

# Advisory Board Comments Regarding Proposed Obey Creek Development

## Feedback from Obey Creek Development Team

April 30, 2015

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### Community Design Commission

1) CDC REVIEW: Overall guidelines seem reasonable but no specific building design is yet proposed to conclude the material, aesthetic, and planning effectiveness. Recommend some level of CDC review for actual building design inclusive of reviewing actual building materials and elevations. If restricted similar to FBC, recommend all elevations within view of a public way (not simply fronting) so the full perspective may be reviewed in context.

Development Team Comment: Good idea. Current draft of Development Agreement contains this recommendation.

2) SECTION 1 TERMINOLOGY: Consider guidelines as enforceable "standards" for an agreed minimum quality not just advisable "guidelines", (currently these terms are undefined and used inconsistently on the cover, table of contents, and referenced terms throughout document).

Development Team Comment: We understand the confusion created by use of terms in earlier draft of the Design Guidelines. We agree with proposed changes that would incorporate the Design Guidelines by reference into the Development Agreement, and make it clear which guidelines involve required design elements, and which provisions specifically prohibit certain design elements. Those two types of rules will be spelled out. There are other design principles, which clearly will be identified as encouraged, but neither required nor prohibited.

3) SECTION 1 INTENT: Noted the document dated March 20th in section 4 now omits the terms: "Required," "Unacceptable," "Recommend," leaving the section intro text to guide on intent which states: "...intended to provide general guidelines but are not of a regulatory nature." While the Design Guidelines are incorporated by reference in the Agreement, neither the Agreement nor the Guidelines themselves appear to state with any clarity the actual intended nature of them other than the above statement. Council should decide if they are to be enforceable standards, or non-mandatory guidelines intended to provide design and development guidance on how to comply with the Development Agreement. The later leaves open a level of objective/subjective review and enforcement to the Town Manager and/or CDC, or defined others.

- CDC recommends some level of enforceable standards. Applicants should be inspired by the guidelines, not inhibited. However, some areas such as dimensional details and percentages should be required as a minimum level of quality control. The current document in text parts does spell out well-intended “allowable,” “not allowable,” “minimums,” etc., but again they are not clearly aligned with the overall document intent terminology, and thus may lead to later confusion among applicants and reviewers. Recommend both revising for consistency and adding a Definitions subsection to clearly define intent of terms used throughout without question.

Development Team Comment: Please see above comment. We understand the importance of these comments and distinctions offered by the CDC, and agree that the final version of the Design Guidelines should be clear about required and prohibited design elements.

4) SECTION 1 MISSION STATEMENT: Consider including transportation and connectivity goals.

Development Team Comment: Good idea and we agree that these items should be added to the Mission Statement.

5) SITE PLAN: Consider the anticipated Site Plan as an actual attachment to the Development Agreement.

Development Team Comment: Good idea, and we agree that this should happen.

6) BLOCK SIZE: Min. and Max. Block Sizes are not explicitly outlined. Victor Dover presented a compelling discussion recently for the Park & Ride lot on the importance of block size. He noted:

- City blocks in Charleston are 500 ft in length and generally considered slightly large for walkability.
- City blocks in Portland, Oregon, are 220 ft in length, which is generally considered a bit small.
- The Market Street block that is home to Weaver Street Market and Pazzo is about 300 ft in length.

Development Team Comment: There has been confusion and misunderstanding regarding block sizes, and we have added explicit dimensional detail in the Design Guidelines, proposing block sizes that will contribute to place-making objectives and promote walkability.

7) SECTION 3, TYPE 6, STRUCTURED PARKING: Consider all side of structure parking within any view from a public way shall be lined by programmed building (not only portions fronting a public way). Intent is to completely conceal in perspective as well.

Development Team Comment: We do not agree with this approach to the design of structured parking within the development, for several reasons: Entries to parking structures must be clearly visible; and designs that allow daylight and fresh air in the parking areas will enhance the functioning and experience of the parking component of visits to Obey Creek. We understand the high importance of the appearance of parking structures from all sides, and are including multiple strategies to enhance appearance as well as functionality.

8) SECTION 3, ALL TYPES, MECHANICAL EQUIPMENT: Consider including required screening for all mechanical equipment for all building types (currently some types included, other types don't mentioned).

Development Team Comment: Good design principle, and we agree with the idea to specifically screen mechanical equipment with one exception: Transformers need exposure and access. We would agree with language that calls for screening of all mechanical equipment except transformers, and that calls for transformers to be located in a manner that minimizes their visibility from public areas.

9) WOODLAND BIRDS: Given proximity to woodlands and the expanse of windows proposed, consider adding standards for the use of bird protection glass or the like (<http://www.ornilux.com/>) and (<http://www.abcbirds.org/newsandreports/BirdFriendlyBuildingDesign.pdf>)

Development Team Comment: Obey Creek will consider Bird-Safe Building Guidelines (Published by: New York City Audubon Society, Inc., May 2007) in the design of its buildings and landscapes. However, due to the lack of certainty of the total cost of mitigations and general public improvements imposed on the development, Obey Creek cannot commit to the use of particular techniques or practices at this time.

10) SECTION 5: STREET TREES: Landscape Standards \_ US 15-501 Corridor: Change Minimum tree spacing to 40' on center in lieu of 60' and Minimum tree size to 3" caliper in lieu of 2". This frontage is the most important for the community and trees should be initially installed with an acceptable maturity and density.

Development Team Comment: We have been working with Town staff to prepare a set of workable tree planting standards that achieve the objectives for this development. We are proposing that for the Slip Street and for the edges of Highland Park, where free soil areas are available (contrasted with planters or tree pits), the 3" caliper minimum is achievable and desirable, and have included that standard for those areas. For other streets where there are planters or tree pits and a need for maintenance of utilities, we are specifying 2" caliper as the minimum, with spacing at 50' on average (with larger and closer trees a possibility where conditions exist). This language is included in current drafts of both the Development Agreement and Design Guidelines.

11) SECTION 7, WETLAND CONSERVATION: Is the 100' buffer zone equal to or greater than the current requirements for Wilson Creek / RCD / Jordan Lake Rules? Ensure not in lieu of overlaid regulations.

Development Team Comment: Our designs for this development meet and are consistent with RCD requirements for the areas around Wilson Creek and the unnamed tributary leading into Wilson Creek, as contained in the Chapel Hill LUMO, and also meet and are consistent with the Jordan Lake Rules. Compliant with both.

12) SECTION 7, CONNECTIVITY: Section discusses bike / sidewalk / public improvements but does not provide map of how to achieve. Consider some level of detailed review for future map proposals to ensure larger Town connections.

Development Team Comment: Good idea, and we are including in the next draft of the Design Guidelines.

13) SECTION 7, STEEP SLOPES: Current LUMO has specialized building standards for steep slope development. Consider referencing them in the commitment section.

Development Team Comment: With the exception of the proposed restoration of the unstable slopes in the abandoned quarry area, Obey Creek has been designed to avoid slopes in excess of 15-25% or greater, consistent with the TCH LUMO standards. By concentrating development on lands most suitable for development large areas of steep slopes will be preserved in the Wilson Creek Preserve. Within the development footprint 10-12 small areas of 25% slopes +/- (approximately 2,500 sf each) will be impacted. One larger area (20,000 sf +/-) within the proposed Wilson Creek Park will be leveled to tie to the proposed street grade and to provide additional useable outdoor park space. All grading activities will follow recommendations derived from geo-technical evaluations and careful architectural, structural and civil engineering design considerations.

14) SECTION 7, GREEN BUILDING: Happy to see this section developed. It should be noted the percentages currently outlined for energy, water, etc. are the required prerequisite levels for LEED certification (minimal attainable level equal to or slightly above current building code).

Recommend the following:

- Require all building meet certifiable standards for LEED in lieu of “strive” and require a 3<sup>rd</sup> party certifier to review the projects as such through energy modeling, commissioning, and/or other documentation if not actually certified by US Green Building Council’s LEED program. Other program’s such as Green Globes would also be acceptable and cost less.
- Energy Efficiency: Greatest impact is actual energy usage reductions. The ASHRAE 90.1-2007 standard baseline state is a current building code minimum, recommend considering the coming ASHRAE 90.1-2012 version as the baseline. Note that current Architecture 2030 guidelines ( <http://www.architecture2030.org>) call for a 70% fossil fuel reduction in commercial building design. Recommend increasing the required energy reductions beyond 10% to at least 15% if ASHRAE 2007 version is to be used.
- Onsite energy production section: Consider encouraging or incentivizing more than 5% by way of Solar panels, Geothermal, etc., suggest 15%.
- Construction Waste Management: Consider 75% diversion from landfills in lieu of 50% (minimal cost impact to do so).
- Light-Pollution: Current LUMO has standards, consider referencing as a requirement. In addition recommend restricting the use of ANY exterior up-lighting in the development.

Development Team Comment: Good idea to get more specific in this section. We agree that referring to LEED certification or other similar programs should be pursued for buildings, and either approach would include requiring participation of a 3<sup>rd</sup> party certifier. We have committed to using the 2010 version of ASHRAE, and commit to exceeding the required energy reductions by 20%.

Obey Creek will explore the feasibility of on-site generation as well as participation in NC Green Power. However, due to the lack of certainty of the total cost of mitigations and general public improvements imposed on the development, coupled with the dynamic nature of the initial capital cost of renewables, Obey Creek cannot commit to specific levels of participation at this time.

We agree to pursue the suggestion of a target of 75% division of construction waste management from landfills.

We intend to refer to LUMO standards regarding light-pollution standards. We do not think it is desirable or reasonable to go beyond those standards to restrict use of ANY exterior up-lighting in the development. Particularly along the 15-501 frontage, that kind of standard cannot be met.

**Summary of Development Team Comments regarding CDC recommendations:**

We appreciate the suggestions and recommendations from the Community Design Commission, and believe that we can implement most of them in the Development Agreement and Design Manual (especially items 1 through 6, parts of item 8, items 11 and 12, and parts of item 14). We agree to consider and pursue suggestions in item 9. Following are the items that we do not think are reasonable or desirable to include:

- 7. Completely concealing all parking structures.
- 8. Screening transformers.
- 10. Street tree requirements
- 13. LUMO standards for steep slopes

## Environmental Stewardship Advisory Board

1. While several details of the proposed development currently remain unspecified, overall, the ESAB finds the proposal in accordance with the charge set out for us by the Town Council. In particular, the ESAB is pleased to see the preservation of over 82 acres of natural space that will serve our community in perpetuity.

Development Team Comment: We appreciate this comment, and are also pleased at being able to achieve the permanent preservation of the 80+ acres that will become Wilson Preserve.

2. To ensure commitment and enforceability, the ESAB recommends that *Section 7: Sustainability* of the Design Guidelines be adopted into the final Development Agreement.

Development Team Comment: We agree that this section should be adopted by reference in the Development Agreement, along with the other sections of the Design Manual.

3. As negotiations between the Town and Developers continue, the ESAB recommends that the pedestrian and bicycle bridge outlined in Section 5.11 remain a binding term of the agreement. The bridge encourages the use of alternative modes of transportation and connects existing and future greenways.

Development Team Comment: We agree and intend to have the bridge remain a binding term of the agreement.

4. To further encourage transportation by bicycle, the ESAB recommends bicycle parking spaces exceed current minimums. Due to its proximity to Southern Village, it seems reasonable to expect a high number of visits from nearby cyclists. Additionally, the potential integration of the site with the nearby park and ride may increase demand for bicycle parking.

Development Team Comment: We appreciate this comment and understand the opportunities here to support bicycling activity. The minimum bicycle parking standards currently shown in the draft Development Agreement are consistent with the TCH LUMO Standards as amended October 27, 2008. Due to the mixed-use nature of Obey Creek and the opportunities for sharing parking facilities, both vehicular and bicycle, we believe the standards are sufficient to accommodate increased bicycle usage.

5. The ESAB recommends that the “multi-use zone” along Overlook Park meet or exceed a minimum 10’ width. This requirement would ensure that the multi-use zone has adequate width to support the leisure and transportation activities (including bicycling) described in the Design Guidelines. This is consistent with AASHTO standards.

Development Team Comment: We do not agree with this recommendation. A paved 10’ travel path in this location is not consistent with intent for the Linear Park, which envisions an unpaved, varying width path a minimum of 8’ wide with a minimum of 5’ clear for pedestrian movement. We note that plans call for sharrows to be part of the design for the adjacent Wilson Creek Lane street, to accommodate bicycle travel.

6. All buildings included in the proposal should meet or exceed 20% above the 2010 ASHRAE standards. This is consistent with the Town of Chapel Hill's Community Sustainability Policy to encourage energy conservation.

Development Team Comment: We agree and have included this provision.

7. The ESAB strongly recommends that the on-site energy generation with capacity for at least 5% of the project's annual and electrical thermal energy consumptions be generated through renewable sources (e.g., solar and/or geothermal). Moreover, the ESAB recommends that 15% of all energy consumption be sourced from renewable sources (includes the 5% on-site generation).

Development Team Comment: We agree with the desirability of including on-site energy generation and fully intend to pursue this idea. We do not agree, however, with requiring in the Development Agreement a specific percentage of energy use that must come from renewable sources. The idea will be explored with every new building that is designed and constructed; but we do not believe that we can commit now to a numerical target. Building types and construction are very project-specific and energy generation and usage needs to be specifically considered for each building.

8. To protect Wilson Creek, the ESAB recommends that 5% of all paved areas onsite (especially sidewalk and parking areas) use permeable materials that will reduce water runoff.

Development Team Comment: Although we agree with the objective of this recommendation, we do not agree with the recommendation. We will be achieving on-site infiltration through a number of techniques, including use of permeable pavers and other techniques to direct stormwater to pervious areas in appropriate and feasible locations, and infiltration will be a key part of our approaches to stormwater management.

9. Before, during, and after construction, the developers should meet or exceed the sediment-erosion control measures outlined in 5.1.6 of the Development Agreement.

Development Team Comment: We agree.

10. All proposed landscaping must consist of native or drought tolerant plant species. The ESAB recommends a minimum 3" tree caliper for all proposed trees onsite to increase canopy maturity upon tree establishment.

Development Team Comment: We agree that most landscaping should use either native or drought tolerant plant species. An exception is the planting of annuals and plants that provide seasonal color. All trees, shrubs, and turf should be either native or drought resistant species. We do not agree that all proposed trees should be a minimum of 3" caliper. We have been working with Town staff to prepare a set of workable tree planting standards that achieve the objectives for this development. We are proposing that for the Slip Street and for the edges of Highland Park, where free soil areas are available (contrasted with planters or tree pits), the 3" caliper minimum is achievable and desirable, and have included that standard for those areas. For other streets where there are planters or tree pits and a need for maintenance of utilities, we are specifying 2" caliper as the minimum, with spacing at 50' on average (with larger and closer trees a possibility where conditions exist). This language is included in current drafts of both the Development Agreement and Design Guidelines.

11. All buildings (commercial and residential) must include convenient access to recycling disposal. The ESAB recommends sorted recycling bins in every building, in Highland Park, and in Overlook Park.

Development Team Comment: We agree with this suggestion, except for the phrase regarding “sorted” recycling bins. All buildings will include convenient access to recycling disposal, and we will achieve that in a manner consistent with Orange County’s Solid Waste practices. Those practices and procedures do not currently call for sorting.

12. Lastly, for all of these requirements to be meaningful, frequent inspections by town staff will be necessary during construction to ensure compliance with both the Development Agreement and the Design Guidelines.

Development Team Comment: We agree.

**Summary of Development Team Comments regarding ESAB Recommendations:**

We appreciate the suggestions and recommendations from the Environmental Stewardship Advisory Board, and believe that we can implement most of them in the Development Agreement and Design Manual (especially items 1 through 4, and items 6, 9, and 12). We agree to consider and pursue suggestions in items 7. Following are the items that we do not think are reasonable or desirable to include:

- 5. Ten foot or wider bike-ped lane along Linear Park
- 8. Requirement for 5% permeable surfaces
- 10. Requirement for native or drought resistant species for all plantings
- 10. Do not agree with requirement that all planted trees be minimum 3” caliper
- 11. Agree to convenient recycling locations but not to “sorting” requirement
- 13. LUMO standards for steep slopes



## Parks, Greenways, and Recreation Commission

1. The Parks, Greenways, and Recreation Commission would like to be consulted prior to the implementation of key details in the recreation design that are not specifically covered by the Development Agreement.

Development Team Comment: We agree with two suggested adjustments to this request: (1) That the phrase “or Design Guidelines” be added at the end; and (2) That the consultation be triggered by a request for a Major Modification, as defined in the Development Agreement, to any part of the Development Agreement or Design Guidelines involving parks, greenways or recreation facilities, in which case the consultation with the Parks, Greenways and Recreation Commission would be consulted prior to Council’s.

2. Highland Park:

- o The developers should include a splash park. The splash park could be provided in lieu of, or in addition to the water feature mentioned in the design guidelines.
- o Dedicated public restrooms should be placed at this site.
- o A small additional recreation amenity for young children should be provided at this site. Such a facility might be a playground for younger children or some other feature. This would not be intended to replicate the large play structure at nearby Southern Community Park.

Development Team Comment: We agree that there should be a water feature in Highland Park. We agree to consider the idea that it be a splash park, but are not prepared to commit to that. We agree that it will be important to have public restrooms easily accessible to users of Highland Park, and need to be provided (either in the park itself or in adjacent buildings). We agree that a recreation amenity for young children would be desirable at this site, but want to consider and explore options for that and are not ready to commit to providing a traditional playground as part of the park.

3. Overlook Park:

- o Public restrooms should be located near this site since it is a standalone recreation facility and the entranceway to the Wilson Creek Preserve.

Development Team Comment: We agree that it is desirable to have public restrooms at or near Overlook Park, easily accessible to visitors at of Overlook Park and visitors of Wilson Creek Preserve. We intend to consider where might be the best location for this facility, in or near Overlook Park.

4. Wilson Creek Preserve:

- o Amenities such as a community garden or picnic facilities should not be located in the quarry area. We have strong concerns about use, safety, and maintenance so far from the road. We believe that the focus of development in this area should be on trails, and only limited amenities such as benches should be included.
- o A permanent conservation easement should be put into place over the entire preserve once the Town takes ownership of this property. The easement could be similar to the Morgan Creek Preserve conservation easement.
- o All trails in the preserve should be built to accommodate mountain bicycle usage.  
This means extra care must be taken to assure that trails drain well and do not develop erosion problems.

Development Team Comments: We agree that there should not be a community garden in the quarry area. We do not completely agree, however that picnic facilities should be prohibited in this area. That concept is still under consideration.

We agree that a permanent easement should be put into place over the entire preserve and have written that provision into the draft Development Agreement.

We agree that trails should be built that drain well and are unlikely to develop erosion problems.

5. We support the greenways and sidepath as they are currently described in the development agreement.

Development Team Comment: We appreciate this statement of support. We believe that greenways sidepaths will be an integral part of this development.

**Summary of Development Team Comments regarding Parks, Greenways, and Recreation Recommendations:**

We appreciate the suggestions and recommendations from the Parks, Greenways, and Recreation Commission, and believe that we can implement most of them in the Development Agreement and Design Manual. We agree with and appreciate comments 1, 3, and 5. We agree to consider and pursue suggestions in items 2 and 4:

- 2. Consideration of a splash park
- 4. Consideration of prohibiting a picnic facility in the quarry area

## Planning Commission Comments

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.

Development Team Comment: No comment to offer.

### **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.

Development Team Comment: This Planning Commission comment contains several errors in its references to a 12/8/14 memorandum prepared by the development team, errors which are described below. But we understand the concern that is being raised: that the development not be built in a way that results in an outcome outside of the ranges considered to be best practices nationally and in Chapel Hill for mixed-use development. We agree with that objective and can offer assurance that, given the parameters for use mixes that are called out in the most recent draft of the Development Agreement, and reinforced by the site design that requires that residential and non-residential uses be built in tandem (because they are in the same buildings), the outcome is guaranteed to have a share of non-residential development that is within the range of best practices literature and within the range called out in the Chapel Hill LUMO for mixed-use development. In addition to going through the numbers and offering assurances, we can also offer additional details about phasing that could be included in the Development Agreement to further fortify the objective of a guaranteed share of non-residential development.

We suggest adding the following phasing language to the Development Agreement:

- No more than 200,000 square feet of residential floor area can be built as a single-use first phase. Once the 200,000 square foot threshold is reached, no additional residential floor area can be constructed without also including non-residential construction.
- No additional residential floor area can be built over 780,000 square feet until the total of non-residential floor area on the site reaches 420,000 square feet (a 65%-35% split)
- A minimum of 35% non-residential floor area shall be maintained on the site at all times once the 1.2 million square foot threshold is reached. By the time total floor area reaches 1.4 million square feet of floor area, no less 40% of the floor area must be non-residential. At buildout (1.6 million square feet), no less than 45% of the floor area shall be non-residential.

This phasing language will help assure the mixed-use outcome that has been questioned.

Regarding the errors in the Planning Commission comments when referring to the 12/8/2014 memorandum: First, there are no recommendations in the memorandum, contrary to what is stated in the Planning Commission comment. Next, the memorandum does not suggest that what is currently being proposed at Obey Creek is inconsistent with best practices. The memorandum, which reports on suggested ratios offered for consideration by the American Planning Association, and reports on ratios used in mixed-use ordinances in other places (and including Chapel Hill), suggests a framework within which the current Obey Creek proposal aligns well. The additional phasing language suggested above will serve to clarify and further confirm the mixed-use outcome that is desired.

### 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.

Development Team Comment: We do not agree that the project maximum will produce unacceptable negative effects. One additional lane of width created by adding turn lanes at the Southern Village entrance should not impair connectivity between Obey Creek and Southern Village, and the pedestrian bridge over 15-501 will enhance connectivity significantly (both functionally and symbolically). Traffic engineering studies document that impacts from increases in traffic volume related to Obey Creek can be mitigated. The focus of such studies is always and appropriately on the most critical hours of the day, and focusing on peak hour characteristics is the correct methodology. We believe that the maximum size and proposed mix of Obey Creek has been carefully crafted to be economically viable and provide appropriate thresholds of uses that will contribute to and reinforce the vibrancy of each other. The proposed block sizes are exactly in the correct ranges to achieve character, walkability, and exciting places. Building heights have been carefully designed to allow human scale at the street level, with taller buildings properly located off 15-501 where the grades are lower and across from Highland Park, where buildings are spaced further apart. In addition, building step-backs are used strategically to lessen impacts to pedestrians. The building heights proposed are necessary to create the minimum densities to create transit supportive development at Obey Creek. The development will contribute, through taxes and special contributions, to the financing of the transit system along with the tax revenues and funding sources from other users of the system. Traffic studies indicate only minor increases in travel times for residents of surrounding neighborhoods resulting from increased Obey Creek-related trips. A fiscal analysis has been prepared and revised by the Town's financial analysts and documents the project's net fiscal effects on the Town.

We believe that the proposed size and mix of the development has been carefully drawn and analyzed, and shown to promise significant fiscal, transit, place-making, affordable housing, parkland, and character-preserving benefits to the Town, along with mitigations of impacts. We do not see benefit, and do not agree that there is value that can be accomplished, in arbitrarily choosing a smaller size project size that would then be constructed sent through the same analysis, given that what has been designed has been documented to be beneficial to the Town and aligned with the Town's plans and policies.

**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.

Development Team Comment: We do not agree.

(a) There is neither methodology nor precedent in this community for establishing criteria and attempting to set a ceiling on traffic generation for any particular site. The approach is, as it should be, to analyze the impacts of a proposed initiative and determine what measures are necessary to mitigate negative impacts that are projected to be generated.

(b) Requiring new TIS analysis for every new building in a development, with the possibility of prohibiting construction of that approved building, runs counter to the very reason for negotiating a Development Agreement that outlines responsibilities and provides levels of certainty for both the Town and the developer. In addition, it is impossible to determine the nature of each trip coming to and leaving Obey Creek. Traffic analysis accounts for “pass-by” trips, trips that are already on the road and may decide to make a stop at Obey Creek. Simple traffic counts are unable to determine whether a trip is a new trip generated by Obey Creek or a trip that was already on the road and makes a stop. Thus it is impossible to calculate the specific number of additional trips generated by Obey Creek. We believe that this idea is untenable.

**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.

Development Team Comment: We disagree with the statement that the Dogwood Acres circumstances that are being discussed are the direct consequence of the Obey Creek Development. Those circumstances exist today, as has been described by residents of the area. We agree that it is reasonable to add support for the proposed traffic-calming measures, if the Town Council chooses to do so, to the list of transportation projects to be considered for priority and possible funding with resources provided by Obey Creek, weighed against other transportation projects that have been suggested.

## 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.

Development Team Comment: We agree that a full-movement intersection at Sumac Road will be beneficial to the functioning and traffic movements on both sides of 15-501. We and the Town Council are both seeking NCDOT approval for this configuration. If NCDOT approval is not forthcoming, by the time that the Development Agreement is otherwise ready for decision, we suggest that language be inserted into the Development Agreement requiring that, in the event NCDOT turns down the request for approval of a full-movement intersection at Sumac Road, that the infrastructure improvements required by the Development Agreement will need to be adjusted to reflect the conclusions of an update to the TIS studying the impacts on Market Street due to the lack of a full-access intersection at Sumac.

### 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.

7. 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.

Development Team Comment: We do not agree.

First, structured parking is not floor area, and has never been included in Chapel Hill's floor area ratio calculations. Floor area has a clear definition, and Chapel Hill's use of floor area ratios to manage development activity has been in place for over 30 years. Attempting to count parking as floor area would result in a calculation that would be meaningless in the context of the Town's land use management system.

Given the unique characteristics of this site and this design (30 acres developed, over 80 acres permanently preserved) there is no comparable, familiar, local reference site.

8. 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.

Development Team Comment: We agree that these 3D visualizations will help people understand the spatial relationships of the proposed buildings and public spaces, and look forward to presenting them. The visualizations that we are preparing will include multiple views from eye level for many areas and key perspectives, but it is neither reasonable nor beneficial to prepare eye level views from all areas.

9. 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.

Development Team Comment: Building Type 6 is intended to be similar in design and use to Building Type 2. The purpose is to offer an alternative construction type that may be favorable in certain situations. Building type 6 allows for stand-alone parking structures concealed by other uses, while building type 2 has parking primarily located underneath the building. The appearance from the street would be nearly identical.

10. 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.

Development Team Comment: Those cross sections are being prepared.

11. 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.

Development Team Comment: We are preparing that comparison, and are adding the signage standards in the Ephesus-Fordham district to the comparison. There will be minor differences, reflecting the differing nature of a unified development such as Obey Creek with central internal control mechanisms, compared to sign standards that need to be universally applied throughout the Town.

#### **Summary of Development Team Comments regarding Planning Commission recommendations:**

We appreciate the review and recommendations from the Planning Commission, and have gone over each comment carefully. We find that, for several of the 11 comments, we disagree with the recommendations. We believe that we can work to implement some of the other suggested items, and offer ideas on those here:

- 2. Craft additional language about phasing to assure threshold levels of non-residential uses.
- 5. We are agreeable to having the Town Council include Dogwood Acres in its list of projects to prioritize.
- 6. We agree that if an NCDOT decision regarding Sumac Road is not received by the time other issues have been resolved and action on a Development Agreement is pending, that it would be appropriate to insert language into the development Agreement requiring adjustments to the TIS that has been prepared, with possible adjustments to mitigations if a new TIS calls for that.
- 8. We have agreed to provide eye-level visualizations in a 3D model of the proposed development.
- 9. We will provide explanations about how Building Typologies 2 and 6 are similar.
- 10. We will provide cross-sections showing slopes and building heights.
- 11. We are finishing work on a comparison of sign regulations, and will distribute that shortly.

## Transportation and Connectivity Advisory Board

1. The design of the proposed bike facilities along Sumac and Market Street should be revised to include one way cycle tracks. Along Sumac the cycle tracks should extend from US15-501 to Creekside Drive. Along Market Street the cycle track on the south side should extend from US15-501 to Creekside Drive, while on the north side the cycle track should be provided along the frontage of the block that includes Building F.

Development Team Comment: We do not agree. We continue to believe that our proposal is appropriate to these streets. There will be continuous paved surfaces built to AASHTO or NACTO standards from the bridge, and 5' bike lanes provided in each direction for Sumac and Market streets between 15-501 and Main Street, with the character of these two streets changing as they pass Main Street and head down toward Wilson Creek.

2. Additional detail should be provided to show access between the US15-501 bicycle/pedestrian bridge and the bicycle/pedestrian network in Obey Creek.

Development Team Comment: There will be continuous paved surfaces from the bridge to the bicycle/pedestrian network.

3. If access to the bicycle/pedestrian bridge is provided by a multi-use path across Highland Park the design of the path at its intersection with Sumac Dr. should address safe integration with the proposed cycle tracks.

Development Team Comment: We agree with designing for safe integration, except that the proposal does not call for cycle tracks in these locations.

4. The project should provide 130' of ROW along the US15-501 frontage to ensure adequate space for bus rapid transit design options.

Development Team Comment: We will dedicate additional ROW as required by adopted plans and/or NCDOT requirements.

5. The proposed off road multi-use path along US15-501 should be provided to the projects northern property line.

Development Team Comment: We propose extending the path to the northern edge of the developed area of the site, until it reaches an adjacent parcel.



6. US15-501 should be designed as an Urban Boulevard.

Development Team Comment: We agree and are pushing for that, along with the Town. A related initiative is the request to lower the speed limit on the road.

7. Section 5.4.A2 should include language referring to ADA regulations.

Development Team Comment: We agree.

8. The design of the Sumac Road and Market Street intersections should include pedestrian refuge islands along US 15-501.

Development Team Comment: We agree that this issue is worth exploring with NCDOT.

9. The Board reaffirms its support for transit improvements.

Development Team Comment: We appreciate the Board's support.

10. The location of bicycle parking should be closely coordinated with activity centers and distributed throughout the project. Bicycle parking locations should be included in the design guidelines.

Development Team Comment: Those locations will be shown in the next draft of the Design Guidelines.

11. Bicycle sharrows should be placed in the center of the lanes along local streets.

Development Team Comment: We agree.

12. Automobile lane widths along internal streets should be narrowed to 10'. Curb and gutter sections should be removed and replaced by bollards or other devices that would provide separation for pedestrians and allow fire and emergency equipment to extend beyond the travel lane.

Development Team Comment: We agree, subject to fire and public safety regulations. Bollards are a useful tool to provide separation between pedestrians and vehicles in areas where curb is not provided, but are not always necessary, especially in areas where on-street parking is provided.

13. Pedestrian cross walks should be shown throughout the project at intersections and along Creekside Drive.

Development Team Comment: We agree.

14. The Design Guidelines should show proposed access into parking decks.

Development Team Comment: The next draft of the Design Guidelines will include that information.

15. Section 5.4 C 2. Should be revised to require the annual collection of auto, pedestrian, bicycle and transit data through counts. This data should be used to monitor site generated traffic, pedestrian, bicycle and transit activity and adjacent transportation conditions.

Development Team Comment: We do not agree. We believe it would be useful to include some provision for periodic updates of traffic conditions; but not annually. We also note that traffic count data do not necessarily reflect site-generated traffic .

16. The use of funds provided by the applicant for transportation improvements should be prioritized for the following projects:

- a. Dogwood Drive traffic calming
- b. Restriping South Columbia/Fordham Blvd. interchange for bicycle and pedestrian safety unless restriping is included in NCDOT resurfacing projects within 12-18 months.
- c. Construct a sidewalk along Arlen Park Dr. between US15-501 and Parkside/Edgewater Dr.
- d. Construct a sidewalk along Bennett Rd, US15-501 to Mt. Carmel Church Rd.

Development Team Comment: This is a Town Council decision.

17. The proposed pedestrian and bicycle crossing at Otey's Road should be constructed as part of the proposed Morgan Creek Greenway project, which includes the construction of a multi-use path from Merritt's pasture to Otey's Road.

Development Team Comment: Not applicable. Town project.

**Summary of Development Team Comments regarding Transportation and Connectivity Recommendations:**

We appreciate the suggestions and recommendations from the Transportation and Connectivity Advisory Board, and believe that we are working to address most of them in the next drafts of the Development Agreement and Design Manual (especially items 2, 3, 6, 7, 9, 10, 11, 13, and 14). Items 16 and 17 are exclusively the Town Council decisions. We disagree with items 1 and 15. Following are the items that we should be discussed further:

- 4. 130' ROW may be too wide
- 5. The path will be extended to the northern edge of the developed area
- 8. Decision of whether or not to provide pedestrian refuge islands to be determined
- 12. We agree with the narrower lanes, subject to Fire regulations