

5/19/15

To: Chapel Hill Town Council, Mary Jane Nirdlinger

From: Planning Commission

Re: Second round of comments on Obey Creek draft Development Agreement materials

At Tuesday's meeting, the Planning Commission reviewed our earlier set of comments to Council (dated 5.15) in light of recent document revisions. We'd like to thank staff for being responsive to our concerns and incorporating many of our suggestions into the 5.11 document.

There are still some issues that have not been addressed; their status is provided in Table 1. Table 2 has new comments to Council based on our review of the most recent set of Obey Creek documents presented at the 5.18 public hearing.

**Table 1. Update on issues outstanding from the Planning Commission's 5.15 comments to Council**

<b>Document reference<sup>1</sup></b>	<b>Planning Commission comment</b>	<b>Staff response</b>
5.1.c Scale of development and uses permitted	We don't find any specific land use tables in the Design Guidelines or the Development Agreement. The LUMO text for the DA-1 zoning does have a generic table of allowed uses; should the Development Agreement document include a table of specific uses developed from that generic table?	Staff prefers to leave the table in the ordinance; it's incorporated by reference (the items with P or A would be allowed per the terms of the DA). If there's a specific use the PC is concerned about, they should share that concern with Council. 5.19 PC Comments: The Planning Commission will review this table at our 6.2 meeting and forward a list to Council of any uses we think should be specifically excluded.
5.2.b.7.vii Conversion of affordable units for sale	If rental affordable units convert to for-sale units, should the developer be allowed to propose a payment in lieu instead of supplying the units? Should such a proposal for a PIL trigger a major modification?	Staff responded that the inclusionary zoning ordinance would apply here and specifies the rules for payments in lieu; will review. 5.19 PC Comments: The 5.11 draft still allows payments in lieu when converting from affordable rental to for-sale units (section 5.2.b.8.vii); if such payments are proposed to replace actual units, we believe they should trigger a major modification and Council review.

<sup>1</sup> Section numbers refer to the 4/30 Development Agreement document.

5.2.b.9 Loss of vouchers/subsidies	The affordable housing agreement specifies that rental units available at the 60-80% income level should be rented for no more than 30% of total household income. This article allows voucher units to rent at the Fair Market Rent if the voucher programs are no longer available.	Staff will review. 5.19 note from MJN: Fair Market Rent is defined by HUD – we will probably add “as defined by HUD” to the language for clarity. 5.19 PC Comments: We don’t think staff’s change achieves the intent of having the same standards for units that have lost their vouchers as for the other affordable units, which rent at 30% of total household income.
5.3 Stormwater	The Planning Commission had endorsed the recommendations of Kimberly Brewer for changes to this section. What is their status?	Kimberly Brewer has been meeting with Stormwater and Planning staff to review and suggest amendments to the section text. Staff commented that “after discussions between staff, Ms. Brewer and the other technical folks, much of the intent (if not always the exact wording proposed by KB) was included in the latest draft.” 5.19 PC Comments: We understand that Ms. Brewer is addressing these issues directly with staff and Council.
5.4.c Traffic impact study	The current document gives the developer a maximum trip generation amount as a daily maximum. Because peak traffic numbers and/or performance criteria more accurately reflect the functioning of the system, there should be wording added to limit traffic generation at peak times or according to performance.	Staff will discuss with Kumar how this could be accomplished. 5.19 PC Comments: We continue to support adding ceilings for peak traffic generation (AM, PM) as well as total daily traffic. We understand from Scott Murray that staff and the development team are working on such language.
5.10.d Greenway maintenance and Master Owners Association	Concern that no provision has been made for what happens if the Master Owners Association becomes insolvent and can no longer maintain the development infrastructure.	Staff responded that text to address this issue has been added to the 5/18 document revision. 5.19 PC Comments: The new section 5.10.g reads: “The Developer Owner or Representative shall maintain the greenways and sidepaths.” We see a potential conflict with 5.10.d, which states that the Master Owners Association is responsible for maintaining greenways and sidepaths. There is a similar issue in section 5.11 for the pedestrian and bike bridge. Staff should check whether these sections contradict each other.

**Table 2. New comments to Council based on Planning Commission review of 5.18 Obey Creek Development Agreement materials**

Document reference <sup>2</sup>	Planning Commission Comments
Design Guidelines	<p>The concept of the DOT Urban/Suburban Boulevard design, endorsed by Victor Dover, is missing from the current Obey Creek agreement. There is no reference to implementing elements of this design, such as requiring a landscaped highway median or slip street on the west side of 15-501 when that area is developed. Also, there was supposed to be a town commitment to ensuring a similar design at the Southern Village Park and Ride when developed.</p> <p>Has DOT been asked to give a ruling on the Urban/Suburban Boulevard design? We recommend that the Town and applicant make a good-faith effort to get approval for this design before the Development Agreement is signed. The status of the 35 mph speed limit on 15-501 is also still unresolved – is it being reviewed by DOT?</p>
Design Guidelines	<p>New building sections have been added to the Design Guidelines (“Building Heights and Sections,” pp. 30–32), showing that one building along 15-501 will be as tall as 90’ at the front (building A). The front of Building E will be 37’ at 15-501 but the back half will rise another 50’ over that from the road elevation and be visible from the highway.</p> <p>We call this new material to Council's attention to see if the buildings match their intent for the height of the project's 15-501 frontage, which is shown as 4 stories maximum in the plan on p. 30 of the Design Guidelines. We also repeated our request to the development team for additional visual materials (see next item).</p>
Planning Commission Comments at the April 30 Joint Advisory Board/Council Meeting	<p>The site sections from 15-501 to the Preserve and the 3D computer model the Planning Commission requested have not yet been provided by the development team.</p> <p>We again request these materials so that the commission and Council have the visual resources needed to understand the building masses, how the development falls on the land, the views of the complex from 15-501, etc.</p>
Exhibit B: Site Map	<p>A new site map has been added to the exhibits but is not consistent with elements of the Design Guidelines (for example, it doesn’t show the linear park on Wilson Creek Lane and Overlook Park, improvements in the Preserve, etc.). According to Scott Murray, this will be a controlling exhibit and revisions are under way, with the goal of completing them by next Thursday.</p> <p>If this is will be a controlling exhibit, it should be much more detailed and accurately show all the design elements of the proposed development and be consistent with specifications in the Design Guidelines. We will review the updated map when it is available.</p>

<sup>2</sup> Development Agreement section numbers refer to the 5.11.15 draft. Pages in the Design Guidelines refer to the 5.18.15 draft.

Exhibit G: Trip Generation Matrix	<p>This chart will be used to estimate trips from proposed new phases of development to make sure trip generation maximums won't be exceeded (section 5.4.c.3.iii).</p> <p>We are unclear why we need an equivalency matrix. Is this a standard equivalency table? Why are we not using the standard Institute of Transportation Engineers (ITE) tables that were used for the original Obey Creek traffic studies?</p>
4.10.a Amendment and Modification	<p>We recommend that a major modification be triggered if the developer proposes substantial intrusion into the RCD.</p>
5.1.f Scale of Development and Land Uses	<p>New text specifies that a minimum of half the residences be age restricted, but no maximum is given.</p> <p>We recommend that Council consider whether there is a town interest in capping the amount of age-restricted housing.</p>
5.4.a.4 Transportation, General Provisions	<p>New text has been added to a section discussing sidewalks in the developed property: "Pedestrian refuge islands shall be provided in crosswalks, subject to NCDOT approval where necessary, for all crossings of 6 lanes or more."</p> <p>We endorse this addition but recommend that it be given its own section, with appropriate additional language, to make it clear that this applies to improvements on 15-501 as well as in the developed property.</p>
5.4.f.2 Other Transportation-Related Contributions	<p>The section specifies a developer contribution of \$150,000 (formerly \$125,000) and now states that these funds can be used to construct the stacking lanes at the 54/15-501 interchange and pay for restriping of South Columbia Street. In the 4/30 draft, these projects were included in the "Specific Roadway Improvements" that the developer would be making.</p> <p>We are concerned that given the likely large expense of constructing the stacking lanes, this will not provide sufficient funding for all the improvements the contribution is meant to cover.</p>
Section 5.22.f.9.iv Site Development Standards	<p>This section says "the maximum number of compact spaces shall not be limited." This is listed as an exception to town parking standards in Section 5 of the Chapel Hill Design Manual and would appear to apply to all parking in the development.</p> <p>We call Council's attention to this provision and the potential for a large amount of compact-only parking in the development.</p>