

Petition to Correct Certain Believed Inaccuracies in the Approved Special Use Permit Modification for the Chapel Hill Bible Church Park/Ride Terminal (2006-12-04/R-17a)

PETITIONER

Harvey Krasny

BACKGROUND

Council of the Town of Chapel Hill voted on Dec 4, 2006 to issue a Special Use Permit Modification (SUP) proposed by the University of North Carolina at Chapel Hill for the Chapel Hill Bible Church Park/Ride Terminal on property identified as Orange County Parcel Identification Number 9890-51-8534. It is believed that there are two errors in the language of that final SUP.

Part of Stipulations #1, #4 and #5 are believed to be in error. Evidence for the errors was found by review of the Official Minutes of the original proceedings, and by viewing a video recording of the proceeding, both obtained from the Town.

REQUEST

That the following language in Stipulations #1, #4 and #5 be added (shown hi-lighted in italics) or deleted (shown hi-lighted in block print with strike-through):

1. That construction ~~begin by December 4, 2008 and~~ be completed by December 4, 201108.

4. Park/Ride Terminal Expiration: That this accessory use approval authorizes a Park/Ride Terminal to provide bus service to the University of North Carolina at Chapel Hill and shall expire when that service has been discontinued for more than 30 days, or five (5) years from the initial date of operation, whichever comes first unless the permit holder requests an extension of the Special Use Permit expiration time limit from the Town Manager. The Town Manager may grant additional extensions of the time limit for up to twenty-four (24) months each if he/she determines that:
 - a. The permit holder submitted the request within sixty (60) days of the expiration date;
 - b. The permit holder has proceeded with due diligence and good faith;~~and~~
 - c. Conditions have not changed so substantially as to warrant Town Council reconsideration of the approved development,~~and the University demonstrates that they are pursuing alternate Park/Ride options; and~~
 - d. The University demonstrates that they are pursuing alternate Park/Ride options.*

5. Park/Ride Status Report: That as part of the Semi-Annual Report prepared by the University of North Carolina at Chapel Hill to the Town Council, the University shall include a report with information about the Park/Ride system including; a) status on the success of the park/ride lot, b) parking impacts on the surrounding residential neighborhood streets and mitigation actions implemented to address such impacts;~~and~~ c) status of the parking lot monitoring program; *and d) status of efforts to seek a more permanent facility at an alternate location.*

JUSTIFICATION FOR THE CHANGES

Stipulation #1

In the official video recording of the meeting:

Council Member Thorpe asked Ms. Felgenhauer representing UNC why they need three years to complete the construction. She responded that they do NOT need that length of time since the parking spaces were already built.

Stipulation #4

In the Official Minutes it states:

“Council Member Greene agreed that such a clause should be in the SUP, and said she thought the issue had previously been discussed. Mr. Karpinos suggested adding the following language to stipulation 4d: ”The permit holder shall demonstrate to the Manager that it is actively looking for alternative sites for a park/ride lot. Council members accepted that language. Mayor Foy suggested amending the resolution to include the language, and adding a stipulation with regard to pedestrian improvements...”

Stipulation #5

In the Official Minutes it states:

“Council Member Kleinschmidt asked how the Town could be confident that UNC would continue looking for other locations. Ms. Hewison [Felgenhauer] noted that a number of stipulations in the resolution had asked UNC to provide bits of information as part of its twice-a-year updates to Council. She said they could easily include that information as well. Council Member Kleinschmidt proposed making the extension of the lease contingent upon such a demonstration to find other facilities.

Council Member Easthom said she did not like the idea of an open-ended lease. She would agree to five years as long as one of the conditions was that UNC must demonstrate on paper that it is actively pursuing other locations, she said.

Ms. Hewison [Felgenhauer] replied that UNC would be happy to provide any such information that is not confidential.”

Respectfully submitted this day, March 17, 2008.

Harvey C. Krasny



Photo 1: BCX bus parked at the bus stop outside the Bible Church. The back end of bus is within feet of the entrance to the Church.



Photo 2: The parked bus prevents vehicles passing if there is oncoming traffic, as in this photo. As the bus fills all of the bicycle lane and the road, any car passing the parked bus from behind must cross the double yellow lines. Visibility up the hill is poor.



Photo 3: The parked bus filling much of the road and close to the entrance to the Bible Church. This situation is potentially dangerous for vehicles entering the Church from Old Sterling traveling away from Sage Road and for vehicles leaving the Church.



Photo 4a: The unfinished and deteriorating bus pull-in.



Picture 4b: Partially repaired bus pull-off.



Photo 5: Emergency call station. It is not clear if it is operating.



Photo 6: BCCAP sign at entrance to first lot on right entering from Old Sterling.



Photo 7: BCCAP sign at entrance to first lot on left entering from Old Sterling



Photo 8: Sign at entrance to second lot on right entering from Old Sterling. Unclear if this is parking for UNC-registered vehicles.



Photo 9: Sign at entrance to third lot on right entering from Old Sterling. It seems that this lot is not available for parking by UNC-registered vehicles, although the sign may be confusing.



Photo 10: UNC BCCAP vehicles parked in a lot that is not marked as BCCAP parking. Second lot on left entering from Old Sterling.



Photo 11: UNC vehicle parked in the unmarked lot in Photo 10.



Photo 12: A lot marked for UNC parking. Third lot on left entering from Old Sterling.