had the same buffer requirement as Morgan Creek, Booker Creek, and the creek that ran through the Eastgate Shopping Center. He displayed photos of the creek and the 48-inch pipe that went under the bypass and said that as soon as the water got to a DOT piece of property it was unprotected and went into Morgan Creek. He said that a 300-foot RCD buffer was required on his property and they proposed to re-channel the creek and restore it as an ecosystem. He said the RCD had been a great tool for the community in preserving water quality and he asked if water quality was really the issue then how did they address protecting the trash found in it. He said they were planning to stabilize the channel by using stormwater management with low impact development techniques and to increase the public access.

The RCD remains from 150' from top of bank on each side. The majority of the land between the buffer and the street is in the managed and upland RCD zones and therefore a request is being made to concentrate building in these zones, otherwise the site is practically unusable.

Mr. Szostak said their building would include combined heating and power strategies, wind generator, photovoltaic, solar thermal, passive solar gain, occupant load, biofuels, and geothermal. He said their building was thin enough with a long face facing south to allow them to use natural ventilation throughout, rainwater collection to reuse for irrigation and flushing toilets, and biofuels for combined heat with solar at the top. He stated that they mapped out the site and the road system that would go around all of the trees without taking any of them down. He said there were comments made at the CDC meeting about the construction over the creek and they decided to take the road out of the plan so the building would remain on the east side of the creek. He said they looked at four stories above the road and the solar rays would be on top of the building. He stated the project met all of the design guidelines for the Town, the LUMO compliance standards, and all the other local initiatives. He said the issue was that Chapel Hill had never attempted a project like it before and never went against the RCD ordinance to modify a particular project. He said that he was trying to get some direction from the Council to see if the project was worth proceeding with.

Mayor Foy asked him to go back to the slide that showed the placement of the building on the land and asked where the issue was with the RCD. Mr. Szostak said the site map was showing a 50-foot RCD for an intermittent stream. Mayor Foy clarified that they planned to make the water corridor more functional and that it would leave the property cleaner than what it was currently. Mr. Szostak said it would definitely have cleaner water because of the project, even though it was going into the DOT pipe. He said they talked to DOT because they wanted to get the pipe included in their project and they weren't interested because it would mean work in their right of way. He said that opening the area to pedestrians and opening the water course would make it a greater asset to the community. Mayor Foy said that the purposes of the RCD were listed on a previous slide and his reaction was that they were trying to achieve those purposes and not a rigid adherence to the rule. He said that he felt the staff was right to let the Council have some input because he didn't object to the proposal.

Mayor pro tem Ward asked how could they have a higher flowing stream turn into one that was less than or how could it go from perennial down to intermittent. Mr. Szostak stated he felt it was inaccurate and that a perennial stream should remain as such. He added that as it had been urbanized over many years it had changed. Mayor pro tem Ward agreed with the logic of Mayor Foy and that he looked for the outcomes related to the RCD. He said he hoped the Council and the community could see the value in being flexible within the framework of maintaining the goals they set out to achieve in the first place. Mr. Szostak replied that the way the LUMO was written it gave a little flexibility.

Kimberly Brewer said that she and most of their neighbors applauded most of what Mr. Szostak was trying to do on the site. She said the neighbors had traffic and practical safety concerns of getting into and out of Purefoy Road because it was already dangerous and would be more so with the proposal. She suggested at minimum they needed a traffic light at the intersection of Purefoy and Columbia. She said that Mr. Szostak made a good argument for looking at the outcomes regarding the RCD and that they

could achieve a lot of water quality benefits with a narrower buffer given the right design. She said it was also important to think about the scale and the design of the project and how it related to the adjacent homes and neighborhoods with the entranceway plan and the DOT plan for improving South Columbia Street. She said that Mr. Szostak was trying to make lemonade out of lemons on the difficult site but there was a lot of work to do particularly on the traffic issue. She spoke on behalf of Joe Capowski and said he could live with the project if a traffic light was installed at Purefoy and South Columbia Streets, otherwise he believed the project was a non-starter.

There is a stream and buffer running through the site from north to south which limits the opportunity for access/egress point anywhere but on the same side of the site as the development is proposed – which takes traffic onto South Columbia Street. DOT has finished road improvements on South Columbia Street. The improvements include turn lanes, bicycle lanes and pedestrian routes, as well as a median / pedestrian safe haven in the center lane at Purefoy. But there is no traffic light proposed for this intersection and given that it is only 450' from the traffic lights at the by-pass on-ramp it is unlikely that DOT would approve an additional light at Purefoy. The developer has been working with DOT to provide a safe vehicular access design for the site.

Council Member Harrison agreed with Ms. Brewer that the big issue was the safety of people on South Columbia Street. He said that he had asked Mr. Capowski how, as an experienced cyclist, he got onto South Columbia Street from where he lived and was told that he went through the neighborhoods and didn't try getting onto South Columbia Street. He said the last Mobility Report Card received in 2005 showed that South Columbia Street at Purefoy Road had 27,000 trips daily and the UNC traffic report done every two years showed the intersection to be a profound failure. He stated the project was problematic without a traffic signal and that Chapel Hill Transportation Engineering and DOT would probably agree. He said he couldn't figure out the entry lined up with Purefoy Road even after looking at the maps provided. He informed Mr. Szostak that the proper term was stream restoration and it was worthy thing to do but it had a separate permit process from the Town's application process.

Council Member Strom stated that some flexibility in situations that met a public purpose was the prudent way to proceed. He said he didn't hear Mr. Szostak ask to be exempt from the full review process that led to special use permit and that he should be aware of the community's concerns with traffic and how the project would fit into the neighborhood. He said in regards to the trade-off he was asking the Council to make regarding the RCD that he encouraged Mr. Szostak to continue with the project. He added they would have to pay attention to how they wrote the permit to avoid opening any project that didn't meet a similar threshold of his project.

Council Member Kleinschmidt supported the project and thought it was fascinating. He said they needed to make sure the exceptions required a great deal of evidence comparing the present condition and the proposed condition, and ensuring adequate protection for downstream and all the interests they had in protecting Morgan Creek were referenced. He said he was looking forward to seeing how

Mr. Szostak demonstrated how rare the project was and how infrequent it would be that a future developer would ask the same request. He added that he was curious about where it was a perennial stream and that he wanted to reinforce some of the comments from the CDC meeting about the great opportunity he had to make the entrance way of South Columbia Street beautiful.

Mayor Foy agreed and stated they didn't have an interest in hiding the entrance ways. He said that the RCD helped create open space and breathing room in the community and that the proposal respected that aspect of the ordinance. He added that it would be important to Mr. Szostak to continue demonstrating why the proposal was unique and articulating the purposes.

The latest design places all development within the strip between the stream buffer and South Columbia Street. The design has emphasis on a unique building and plaza visible as a gateway when people enter Town from the south. At the same time a large portion of the site is retained in trees and stream.

COUNCIL MEMBER MATT CZAJKOWSKI MOVED, SECONDED BY COUNCIL MEMBER MARK KLEINSCHMIDT, TO ADOPT R-1. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

[A RESOLUTION TRANSMITTING COUNCIL COMMENTS ON A CONCEPT PLAN FOR THE COLUMBIA STREET ANNEX \(2008-02-18/R-1\)](#)