**Council and Community Comments received on the draft Obey Creek Development Agreement (From the Obey Creek Special Meeting on March 25, 2015)**

*Chart prepared by: Office of Planning and Sustainability, Town of Chapel Hill*

*Last revised: April 7, 2015*

These comments were received during the March 25, 2015 Obey Creek Special Meeting. For a video of the meeting, click [here](http://chapelhill.granicus.com/MediaPlayer.php?view_id=7&clip_id=2354).[[1]](#footnote-1)

Note: The section numbers below refer to the March 20, 2015 draft of the development which can be found [here](http://www.townofchapelhill.org/town-hall/departments-services/planning-and-sustainability/development/development-agreement-projects/obey-creek-/obey-creek-meeting-materials).[[2]](#footnote-2) These section numbers may be changed in future draft as information is revised or added.

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| **Number (for reference)** | **Name** | **Question/Comment** | **Staff Response** |
| **Comments about the Development Agreement Document/Topics** | | | |
| **Section 4.9: Development of the Property – Development Agreement Compliance Permit** | | | |
| 1 | Lee Storrow | Community Design Commission review – the language feels a little unclear. Right now #6 says CDC should provide written comment – that implies to me that the CDC has the authority to say it is not in compliance and changes need to be made – we need to strengthen this language. | Revised language regarding the Community Design Commission can be found in the draft dated April 2, 2015 in Section 2.9 (6). |
| **Section 4.10: Amendment and Modification** | | | |
| 2 | Sally Greene | Mechanism for minor or major modifications – we don’t want to be surprised by this. This criteria looks like it would encompass the things. Concern about D: Highland Park itself. Are we covering everything we need to? | Staff will review thresholds for minor and major modifications prior to the Public Hearing in order to address this concern. |
| **Section 5.1: Scale of Development and Uses Permitted** | | | |
| 3 | George Cianciolo | Do we have enough height at the slip street to give us the urban feel we are looking for along 15-501? Don’t want us to be in the situation like Southern Village where we are wishing we had more height. | The team from Dover, Kohl, and Partners is analyzing the proposal and preparing a diagram for the Council’s review which will address this question. |
| 4 | Lee Storrow | The development agreement says to see the Design Guidelines for information about the height of buildings, which are only included in stories. Feedback we received from Ephesus Fordham: There is a value in giving story and total feet designations – would be appropriate to do here as well. Also don’t want to lose flexibility. | Staff is developing additional information. |
| 5 | Jim Ward | Where would the uses go? | Staff is reviewing the proposed mix of uses, the site plan, and the Design Guidelines. The location of a few uses are relatively fixed (e.g. age-restricted housing and office buildings), others are generally mixed-used buildings. |
| 6 | Jim Ward | A picture of the minimum infrastructure we would see out there – Sumac Road and north. | Additional Exhibits are being added to the development agreement. |
| **Section 5.2: Affordable Housing** | | | |
| *No comments were received about this section.* | | | |
| **Section 5.3: Stormwater Management** | | | |
| 7 | Jim Ward | What activity is allowed within the upper 50 feet of Wilson Creek? | An illustration of the RCD and impacts in the RCD will be provided. |
| **Section 5.4: Transportation** | | | |
| 8 | Jim Ward | What is the transit capture? | The current study projects a percentage of transit use. The fiscal analysis will be updated to show the contributions proposed by the project for transit. Together this information provides some guidance to understanding how the transit service and the transit contribution align. |
| 9 | Jim Ward | What is the $0.02 contribution going to generate two years, five years, ten years from now? Interested in the phasing of this. | See response above. The proposal has changed based on Council discussions regarding Section 5.4. |
| 10 | Mark Kleinschmidt | 2 cents today is a lot more than 2 cents in 2025. Is there a sense of adjustment over time of the life of the development agreement? The value may be even less at build-out. | Applicant response: We can adjust this language to state that the 2 cents will be increased annually starting with the first certificate of occupancy. This contribution can be increased on an annual basis based on the CPI. Starting three years after the execution of the development agreement, the annual payment shall be no less than $10,000 a year. As soon as we have a CO we start computing the calculation.  *This language has been included in Section 5.4: Transportation of the development agreement dated April 2, 2015.* |
| 11 | Sally Greene | What would happen to the TIA if the loop at the 15-501 and 54 interchange doesn’t happen? | Additional information on this question was provided to the Sub-Committee on Transportation and will be discussed during the Work Session on April 8, 2015. |
| 12 | Sally Greene | The hawk at Oteys needs to happen, and how is it going to happen? | Additional information about the hawk crossing at Oteys Road has been included in Section 5.4: Transportation of the development agreement dated April 2, 2015. |
| 13 | Jim Ward | Want to hear from CHTransit about what it is going to cost to provide the service we want to this area – night and weekend service – can we use this contribution for borrowing power. How do these numbers fit? | The fiscal impact analysis will be updated. The transit analysis included weekday evening service, but did not include weekend or weekend evening service. |
| 14 | Jim Ward | How does the possible loop at the 15-501 and 54 interchange conflict with the SUP application for Columbia Annex? Does the design need to be redone? | The SUP will be considered on its own merits; the Council may take action on April 13, 2015 to request that the loop ramp be placed in the TIP. During this process, we have focused on the mitigation measures related to Obey Creek. |
| 15 | Ed Harrison | We need to request that the 15-501 and 54 interchange be included in the TIP. | This discussion is scheduled for the April 13, 2015 Business Meeting. |
| 16 | Sally Greene | The fundamental question about transportation is what are the limits to the mitigation that we can do realistically? Is that mitigation going to be enough to balance the development that is proposed? | The Sub-Committee on Transportation discussed this at length during their meeting on April 6, 2015, and the Council can continue the discussion during the Work Session on April 8, 2015. |
| **Section 5.5: Fiscal Impacts** | | | |
| *No comments were received about this section.* | | | |
| **Section 5.6: Design Standards and Public Art** | | | |
| *No comments were received about this section.* | | | |
| **Section 5.7: Public Schools** | | | |
| *No comments were received about this section.* | | | |
| **Section 5.8: Open Space, Parks, and Trails** | | | |
| 17 | Maria Palmer | We need to know what has been requested for the capital projects by the Parks, Recreation, and Greenways Commission. | Staff will provide an update. |
| 18 | Sally Greene | Could the development of Highland Park be tied to the adjacent area/parcel that is being developed? | See Section 5.8: Open Space and Parks of the draft dated April 2, 2015. |
| 19 |  | Language regarding pocket parks reads that the “pocket parks shall be completed prior to issuance of the final certification of occupancy” – Does this mean a CO for the whole development or just for the pocket parks? | The reference to pocket parks has been removed from the draft development agreement and the trigger for the smaller parks will be the same as the trigger for the larger parks. Additional information can be found in Section 5.8: Open Space and Parks of the draft development agreement dated April 2, 2015. |
| 20 | Council | Provide information about the triggers for the parks. | See Section 5.8: Open Space and Parks of the draft dated April 2, 2015. |
| 21 | Jim Ward | I would like to indicate in the development agreement that the parks are open to the public. | Language has been included in Section 5.8: Open Space and Parks of the draft development agreement dated April 2, 2015. |
| **Section 5.9: Recreation Areas** | | | |
| *No comments were received about this section.* | | | |
| **Section 5.10: Sidepaths and Greenways** | | | |
| 22 | Ed Harrison | It would be nice to have a certain percentage of all paved areas as permeable surface or permeable walkways. | Staff is working to develop language to include in the development agreement. |
| **Section 5.11: Wilson Creek Preserve** | | | |
| 23 | Lee Storrow | The language for the Wilson Creek Preserve says that the Town may choose to have further protection to preserve – it’s my intention that we will preserve in perpetuity the Wilson Creek Preserve – can we put more formal language? | Mayor Kleinschmidt: We could pass a resolution which develops a mechanism for preservation. This could be something we ask staff to do after the approval of the development agreement. The tool we use for preservation may be informed by what we envision for the area.  Staff: See Section 5.12: Wilson Creek Preserve of the draft dated April 2, 2015. |
| 24 | Council | Could the Wilson Creek Preserve be accessed sooner than at completion of the Property? | See additional language about triggers in Section 5.12: Wilson Creek Preserve of the draft dated April 2, 2015. |
| 25 | Jim Ward | Allowable uses in the WCP. Community gardens are on the list of allowable uses in the Wilson Creek Preserve. There are a lot of places in this area where a community garden wouldn’t make sense. How can we circumscribe that this couldn’t go anywhere? Same with the pedestrian bridge in the Wilson Creek Preserve. | See updated language in Section 5.12: Wilson Creek Preserve in the draft dated April 2, 2015.  In regards to the location of the one pedestrian bridge in the Preserve, the following language has been included in the development agreement: “The exact location and specifications of the bridge must be approved by the Town Manager.” |
| 26 | Jim Ward | The language says that the staff will approve boundary markers – please specify that the markers cannot be placed on trees. | This language has been included in Section 5.12 (h) of the draft development agreement dated April 2, 2015. |
| 27 | Jim Ward | What does the retaining wall near Wilson Creek look like? | This Exhibit is being developed. |
| **Section 5.12: Historic and Cultural Features** | | | |
| *No comments were received about this section.* | | | |
| **Section 5.13: Solid Waste Management** | | | |
| *No comments were received about this section.* | | | |
| **Section 5.14: Stream Buffers** | | | |
| *No comments were received about this section.* | | | |
| **Section 5.15: Landscaping Standards** | | | |
| *No comments were received about this section.* | | | |
| **Section 5.16: Sediment and Erosion Control** | | | |
| *No comments were received about this section.* | | | |
| **Section 5.17: Neighboring Lands, Compatibility, and Buffers** | | | |
| *No comments were received about this section.* | | | |
| **Section 5.18: Noise** | | | |
| *No comments were received about this section.* | | | |
| **Section 5.19: Lighting** | | | |
| *No comments were received about this section.* | | | |
| **Section 5.20: Engineering Standard Requirements** | | | |
| *No comments were received about this section.* | | | |
| **Section 5.21: Annexation** | | | |
| *No comments were received about this section.* | | | |
| **Section 5.22: Fire Code Requirements** | | | |
| *No comments were received about this section.* | | | |
| **Section 5.23: Annual Report** | | | |
| *No comments were received about this section.* | | | |
| **Public Comment** | | | |
| 28 | Amy Ryan  (Vice-Chair of the Planning Commission – public comment) | The Planning Commission convened a Sub-Committee to review the development agreement. Anyone is welcome to attend the Sub-Committee meetings. Will review comments on Tuesday, March 31st and send the comments to Council after that. | Staff will share the Planning Commission’s comments with the Council once submitted. |
| 29 | Chris Berndt (Community Design Commission member – public comment) | The Commission has shared a recommendation with the Council. Glad to see that the CDC’s review of proposed development is a part of the development agreement. Interest in block size – want to promote walkability, focus on pedestrians. Sustainability chapter in the Design Guidelines is a good start – have made suggestions for enhancing these standards. | Revised language regarding the Community Design Commission can be found in the draft dated April 2, 2015 in Section 2.9 (6). |
| 30 | Steve White (public comment) | Items that EWP has proposed – 1) 80 acre park – does the Town really need this property? Can we afford it? 2) School board said they don’t want a school site, so don’t need to calculate these costs. 3) Pedestrian and bicycle bridge – can the Town afford this art object? 3) Traffic lights on 15-501 – cost should be borne by the developer. 4) Stormwater – will this require all future developments to upgrade to these standards? If no, then it’s a waste of money. There are $12.5 million allocated to this project – the Town doesn’t need this nor can the Town afford it. Developer should write a check to cover this. Affordable housing is the only item that has real value – 5% is such a small number, why even do it? The Town should focus on 10% for sales and rental housing. | Information about fiscal impacts can be found in Section 5.5 of the draft development agreement dated April 2, 2015. |
| 31 | Patrick McGowan (public comment) | Let’s work together to understand two foundational things – how has citizen feedback shaped the process? How does the Obey Creek development support the Town’s goals? I created whatsupwithobeycreek.com. I hope that this proves to be a useful resource to us all. Committed to maintaining this as a fact based webpage – the information is from official documents. My company created the site. Consumer-grade service that helps us all.  I wanted to reiterate that I am committed to helping stakeholders (town, citizens, developer) in a fact based format. People are appreciate that when information is clearly displayed. Here are emails about the site – from “flameagrams.” If anyone has additional facts that will continue to serve the community’s expectation for information, please contact me. I would like insight. I went deep deep into this information, and I’m not convinced everyone should have to. I am going to revise the block size information. That item is a perfect reason of why the site was made – free of jargon. Make the data approachable. Only works with open doors, and my door is open. | The website can be found at: [www.whatsupwithobeycreek.com](http://www.whatsupwithobeycreek.com) |
| 32 | Valarie Schwartz (public comment) | Resident for 21 years. Lived in big cities – was looking for an area to live that had pine trees. Dogwood Acres Drive is a beautiful, small neighborhood. Resident there since 1999. Thank you for considering the petition that we presented to you. Traffic calming there could save lives. | The Dogwood Acres Drive petition has been forwarded to the Council Sub-Committee on Transportation at Obey Creek.  Information about transportation can be found in Section 5.4 of the draft development agreement dated April 2, 2015. |
| 33 | Benjamin Rotenberg (public comment) | New resident to Chapel Hill, came here because of quality of life. Resident of Southern Village. Business person – understand there is a need to make a profit. Concerned about traffic and the impact on southern Chapel Hill and the quality of life. | Additional information can be found in Section 5.1: Scale of Development and Uses Permitted and Section 5.4: Transportation of the draft development agreement dated April 2, 2015. |
| 34 | Loren Hintz (public comment) | Live nearby Obey Creek. Went to the Hillsborough DOT meeting on Monday. Traffic mitigation will not work if buses cannot get by Mt. Carmel and 15-501/54. Would any transit routes go up Kingsmill Morgan Creek neighborhood? Not clear where the mitigation areas were – look near bridges. Strategic striping would be inexpensive and good to do – urge that this is done before Obey Creek is completed. I do want us to look at the total cost of transit projects. The expense of the infrastructure is a lot. Look at the DA and request more money for those projects. Tax revenues might be less than anticipated. | Additional information can be found in Section 5.4: Transportation of the draft development agreement dated April 2, 2015. |
| 35 | Joe Buonfiglio (public comment) | Concern about the traffic in the area. Need to link the timetable of development to the timetable of the improvements to the loop. | Additional information can be found in Section 5.4: Transportation of the draft development agreement dated April 2, 2015. |
| 36 | Lynn Bresler (public comment) | I wanted to emphasize that the turnabout at Dogwood Acres Drive would impact the way traffic flows in this area. You should move forward with this on DOT. It is a very good idea and would get rid of three traffic lights in a row. Need to make sure that the sidewalk goes all the way to Dogwood Acres Drive. As far as debris goes, when they cleared Southern Village they burned the debris, and it caused many problems. I would like to compliment CM Ward for talking about the retaining wall. Should put in how these walls will be maintained over time. | The Dogwood Acres Drive petition has been forwarded to the Council Sub-Committee on Transportation at Obey Creek.  Information about transportation can be found in Section 5.4 of the draft development agreement dated April 2, 2015. |
| 37 | Susana Dancy (public comment) | The way I read the chart is that the residential units are units and not square feet. Illustrates that this could be a majority residential project. The images were very city-like space. It did seem to have a strong component of retail. Does the Town have a retail study that shows that it is possible in this area? Traffic counts on 15-501 does not compare to the beltline in Raleigh. Would be helpful to have perspective on how realistic retail is in this area. Particularly within the range of the retail that is allowed – would be helpful for the Council and the public to know. Confused by the discussion of the 600 foot block said it would accommodate a large retailer, yet the image two buildings not one. CDC has become aware of the importance of block size, not a strange requirement – downtown Durham has it. Requiring a pedestrian passage to go within it – want block sizes that are permeable to people. Nothing in the agreement limiting block size – nothing in the narrative. | Additional information can be found in Section 5.1: Scale of Development and Uses Permitted and Section 5.4: Transportation of the draft development agreement dated April 2, 2015. |
| 38 | Jeanne Brown | I would like a clarification about the street networks. I think the takeaway is that this will be a place with retail and restaurants; I know that we have been told that there is likely a grocery store coming. I’ve heard that 25% of the retail will be located south of Sumac Road. Can we get a sense of how much retail and residential will be at the development? The commitment to the community when this started is that traffic would be dealt with. The August 2014 TIA was for single-family homes for this site. Would get a lot of queuing beyond the loop ramp – need more information about this. We can’t say let’s do the development and then hope DOT will take care of this. I love the idea of coming up with local distinctiveness –what is distinctive now are the trees which are currently being shown as shorter than the buildings. | Additional information can be found in Section 5.1: Scale of Development and Uses Permitted and Section 5.4: Transportation of the draft development agreement dated April 2, 2015. |

1. <http://chapelhill.granicus.com/MediaPlayer.php?view_id=7&clip_id=2354> [↑](#footnote-ref-1)
2. <http://www.townofchapelhill.org/town-hall/departments-services/planning-and-sustainability/development/development-agreement-projects/obey-creek-/obey-creek-meeting-materials> [↑](#footnote-ref-2)