**Summary Comments on Obey Creek Development Agreement and Design Guidelines**

**Chapel Hill Planning Commission**

**4.24.15**

These comments are from the commission’s review of the 3.20 DA document and 3.19 design guidelines. We will be reviewing the updated versions of both documents and forwarding further comments to Council.

**1. General**

We recommend retaining the services of an attorney with the appropriate expertise to review the development agreement documents. The attorney should be tasked with reviewing these documents as an advocate for the interests of the Town’s residents.

**2. Development Agreement Article 5.1, Mix of Uses**

The town should find a way to ensure that the final mix of uses falls within the “sweet spot” of the composition of a successful mixed use development; the 12/8/14 memo from Roger Waldon to Ben Perry suggests that the minimums for retail currently proposed at Obey Creek are not consistent with best practice.

In addition to the minimum and maximum square footages in the table in Article 5.1, we recommend specifying a 20 percent minimum and 60 percent maximum limit for each category of use, as recommended by the American Planning Association and cited in the Waldon/Perry memo.

**3. Development Agreement Article 5.1, Square Footage**

We are concerned that the proposed project maximum of 1.6 million square feet is too large and will produce unacceptable negative effects on

* 15-501 (lane widening impairing connectivity to Southern Village, traffic volume and performance at peak and other hours)
* place-making (particularly in terms of block sizes and some building heights)
* public transit (problem meeting anticipated demand)
* the surrounding neighborhoods, particularly from traffic

We’re also concerned that the current fiscal analysis does not accurately represent the development’s net financial effects on the town.

Accordingly, we recommend exploring the implications of a smaller plan of approximately 1.1 million square feet as an alternate scenario, to compare the traffic, fiscal, and other pertinent impacts at this smaller size.

**4. Development Agreement Article 5.4.c, Traffic Impact Study**

(a) There should be a ceiling to traffic generation allowed for the site tied to traffic numbers at peak times of day, in addition to the daily traffic total now referenced in the development agreement.

(b) Before the issuance of any new DA compliance permit, the developer should supplement the required TIS data with actual traffic data from the area to ensure that the proposed new construction will not exceed the development’s traffic generation ceiling.

**5. Development Agreement Article 5.4.g, Other Transportation-Related Contributions**

The Dogwood Acres traffic study should be commissioned and traffic calming measures should be installed, since the impacts there are the direct consequence of the Obey Creek development, provided that all DOT regulations are complied with and the residents form the appropriate legal entity.

**6. Development Agreement Article 5.4.d, Specific Roadway Improvements**

The development agreement should not be finalized until DOT has made a decision about a fully signalized intersection at Sumac Road, so that the town can weigh the consequences of the DOT decision on traffic volumes and circulation patterns.

**Additional Information Requested**

We recommend that the following data and visual references be provided to help Council make a full evaluation of the effects and characteristics of the proposed development and better communicate these elements of the plan to the public.

1. A calculation of impervious surface and canopy cover on the developed portion of the site, compared to a familiar local reference site, as well as floor area ratio calculations (including the structured parking) for the developed portion of the site.
2. The applicant is creating a computer 3D model of the developed site to show spatial relationships of the proposed buildings and public spaces. The images generated should include views from eye level of all areas.
3. In the current plan showing the location of the different building typologies, 2 and 6 are represented as a single color code; we request clarification on how the developer will decide which typology will go where and what the effects of those choices will be.
4. We would like to see E-W site sections along all secondary streets, showing how building height maximums relate to the topography from Southern Village down through the Preserve and what the views from 15-501 will be.
5. The development team has offered to provide an analysis comparing the Obey Creek sign standards to the Town sign standards in LUMO. We recommend adding to the analysis the signage standards in the Ephesus-Fordham district, so we can compare all three and bring alignment to signage across town.