



Action Minutes: Planning Commission

Meeting Date: June 2, 2015

Members Present: Travis Crayton, Neal Bench (Chair), Deborah Fulgheri, Melissa McCullough, Amy Ryan (Vice-Chair), Buffie Webber, Brian Wittmayer

Members Absent: Michael Parker **Joint Planning Area Member:** Vacant **Council Member:** George Cianciolo

Staff Present: Ralph Karpinos, Mary Jane Nirdlinger, Gene Poveromo

Agenda Item	Discussion Points	Motion/Votes/Outcome	Action
Opening Items	<ol style="list-style-type: none"> 1. Meeting was called to order at 7:00pm. 2. Adoption of the April 15, 2015 Action Minutes. 3. Adoption of the May 5, 2015 Action Minutes. 4. Adoption of the May 19, 2015 Action Minutes. 5. Order of items on the Agenda. 6. Announcements 	<ol style="list-style-type: none"> 1. Quorum present 2. Melissa McCullough moved and Amy Ryan seconded a motion to approve the April 15, 2015 Action minutes. 3. Amy Ryan moved and Buffie Webber seconded a motion to approve the May 5, 2015 Action Minutes with corrections. 4. Amy Ryan moved and Melissa McCullough seconded a motion to approve the May 19, 2015 Action Minutes. 5. The agenda was approved. 6. The Commission noted that tonight's meeting is Deborah Fulgheri's last meeting as a Commission member. The Commission thanked her for her time and service on the Commission. 	<ol style="list-style-type: none"> 1. None 2. The minutes were approved unanimously. 3. The minutes were approved unanimously. 4. The minutes were approved unanimously. 5. None 6. None
Consent Agenda	No items		

<p>Old Business</p>	<p>7. Obey Creek Development Proposal – Text Amendment, Zoning Atlas Amendment, and draft Development Agreement.</p>	<p>7. Travis Crayton moved and Buffie Webber seconded a motion to reconsider the Planning Commission recommendation on the Development Agreement-1 text amendment.</p> <p>Travis Crayton moved and Amy Ryan seconded a motion to state that the proposed text amendment is consistent with the Comprehensive Plan and recommend that the Council enact an ordinance to create the Development Agreement-1 (DA-1).</p> <p>Travis Crayton moved and Melissa McCullough seconded a motion to recommend that the rezoning is consistent with the Comprehensive Plan; and to rezone a portion of the Obey Creek site from Residential-Low Density 1- (RLD-1) and Neighborhood Commercial (NC) to Development Agreement-1 zoning district.</p> <p>Buffie Webber moved to confirm that the proposed Development Agreement is consistent with the Comprehensive Plan.</p> <p>The Commission discussed the Development Agreement and agreed to forward a copy of their June 2, 2015 and April 24, 2015 comments to the Council.</p>	<p>7. The motion was approved unanimously.</p> <p>The motion was approved unanimously. See attached Recommendation</p> <p>The motion failed by a vote of 3 in favor and 4 (Deborah Fulghieri, Amy Ryan, Buffie Webber, and Brian Wittmayer) opposed. See attach Recommendation.</p> <p>The motion did not receive a second motion and therefore failed.</p> <p>See attached documents from the Planning Commission.</p>
<p>New Business</p>	<p>8. Downtown Imagined Design Guidelines- Draft Request for Proposals</p>	<p>8. The Commission agreed to present staff with comments at the June 16, 2015 Commission meeting.</p>	<p>8. None</p>

Reports	<p>9. Posting notice of July 2015 Elections.</p> <p>10. July 2015 Planning Commission Meetings</p> <p>11. Recommendation to Council on Planning Commission at-large vacancy</p>	<p>9. The Chair announced that elections of the Chair and Vice-Chair will occur in July, 2015.</p> <p>10. The Commission agreed to cancel the July 7th meeting and meet on July 21.</p> <p>11. With an interest to fill the vacant at-large Commission position, the Commission agreed to reach out to some of the 2014 applicants and invite, those who expressed an interest in serving, to address the Commission at their next meeting.</p>	<p>9. None</p> <p>10. None.</p> <p>11. None</p>
Adjournment		The Chair announced the meeting adjourned at 9:50 pm.	

DRAFT

PLANNING COMMISSION

The charge of the Planning Commission is to assist the Council in achieving the Town's Comprehensive Plan for orderly growth and development by analyzing, evaluating, and recommending responsible town policies, ordinances, and planning standards that manage land use and involving the community in long-range planning.

RECOMMENDATION DEVELOPMENT AGREEMENT-1 (DA-1) ZONING DISTRICT TEXT AMENDMENT June 2, 2015 & May 5, 2015

Recommendation: **Approved** **Approval with Conditions** **Denied**

June 2, 2105

Motion #1: On **June 2, 2015**, Travis Crayton moved and Buffie Webber seconded a motion to reconsider the Commission's May 5, 2015 recommendation on the Development Agreement-1 (DA-1) Zoning District Text Amendment.

Vote: **7-0**

Ayes: Neal Bench, Travis Crayton, Deborah Fulghieri, Melissa McCullough, Amy Ryan, and Buffie Webber, Brian Wittmayer

Nays: None

June 2, 2105

Motion #2: On **June 2, 2015**, Travis Crayton moved and Amy Ryan seconded a motion to state that the proposed text amendment is consistent with the Comprehensive Plan and recommend that the Council enact an ordinance to create the Development Agreement-1 (DA-1) zoning district.

Vote: **7-0**

Ayes: Neal Bench, Travis Crayton, Deborah Fulghieri, Melissa McCullough, Amy Ryan, and Buffie Webber, Brian Wittmayer

Nays: None

May 5, 2015

Motion: On **May 5, 2015**, Travis Crayton moved and Michael Parker seconded a motion to recommend that the Council enact an ordinance to create the Development Agreement-1 (DA-1) zoning district.

Vote: **8-0**

Ayes: Neal Bench, Travis Crayton, Deborah Fulghieri, Melissa McCullough, Michael Parker, Amy Ryan, and Buffie Webber, Brian Wittmayer

Nays: None

Prepared by: Neal Bench, Chair, Planning Commission
Gene Poveromo, Staff

PLANNING COMMISSION

The charge of the Planning Commission is to assist the Council in achieving the Town's Comprehensive Plan for orderly growth and development by analyzing, evaluating, and recommending responsible town policies, ordinances, and planning standards that manage land use and involving the community in long-range planning.

RECOMMENDATION OBEY CREEK DEVELOPMENT PROPOSAL CONSISTENCY WITH THE COMPREHENSIVE PLAN AND REZONING June 2, 2015

- Recommendations:** 1) That the rezoning is consistent with the Comprehensive Plan; and
- 2) To rezone a portion of the Obey Creek site from Residential-Low Density 1- (RLD-1) and Neighborhood Commercial (NC) to Development Agreement-1 zoning district.

Motion: Travis Crayton moved and Melissa McCullough seconded a motion to recommend that the rezoning is consistent with the Comprehensive Plan; and to rezone a portion of the Obey Creek site from Residential-Low Density 1- (RLD-1) and Neighborhood Commercial (NC) to Development Agreement-1 zoning district.

Vote: 3-4

Ayes: Neal Bench, Travis Crayton, Melissa McCullough

Nays: Deborah Fulghieri, Amy Ryan, Buffie Webber, and Brian Wittmayer

The motion did not pass.

Reasons for Nay votes: The Planning Commission members, who voted against the motion, noted that the rezoning does not comply with the following *Goals and Principals of the Chapel Hill 2020 Comprehensive Plan*:

- *The area is identified as a retail opportunity by the Town.*

The current allowable minimum of 14% retail at build-out does not meet the key consideration to capitalize on this area as a significant “retail development opportunity” for the town.

[Amy Ryan]

- *Minimize traffic impacts on neighborhoods surrounding the study area and along US 15-501*

The size of the development is such that even with considerable mitigation it will cause substantial traffic delays on surrounding roads and thus will not “minimize traffic impact on neighborhoods surrounding the study area and along 15-501.” [Amy Ryan]

- *Improve bicycle and pedestrian connectivity among neighbors, schools, community facilities, parks and across 15-501.*

The size of the development is requiring such significant lane expansion on 15-501 and stem length concessions internal to the development that it will profoundly impair bike and pedestrian connectivity, counter to the 2020 plan's call for development to "improve bicycle and pedestrian connectivity among neighborhoods, community facilities, parks, and across 15-501." Good urban design and good connectivity require multiple points of connection, not a single-point solution; even with the bridge, the road mitigations necessary to accommodate the 1.6 million square feet of development will effectively produce a barrier to bike and pedestrian connectivity across 15-501 between Southern Village and Obey Creek. [Amy Ryan]

- *The proposed land uses as described in Area 1 ("this area should be like the Village Core) and Area 2 (suitable for single-family cluster development) as shown on the CH 2020 South 15-501 Discussion Map.*

The Obey development does not match these land uses. [Brian Wittmayer]

- *Meet Community needs with the new development (mixed-use) focused on commercial rather than residential (Area 1).*

The development should be mandated to have a required commercial during the initial development phase. Commercial development should be greater than 50%; and at no point in the development should residential exceed 60%. [Brian Wittmayer]

The current emphasis on residential development (from 65% to 55% of the heated square footage) does not "meet community needs with new development (mixed use) focused on commercial rather than residential." [Amy Ryan]

- *Emulate design principals of market area of Southern Village including building height restrictions*

The proposed project (up to 8 story buildings) is not like the Village Core (up to 3 story buildings). [Brian Wittmayer]

- *Does not Preserve and Enhance the "Green Gateway"*

The 15-501 edge of Obey Creek does not represent a Green Gateway. [Deborah Fulgheri]

The proposed development agreement that would be applied under the DA-1 zoning will produce development that is not consistent with the Comprehensive Plan, specifically the plans for Future Focus Area 6 (South 15-501). [Amy Ryan]

Prepared by: Neal Bench, Chair, Planning Commission
Gene Poveromo, Staff

6/5/15

To: Chapel Hill Town Council, Mary Jane Nirdlinger

From: Planning Commission

Re: Update of Commission comments on Obey Creek draft Development Agreement materials

At the Planning Commission's June 2 meeting on Obey Creek, we reviewed our May 19 comments to Council in light of recent document revisions and discussions with staff. Again, thanks to staff for addressing many of our issues; some items remain to be addressed by staff in the revisions for the June 8 Council meeting (which were not yet available at the time of this memo) or as Council-level concerns.

Table 1. Update on issues from the Planning Commission's May 15 comments to Council

Document reference ¹	Planning Commission comments	Status as of June 25
5.1 Scale of development and uses permitted	The commission will review the allowable uses in the DA-1 zoning and recommend any that should be excluded from the Obey Creek Development.	The Planning Commission supports the staff recommendation of excluding cemetery, college/university, fraternity/sorority, and rooming house, <u>and single-family house</u> as allowable uses at Obey Creek. We also endorse excluding single family housing, as long as that still allows for townhouse units. This language should appear in the Development Agreement revisions for Council's June 8 meeting, has been added to the June 3 revision (section 4.6) of the Development Agreement, though the townhouse issue is not mentioned specifically.
5.2.b.8.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	Resolved.

Formatted Table

¹ Unless otherwise noted, sSection numbers refer to the May 11 Development Agreement document.

	supplying the units? Should such a proposal for a PIL trigger a major modification?	<p>The inclusionary zoning ordinance would be controlling in the event of a conversion, and it specifies that either Council or the Planning Commission must approve alternatives to the on-site development of required affordable housing units (Town ordinance 3.10.3.b).</p> <p>The Planning Commission is satisfied that this will take care of the town's interests in case of a rental conversion.</p>
--	---	---

5.2.b.10 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 (not 30% of income) if the voucher programs are no longer available.	<p>Resolved.</p> <p>Loryn Clark commented that rents for former voucher units were intentionally not brought to the 30% of income level. Since most voucher-eligible households are at very low income, payments at the 30% level would require a very large subsidy from the developer, and she commented that staff considers that an undue burden on the developer. She also noted that if voucher programs end, it may mean that we cannot serve the lowest income households in the Obey Creek affordable housing program.</p> <p>The Planning Commission understands staff's rationale and supports leaving the text as is.</p>
5.3 Stormwater Management	The Planning Commission had endorsed the recommendations of Kimberly Brewer for changes to this section. What is their status?	<p>Resolved.</p> <p>Kimberly Brewer and staff have worked out most of the stormwater issues to their mutual satisfaction. If Ms. Brewer has any remaining concerns, she will address them directly to Council or the Stormwater Board.</p>
5.4.c Traffic Impact Study	The current document gives the developer a maximum trip generation amount as a daily trip 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.	<p><u>Resolved.</u></p> <p>Staff is working on language to substitute <u>has substituted</u> PM peak traffic totals for daily trip generation totals as a measure of maximum trip generation for the development.</p>

		This language should appear in the Development Agreement revisions for Council's June 8 meeting. Section 5.4.c.1 in the June 3 revision now states "Benchmark Set: . . . The Benchmark is within +100 trips of PM peak hour trips (see Exhibit L)."
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. <u>Also conflicting language on whether Owners Association or Developer will maintain the greenway.</u>	Town attorney Ralph Karpinos is reviewing <u>has added language to</u> the text to make sure that the town's interests are protected <u>in case the association fails to fulfil its obligations (-Section 4.24 of the June 3 revision).</u> Any language changes should appear in the Development Agreement revisions for Council's June 8 meeting. Section 5.10.e still has the Owners Association responsible for maintenance; section 5.10.h has the Developer. Should there be only one responsible party?

Table 2. Update on issues from the Planning Commission's May 19 comments to Council

Document reference ²	Planning Commission Comments	Status as of June 25
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? If not, we recommend that the applicant 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>	<p>Staff will add <u>has added</u> language to the next revision <u>section 5.4.a.1 of the June 3 revision stating that 15-501 be designed to meet DOT Complete Streets guidelines, subject to DOT approval.</u></p> <p>This is not the same as the n of the Development Agreement stating that the design of 15-501 should be consistent with the Urban/Suburban Boulevard design guidelines from NCDOT's Complete Streets Planning and Design Guidelines manual, subject to DOT approval.</p> <p>This language should appear in the Development Agreement revisions for the June 8 Council meeting. That were endorsed by Victor Dover. The Planning Commission</p>

² Unless otherwise noted, Development Agreement section numbers refer to the May 11 draft. Pages in the Design Guidelines refer to the May 18 draft.

		<p><u>repeats our request to have specific language on the Urban/Suburban Boulevard configuration added to the development agreement document.</u></p> <p>On the speed limit issue, staff reported that DOT said that speed limit reduction requests are usually made after construction, when prevailing road speeds can be assessed.</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 on p. 30 of the Design Guidelines. We also repeated our request for additional visual materials (see next item).</p>	<p>The CDC will propose <u>is proposing to add</u>ing a table of maximum heights for four-, six-, and eight-story buildings as part of the Design Guidelines building heights sections, to resolve inconsistencies in the document. This will also include maximums for roofs and mechanicals. The Planning Commission supports inclusion of this table in the Design Guidelines as the controlling section on building heights.</p> <p>We refer to Council the <u>separate</u> question of whether the 15-501 building heights proposed by the developer are consistent with Council’s vision for the road frontage.</p>
Planning Commission Comments at the April 30 Joint Advisory Board/Council Meeting	<p>The commission has requested site sections from 15-501 to the Preserve and a 3D computer model of the entire project 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 project from 15-501, etc.</p>	<p>Sections through the site from 15-501 to the Preserve have now been provided in the most recent Design Guidelines revisions. Council should review.</p> <p>We again encourage Council to request a 3D computer model of the development.</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</p>	<p>Staff is comfortable that the Development Agreement document contains sufficient controlling language to insure that detailed design requirements are met. That said, they are requesting that the development team update the<u>The most recent version of the</u> site map <u>(now Exhibit H) has been updated</u> to be <u>more generally</u> consistent with the text of the Design Guidelines and Development Agreement document.</p> <p>There is now language in<u>Language has been added to</u> the Development Agreement that states that building</p>

	the Design Guidelines. We will review the updated map when it is available.	placement (5.1.c) and road placement (5.4.a) must be generally consistent with the site map.
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>	<p><u>Resolved.</u></p> <p>Staff will be removing<u>has removed</u> this exhibit from the document – it was created for the Glen Lennox Development Agreement but is less<u>not</u> applicable to Obey Creek.</p>
4.10.a Amendment and Modification	We recommend that a major modification be triggered if the developer proposes substantial intrusion into the RCD.	<p>Resolved.</p> <p>Staff commented that the RCD requirements in LUMO (section 3.6.3) would apply to this development and any variance would have to go through the normal town process, including review by the Board of Adjustment.</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>	Council issue.

<p>5.4.a.4 Transportation, General Provisions</p>	<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>	<p><u>Resolved.</u></p> <p>Staff will makehas made this text its own paragraph in the Development Agreement document <u>(Section 5.4.1.6)</u> so that it is clear it applies to 15-501 as wellwill not be construed that this provision applies only toas internal roads <u>and will make it clear it applies to 15-501 improvements as well.</u></p>
<p>5.4.f.2 Other Transportation-Related Contributions</p>	<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>	<p>Council issue.</p>
<p>Section 5.22.f.9.iv Site Development Standards</p>	<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>	<p>Council issue.</p>

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.