**Obey Creek Special Meeting – Review Session with Advisory Boards and Commission**

*Meeting Date: April 30, 2015*

*Notes taken by: Office of Planning and Sustainability, Town of Chapel Hill*

The following are the meeting notes from the April 30, 2015 Obey Creek Special Meeting with the Council and the Advisory Board/Commission members. For a video of the meeting, [click here](http://chapelhill.granicus.com/MediaPlayer.php?view_id=7&clip_id=2387).[[1]](#footnote-1) The items listed below in yellow indicate edits/updates to be made to either the draft development agreement or draft design guidelines.

*Public Comment:*

* George Hartman: Sponsored a petition for the citizens of southern Chapel Hill. Ask that the Council engage the technical team to evaluate the impacts and benefits of multiple scenarios; not just the single scenario. Finer grain understanding will facilitate a better development agreement. Need calculations for traffic generation. Anticipate providing a report at the May 18th Public Hearing – will summarize comments and provide signatures.
* Steve White: The petition has not contacted the entire Southern Village/southern area because lack of some people on a listserv. Many more people are concerned than just those who attend the meetings. Suggest sending out a questionnaire to ask what residents think Obey Creek should look like.
* Debbie Muzgala: There isn’t much detail on the parks. Would like pictures of what the buildings are actually going to look like. Would like to see apple and willow trees. Would like to have fountains here, not just a splash area. No mention of statues in the plan – not in favor of more abstract art. Would like to see statues of NC historical people, like authors or early discovery people, local farmers. Would like to have tables and chairs outdoors. Also would like a lot of benches.

*Discussion:*

**Community Design Commission: Representative Susana Dancy**

* CM Palmer: Question about the parking decks – I feel much safer when it’s open to the outside. Natural light.
  + Susana Dancy (SD): In the earlier version of the design guidelines, there were buildings that were fronting the parking decks so that buildings weren’t fronting the street. These don’t support an active streetscape or an active storefront. The University Square SUP requires that all parking be screened from the street. The concern is that stand-alone parking deck don’t typically support an urban, walkable streetscape.
  + Ben Perry (BP): I think we are accomplishing both Susana and Maria’s goals.
  + John Martin (JM): The commitment is that all parking will be screened from the public view. Sometimes because of the sloping of the hill, the parking will daylight, but even there, the row of townhouses covers up the first thirty feet. When the building is fully built out, there will be no exposed parking at the street level. In the first phase, there will be parking built – in the interim phases.
  + SD: Concern that is this doesn’t get built out to full capacity.
  + Include language that the exposed parking decks will be interim.
* SD: Building typologies 2-6 – 6 is a standalone parking deck.
  + JM: We can clarify this. I don’t believe it is our intention to ever build a free standing parking deck that isn’t screened. – Edit Design Guidelines – Typology 6.
* CM Ward: What is the level of enforceability associated with the design guidelines? I gather they are meant to be much more than guidelines.
  + JM: There are items that are absolutes. Those could be highlighted to be fixed limits. The more subjective items such as corner treatments are much harder to be prescriptive.
  + CM Ward: It will get some things off the table if people know these are requirements. I would encourage the applicant and staff to pull them out and do what’s best for the living document.
  + BP: Might be better to add what’s more prescriptive versus subjective inside the Design Guidelines.
  + SD: We didn’t see any minimums; the most recent document allows for single-story buildings. And question about the 8 floors – is this 8 floors on top of structured parking? Is there a maximum height for the buildings? Seems to be room for interpretation.
  + JM: We are working on an additional exhibit that cuts sections through each block and specifies what can and cannot be there. That’s right that a single-story building would not be precluded; but we don’t want single-stories – we can include language that the building have to be at least three stories tall.
  + SD: That would be good.
  + JM: Hard to give exact feet in stories. We are going to write language that specifies a range of stories – and then define what a story is. Our definition in the design guidelines will be if you can count the floors, then it’s a story. Then we can set a maximum height (feet) for each use – office, retail, etc.

**Environmental Stewardship Advisory Board – Representative Elizabeth Zander**

* Elizabeth Zander (EZ): We were hoping for at least 5% of the permeable pavers.
  + BP: We would like to have some flexibility there. We are not willing to commit to that at this point, but we do have other stormwater strategies like tree pits.
  + Scott Murray (SM): In the DA, we commit to infiltration measures and tree pits, could be a combination of permeable pavers. In addition to the normal stormwater management techniques.
  + EZ: Would these be replacing something that would otherwise be a hard surface?
  + SM: Yes, these would have normally been sidewalk areas. It’s about an acre of infiltration. Also have the park areas. All of these combined try to deal with the point-source run-off.
* EZ: Is there an ASHRAE standard commitment?
  + BP: Yes, we are committed to 20% more efficient than 2010 ASHRAE.
* EZ: We would like outdoor recycling – buildings and parks.
  + BP: We agree; whether or not it’s sorted, we defer to Orange County. OC is focused on single-stream.
* SM: That’s fine to have 60% of native trees. EZ: Would be nice to have some firm language.
* CM Palmer: The Parks Commission had concern about placing recycling bins in the Preserve because of the difficulty of retrieving the trash. The hope was leave no trace –come out with what you carry in. The group was adamant about no picnic tables. Would be nice to have education information about how to treat the Preserve.
  + EZ: I agree – no within the Preserve, but may be nice to have at the exits.
* CM Palmer: Reuse of rainwater? I don’t remember if that is in the agreement or in the guidelines.
  + EZ: We didn’t specifically talk about this, but we would be in support of watering the plants with rainwater.
  + BP: Yes, we have included this information.
* SM: We can commit to 3 inch caliper trees in the outer edges. Within the development, we would like to do 2 inch so we could do smaller trees with closer in so that we can do outdoor dining. Allows us to work with smaller root balls near utilities. We don’t have a problem with the 3 inch minimum along 15-501 and Highland Park.
  + CM Harrison: I think you would lose trees if they were larger. Appreciate the comments about permeable pavements.
* CM Ward: You mentioned in droughts you could use non-potable water from OWASA. Where is this coming from?
  + SM: My understanding is that the reclaimed water is available free of charge at the OWASA plan. We would have to build the underground retention. We could build this larger to allow for the non-potable water.
* CM Ward: ESAB recommends 5% of on-site renewable energy.
  + BP: Our vision includes this, but without the design of buildings hard to comment how we would accomplish this. I want to have a significant amount of solar energy on site.
* CM Ward: Have you been able to look into the appropriateness of green roof technology? Could you identify opportunities at Obey Creek?
  + JM: Becoming increasingly easy to do. Right now, there is no language that mandates that, but there is language that encourages it.
  + CM Ward: Are you going to consider language that requires it? BP: We will have to get back to you about this.
  + EZ: Would be neat to include a green roof on the building that is the landing spot for the bicycle and pedestrian bridge.

**Parks, Recreation, Greenways Commission: Representative Erin Crouse**

* Erin Crouse (EC): Would like to include an interactive water feature or splashpark. Would be the first in town and would be a major draw. Don’t want this to be an afterthought, but a fully realized amenity. Also making sure that Overlook Park is a destination to the Wilson Creek Preserve. We were worried about having more developed recreation at the Preserve, especially from a maintenance concern.
  + BP: We largely agree with your Board’s comments. Restrooms at Highland and Overlook Park – we agree with the intent, we think a restroom across the street would be good – we commit to that. (EC: okay)
  + BP: We are concerned about committing to a splashpark because we want flexibility at Highland Park. We’d rather not commit to that in the development agreement. Similar to the children’s play area; we would like to include somewhere in the development.
  + BP: Development in the park – we would love to have a community garden, but would be better on the west side of the site. We would like to include a picnic shelter in the Persevere. We would like to have gator access.
  + Area might be a hangout - That is a valid concern we did not consider –Safety
* CM Bell: Splashparks don’t need to be perpetual. As a mom, having a place for my 6 year old to be is good. The idea is good, but doesn’t necessary have to be in Highland Park. Understand not having a gathering for inappropriate behavior, but not good to not have the amenity.
* CM Ward: Will want to consider the security to be paired with the amenity. A great spot that could be something more than just a not-as-dangerous quarry.
* EC: We are most concerned about the maintenance. We see this as a major issue.
* CM Ward: From my understanding, this is not a drag on the Town staff.
  + BP: We are committed to maintaining a high standard of maintenance.
* CM Palmer: Maybe no picnic tables in the preserve and please consult with the parks and recreation staff for what hours the parks should be open etc.
* Mayor: Need a response on how we coordinate the management areas.
* Julie McClintock (JM): We have no water quality issues if fill dirt is used in the quarry area.
* CM Ward: Would be good to have Preserve language that it is open from dawn to dusk.
* Mayor: How do you approach the safety, maintenance, and liability issues in the Preserve/quarry area? There needs to be clarity about the Town as the property owner and the larger group that is charged with maintenance.
* Chris Paul (CP): We are interested in having natural surface trails here for bike riders – important part of the amenities of the site.

**Planning Commission – Representatives Neal Bench and Amy Ryan**

* Amy Ryan (AR): General recommendation – Good idea for the Town to hire very specialized legal expertise – Construction performance standards. Mix of uses – Large range that the applicant has been ask for. Recommend narrowing the range that is acceptable in the urban design community. Concern about lane widening on 15-501, large block sizes, public transit – how can we pay for this, how many vehicles needed to accommodate. The 1.1 million is a midpoint between the high and the low – no specific rational for this figure. We strongly support traffic and mitigation measures in Dogwood Acres Drive – we are concerned there may be substantial effects. Would like a comparison of the sign plan. The Preserve is the gem of this development; currently along a residential street – is there a way to open this up to make this public?
* BP: Review of documents from East West Partners– (Note: These have been posted online [here](http://www.townofchapelhill.org/town-hall/departments-services/planning-and-sustainability/development/development-agreement-projects/obey-creek-/obey-creek-meeting-materials) under “April 30, 2015 – Special Meeting.[[2]](#footnote-2))
* CM Bell: The space for Obey Creek is much smaller than the space for Southern Village. Don’t want in 10 years to say that you undersized Obey Creek like we have heard for Southern Village. Need to take the advice from the technical team we’ve hired. Do we want the project that sits before us? Or do we want a greenfield or want the single-family houses? All of this is all contingent. By 2022, are we okay with someone spending 1 minute more in this development? If we don’t want to trust the person who makes walkable areas all over town.
* CM Palmer: I believe we have passed the point of no return. I want to develop the land as densely as possible to still make it walkable, enjoyable as possible with retail shops. The density of Southern Village does not belong on the other side of the street. We are now at the point of tweaking it and getting it just right. I don’t think we need to revisit the size of the development.
* Neal Bench (NB): We had concerns about the impacts of the higher numbers, but with the information about the mix of uses, some of these concerns go away.
* AR: I heard Victor Dover urge the Council to consider how important the treatment of 15-501 was. Need to think about the current profile of 15-501. Now 15-501 is going to be 6 lanes wide.
  + BP: That’s why we have the pedestrian bridge there – if people don’t want to cross the 6 lanes, then they don’t have to.

**Transportation and Connectivity Advisory Board: Representative Chris Paul**

* Chris Paul (CP): Critical importance of connectivity of Obey to the support areas and to the rest of the town. The pedestrian and bicycle bridge is a critical piece. 15-501 needs to become an urban boulevard and we recommend pedestrian refuges along 15-501. The right of way also needs to be adequate to accommodate the bus rapid transit and fits in with the planning of the north/south corridor. Most important change we suggest is within the travel lanes – they are currently 13 feet – one reason for this is to conform with fire code. One idea is to reduce the width of the street for vehicles, but to accommodate the fire trucks with other treatments. There should be regular data collection of traffic impacts. We support the traffic calming at Dogwood Acres and other traffic improvements at Arlen Park. This emphasizes the importance of connectivity from Obey to surrounding areas. Obey Creek can serve as a model for the Town for connectivity.
  + SM: Chapel Hill is one of the communities that has accepted Appendix D of the fire code – this pushes the streets wider. We are working with the technical team to give the fire marshal enough information to make interpretations. The fire code is pretty explicit and this is what is driving the 13 feet. We have made good progress; Council’s support would certainly be welcome.
  + BP: We feel looking at the triggers annually is too often.
  + Mayor: How about pedestrian counts? They do this near Town Hall.
    - BP: We are open to suggestions. We remove our objection from that point. – referencing ped counters.
    - CM Harrison: We would like to have a “door zone” – a safe area for bicyclists so that they don’t get hit by car doors.
* CM Ward: One of the recommendations of the board was to place sharrows in the middle of the lane – that is preferable to the bicyclists hugging the parked cars.

**Housing Advisory Board: Representative Mary Jean Seyda**

* Mary Jean Seyda( MJS): We fully endorse the affordable housing plan. There is one thing we wondered about adding to this – 5.2(b) the rental piece. Regarding filling the units with vouchers, being willing to communicate with and have the support of the Orange County Affordable Housing Coalition.
* BP: We would appreciate having that support.
* MJS: Would like to thank Ben for accepting vouchers and the other affordable housing provisions.

**Stormwater Advisory Board: Representative Julie McClintock**

* Julie McClintock (JM): Pleased that you are thinking about sand-filter technology and considering stormwater management during construction. The volume of the water hasn’t been totally resolved; this is due to the amount of impervious surface. A smaller footprint would allow for more rain gardens, impervious surface, etc. We have concerns that the language we recommended adopting is not in the draft. We think there should be a sinking fund so that funds can be available if there is an issue; rather than a bond. We have a slight difference from the recommendation of the Parks, Recreation, and Greenways Commission for the preserve. We support the current LUMO standards regarding enforcement. We haven’t had a chance to look at the design guidelines, and talk about items such as the retaining walls.
  + CM Cianciolo: What is a “sinking fund”?
  + JM: It’s basically a bank account. We didn’t specify who would manage the sinking fund. May be best for the Town to handle it.
  + BP: We have spent a lot of time with our stormwater engineer and with the Town Stormwater staff. We had the comments reviewed and either we are already doing them; they are calculations that are hard to make; and some that are unachievable. We can control the rate; it will release a higher rate over a longer period of time. We ask the Council to defer to the Town staff about the stormwater comments. We think a bond would be better because can have access to this right away whereas the sinking fund would take time to build up.
  + JM: Could we have a small sinking fund and a bond?
* Mayor: What is the concern about the discharge rates?
  + JM: The more that is covered that is impervious, the more that will run off. We haven’t heard if you are doing to do cisterns.
  + BP: Yes, they will be large cisterns and the language is in the development agreement.
  + JM: We’d like to iron out if there is a way to do this better.
  + SM: We are much further down the road than it might appear. The overall impervious is 26% for the site. It is in 70% for the developed portion of the site. We welcome the process to fine-tune this. We know what we need to do to protect Wilson Creek, and that’s whatever it takes.
* CM Ward: I have a variety of questions:
  + Bike parking – We don’t do a great job knowing how much bike parking we need. We need to integrate this into the development agreement. Have five years down the road written into the agreement a reevaluation of the number of bike parking that’s needed and provide additional bike parking. That way the applicant isn’t paying for bike parking that’s never used.
  + Metrics – I would like to see a spreadsheet of the various things we are trying to capture over time, what the timeframes are, and what we are planning to do with this information.
    - Then, what are we planning to do with these metrics? Should include language that there is a way to address these issues.
  + Building heights – Very helpful conversation tonight about how it’s measured. I would like to get a handle on where we are now in terms of building heights and stories. Is this where we want to be or should be craft additional language?
  + Mix of uses – Ben brought up the option of trying to narrow the percentages of uses. What are the worst case scenarios in the type of use-mix that we might end up with? We need to acknowledge the importance of flexibility for the applicant.
  + Public access – need to clarify when the public has access to the park and when the pedestrian and bicycle bridge will be constructed/be accessed.
  + Fire code requirements/street widths – Seems like we are getting feedback from the Fire Department that focuses on regulations. We are moving in the direction of blending needs and matching these with creative suggestions.
  + Economic development – Considering what is the rate of return for different land uses? Some of these pay for themselves in generating more revenues than cost in services. David Shreve from Charlottesville. We need to come away with a sense that we are getting more benefits than is costing the Town.
* CM Greene: Section 5.14 – Historic and Cultural Features. What is the process to involve the community in this?
  + Mary Jane Nirdlinger (MJN): It is on the agenda for the May 4th Justice in Action Committee.
  + CM Greene: I think this is a great idea, just want for some community input in this. We want a commitment about when this will be done – a timeframe.
  + BP: I have no clue what the process is for naming a creek, but we can do this quickly. For the marker, there is a building proposed for where the Watts Motel sat, and once would be included with the construction of this building.
* JM: Important to the Stormwater Advisory Board: Really want this project to have demonstration projects on rain gardens, green roofs, etc.

*Public Comment*:

* Monty Brown: Victor Dover was not commenting on the same project. What worries me about this are the loopholes; Council needs to consider what could actually be built here? The streets are too wide. Need to consider 5.22. Worried about affordable housing; could play a game where you never get affordable housing. Exhibit B shoes that you can have above ground parking facing 15-501. What you’re seeing here is going to be each piece sold off individually. Traffic numbers did not look at the worst intersections. The words are different than the pictures in the Building Typologies in the design guidelines. blic Comment:e Stormwater Advisory Board: stration projects on rain gardens, green roofs, etc. luded withthe e ortance of fle
* Joe: Three Points: First, the gentleman from Charlottesville – some of his commentary was important as the report itself. Second, feel disconcerted, Councilmember Palmer, that you said the Council can’t tell the developer what to build on their property – this is your job. Third, I see what you mean when you say the numbers seem arbitrary, Mayor. You started from a point when the developer gave you a sense of where his sweet spot it. It’s your job to question those things. If the 1.1 million had been evaluated then, it wouldn’t seem so arbitrary. Need to evaluate what provides a profit and has less impact on nearby neighbors. I question why you would ignore numbers that your constituents ask you to review.
* Deborah Fulgeri: Debbie Muzgala mentioned Target. At a Planning Commission meeting, East West Partners said there would be no big box store. And that there is no financing for a big box but that there is financing for stand-alone residential.
* Jeanne Brown: Glad Amy Ryan reminded you about the road design issues. Has the fully signalized intersection been approve at Sumac? Important issues – Ben, it gives me great pleasure that you read the TIS report. Important to keep in mind that these are average numbers. The April 2015 TIS includes the numbers for the Park and Ride Lot. Parking is another number. Then reduction in square footage makes more sense. Looking at less square footage might show something meaningful. Have not addressed transit. This kind of density belongs on a light rail corridor. Joe Minicozzi talks about the true character of a place. When the models come, consider what you are giving up or keeping regarding square footage.

1. <http://chapelhill.granicus.com/MediaPlayer.php?view_id=7&clip_id=2387> [↑](#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)