

To view a complete listing of all questions/comment received at the various Carolina North meetings, please visit [Summary of Key Interests - Carolina North Planning Process](#) (pdf) or [Summary of Key Interests - Carolina North Planning Process](#) (MS Word).

**Summary of Key Interests
Council-Trustees Work Session
May 21, 2009**

The following questions/comments were raised during the Chapel Hill Town Council/UNC-Chapel Hill Board of Trustees Joint Work Session that was held on Thursday, May 21, 2009:

Interests Raised by Council Members

- Will the recommendations from the Advisory Boards include any analysis when they are transmitted to the Council? It appears they echo each other in a lot of cases, and it is not clear how they relate to the draft development agreement.
- When will the packet of materials for the June 8th Council work session arrive?
- Page 3 of the proposed LUMO text amendment (May 19th version) includes a statement that a large central cogeneration/utility plant may only be constructed with the approval of a conditional use permit by the Council. Then, on page 4, uses are discussed that are subject to a special use permit. Is there a difference between a conditional use permit and a special use permit, or is this difference just an accident? If there is a difference, would like to know what the difference is.
- Traffic Impact Analysis (TIA) is supposed to be updated in December 2009, and then again in 3 years or when the total built square footage at Carolina North reaches 800,000 square feet of total building space, whichever occurs later. The agreement then notes that after the initial 800,000 SF of construction, subsequent TIA updates are required every 5 years or for each additional 800,000 SF of construction, whichever occurs later. How does this play into what is actually happening in construction? Seems that theoretically the TIA would not be very useful if there was a spike in construction activity.
- The proposed recordation of the proposed conservation easements appears to be staged. What is the reasoning for this approach?
- Would propose to ratchet the thresholds for the scheduled recordation of conservation easements downward, and make Areas 1 and 3 effective almost immediately, Areas 2 and 4 recorded at 750,000 SF, and Areas 5 and 6 recorded at 1.5 million SF. This approach is more balanced and fairer to the Town.
- Believes that the Town's interest is best served by a 20-year agreement. The Council needs to have a discussion regarding this issue.
- The term is important for multiple reasons – not just land conservation and preservation. Cooperation regarding improvements to Chapel Hill Transit is another example of how the Town and the University will be partnered for the next 20 years and will need to work together or the public's best interest will not be served and real problems will occur.

- Needs to be clear that if the end of the agreement is reached via build-out rather than time frame (20 years), then the Town still needs to make sure that it gets what it agreed to as part of the agreement.
- Regarding the idea that a rogue Town Manager could come in and deem the University is in default regarding the agreement, and utilize his/her ability to deem that the Development Agreement is no longer in effect, it is important to note that there is a provision for mediation.
- Section G.9.4 discusses any buildings or improvements at Carolina North that are privately owned, and states that they shall be subject to ad valorem taxation per North Carolina General Statutes. What if a building is privately owned by a non-profit business? Concerned about the difference that can exist between the owner and the activity that occurs inside the building. If there is unrelated business activity that would not normally fall within the mission of the owner, then would this qualify this building to be subject to taxes.
- What is the University's intention regarding uses being subject to sales tax? For example, if there is a restaurant on the ground floor of a building, are transactions subject to sales tax?
- What about personal property that is located in buildings that are privately owned? For example, what if a business owns and has an electron microscope in a privately owned building. Is the microscope subject to taxation?
- In Section G.9.3, what is meant by the term "substantial" for negative fiscal impacts for the Town? Also, if the University is conducting an annual accounting of the fiscal impacts of Carolina North and it is discovered that there are significant negative fiscal impacts for the Town, where is the process by which the Town can come back to the University outside of the annual fiscal impact report and identify that there are additional costs the Town is incurring outside of the report? In other words, where is the process by which the Town can identify negative fiscal impacts and withhold approval of Site Development Permits until the situation is addressed?
- Perhaps the first step in the fiscal impact accounting methodology could be to ask the Town regarding perceived negative fiscal impacts first, before conducting annual analysis?
- Using the explanation of the term substantial on page 5 of the LUMO text amendment as a model, should be able to come up with parameters that work in the context of the annual accounting of fiscal impacts.
- Would have liked for pedestrian facility needs to have been part of the mandate for the Traffic Impact Analysis. How to help pedestrians safely and efficiently cross major arteries is a major concern for the Town. Although additional stoplights provide crossing opportunities, recognizes that NCDOT does not like to put them in because they slow traffic. However, feels the need to find ways to provide frequent crossing opportunities that are within reasonable distances of those who would use them. Concerned about these major roads bifurcating the Town. Recommend that we incorporate into the next TIA extensive analysis of these situations and look at ways to improve them.
- Regarding transportation needs and parking ratios, different users have different capabilities to adjust their needs. For example, students can easily modify their needs and behaviors, but those residents living on the site will not have the same degree of flexibility.

- The Council has a policy of not adding general purpose lanes. Can you describe what you mean by reconstruction and does that include special purpose lanes?
- Did the Traffic Impact Analysis evaluate whether HOV or diamond lanes would be a substitute for additional through lanes?
- The Council is going to be advocating for higher parking constraints and different ratios. When is the Council going to have this conversation with the University representatives?
- Do not see how the Town balances its interest here with this across the board approach to parking. Can't simultaneously say build housing and don't park in the neighborhoods and do not have enough parking for people who we know are going to have cars. We don't have the kind of environment at this point where all of us don't have cars and it's not necessarily the case that we are going to be able to construct this environment on Carolina North. Need to talk about what is realistic. Need to drive this project to be transit-oriented, but don't want to choke it because we are not being realistic.
- It is a question of what mode splits are obtainable and acceptable. Need a discussion as to how this is going to play out.
- Believe that the process of getting the Town and University staff members together has worked well on other issues in the past, and would suggest that they get together and take a closer look at the suggested reduced parking scenarios and review various user groups to differentiate which groups have more flexibility than others.
- Regarding the proposed bike lane slide in the Traffic Impact Analysis (TIA) presentation, the portion of Estes Drive Extension south and west of Seawell School Road also needs bike lanes in order for bicyclists to reach the proposed network around Carolina North. If this additional piece is not incorporated in the proposed bicycling network, then the TIA appears to lose credibility.
- The Traffic Impact Analysis identifies that additional buses will be needed as Carolina North develops. How will these additional buses be paid for?
- Why is parking ratio in the Traffic Impact Analysis for research and development done by square footage rather than by number of employees? This type of imprecision creates concern.
- Would like to hear that the numbers that is being used for research and development parking is lower than the number that is typically used for this use in other jurisdictions.
- Would like to understand why specific parking ratios were chosen for specific uses. If a ratio is just a typical ratio, then may want to consider reducing further. Would like baseline information to add more context so that Council can evaluate and make a value judgment as to exactly what number is most appropriate for Carolina North.
- Would be nice to expand the Town's existing park and ride lots and for the University to offer students some sort of financial incentive to motivate students to keep their cars at park and ride lots rather than on campus.
- Had previously mentioned landfill remediation and airport remediation. Are there hazardous materials at the airport, and if so, what is the remediation strategy?

- Concerned about the design guidelines. There are a lot of things in the Traffic Impact Analysis that conflict with the Design Guidelines. For example, there are maps showing a north/south road to Homestead. There are things about building heights, etc., which the Council needs to pay attention to as the Development Agreement makes reference to “incorporated exhibits.” Need to decide documents, maps, pictures, statements of building heights, etc., that the Council is incorporating into the Agreement by reference.
- Wants some mechanism within the document that if the Council sees a problem with traffic congestion or air quality, the Council can return to the table and basically adjust the parking ratio numbers, if that happens to be identified as the source of the issue. Right now we are just working with best guesses. Our long range planning is based on a lot of assumptions, and when you multiply a best guess by a best guess, not so sure it is a best guess anymore. Need to continue to work on the parking ratios, but more importantly does this document allow us that when a problem is identified to be nimble enough to fix it.
- Regarding the purchase of new transit buses and the way funding actually flows (matching funds and the Town’s ability to get Federal funds, etc.), we should ask the joint staffs to contemplate how the Town and the University can best work together in this regard. Needs to be categorized carefully.
- Would like for the public to have access to the documents for the June 8th Council Work Session and the June 15th Public Hearing no later than the Friday before each meeting.
- Want to understand acreages for clearing and other uses. For instance, in E on page 24, it notes that clearing can occur on less than one acre. So, obviously you can clear a one acre site, but how many times can you clear a different one acre? Could you clear a different acre 200 times, thereby disturbing 200 different acres? Need to have some sort of cumulative limit. Concern about same issue as it relates to athletic facilities.
- How does the Council view the existing parking lot at Carolina North? Need to be consistent with the Traffic Impact Analysis.

Interests Raised by University Participants

- The University has a concern about making long term commitments in exchange for short term agreements. The University will put the 300 or so acres of conservation land in a conservation easement once the development agreement has been adopted as that is land that is not suitable for development and should and will be preserved. However, the University is more concerned about putting restrictions on the Limited Development Areas (50 years and 100 years) if the development agreement is for a term of less than 20 years
- As long as the term of the development agreement is for 20 years, and the agreement is not arbitrarily terminated before 20 years (the agreement includes language that gives the Town Manager the right to say that certain provisions are not being met and that the development agreement is no longer in effect), then the University is comfortable with the commitments that have previously been made regarding the identified conservation and limited development areas. However, it is important to note that the University feels that it needs a commitment to the 20 year development agreement and for that that agreement to remain in effect for 20

years, in order for the University to make the commitment to preserve the identified limited development areas.

- Whether the University gets to 3 million SF of construction or 20 years first, all of the identified preservation areas will have been provided in accordance with the University's commitment.
- The license for the fiscal analysis model has been issued to the University, and the actual software should arrive within the next couple of days. An orientation schedule was provided on that model, and was attended by representatives from Chapel Hill and Carrboro. Major impacts are largely driven by fire protection and any transportation-related improvements, especially with transit.
- Per section G.8.5 of the Development Agreement, the University is making the commitment to be a partner in the Chapel Hill Transit system for the term of the Agreement.
- One of the purposes of scheduling the June 16th Council-Trustee work session is to talk through parking issues.
- If a bus serves a dedicated University-only route, then the University would pay for the new bus. If the bus serves a shared route, then assume that additional buses would be paid for in the same manner as new share route buses are paid for today.
- Want to be able to take advantage of whatever technology and cultural changes occur along the way, and mitigate congestion and traffic in the best manner it can be done in a sustainable manner that allows this project to be successfully constructed. Nobody really knows what the situation will actually be in 10-15 years. Believe both the Town and the University share the common goal which is to mitigate the number of single-occupied vehicles as much as can be done.

Interests Raised by Citizens

- There are serious deficiencies in the proposed development agreement. The recently released draft TIA indicates a community in gridlock where people cannot move around their community. 6,000 parking spaces and 60% of people driving automobiles will have the effect of doubling the traffic on major arteries. This will effectively clog streets, endanger pedestrians and bicycles, and will diminish air quality. In general, a serious deterioration in the quality of life for the greater Chapel Hill-Carrboro community. The Town of Chapel Hill, Town of Carrboro and the University have the opportunity to pursue a different vision that places an emphasis on transit, bicycling and walking rather than private cars.
- Neighbors for Responsible Growth (NRG) supports a clear and transparent process for the community to engage in. NRG is concerned that the public did not know about the May 19th draft of the Development Agreement until yesterday. The University and the Town cannot expect to elicit comment from the public if the terms under discussion are not shared until the day before a public meeting. Recommend that the Town take the following steps to improve the public process:
 - (1) The Town needs to make it a priority to place all draft Development Agreement information on the Town web site at least 3 business days ahead of a meeting;

- (2) Schedule additional meetings with the University Trustees, and
- (3) The Town Council and staff should hold two additional question and answer sessions to explain changes, clarify Town positions, and answer questions.

The difficulty of planning additional meetings is small compared to the importance of the decision that is being made.

- NRG endorses the April 28th Planning Board recommendations regarding the proposed Land Use Management Ordinance text amendment and to the Development Agreement.
- Need to formally link development activity at Carolina North with transportation improvements. This means simply that we should not be adding people and trips to Carolina North until the appropriate infrastructure is in place to support it. This should be the guiding principle for the transportation planning section of the Development Agreement.
- Concerned about new language in Section G.8.11(e) that discusses potential cost-sharing for transportation improvements, which is very different than actually having the improvements in place. NRG suggests retaining the April 28th language that links implementation improvements to occupancy rather than building permits, which allows the University to proceed with construction while necessary transportation improvements are being installed.
- Regarding frequency of updates to the Traffic Impact Analysis during the life of the agreement, Section G.8.7(c), five years is too long to wait for an update. The need to update the TIA should be considered by the Town every three years.
- Thoughtful transportation planning for CN is in the best interest of all parties. Faculty members and staff working at Carolina North are not going to be happy if they end up spending a lot of time stuck in traffic.
- Desirable to establish aggressive goals regarding the amount of parking that is allowed at Carolina North in order to encourage people to use transit and to minimize the use of cars. Key is setting correct parking ratios to achieve this outcome. Need to modify Section G.8.13 of the Development Agreement. Remove the existing bracketed text in the May 19th draft (“add improvements identified by May 1 TIA”) and replace it with “Before the Development Agreement is agreed to with thresholds timing and parking ratios.” Including only recommended improvements would only incorporate the consultants input and would not include additional input from the Town staff.
- Regarding Section G.8.13, also add that parking ratios at Carolina North will adhere to the following targets during the first Development Agreement:

Development increment	% of main campus ratio
Innovation Center	10% above
First 800K sq feet	Baseline
2 nd 800K sq feet	10% constrained
3 rd 800k sq feet	20% constrained
3 million sq feet	30% constrained

The rationale is that a final target of 30% constrained parking ratios would represent a more ambitious commitment to split mode options. The terms of any subsequent DA would no doubt

be informed by any level of success realized under this initial agreement. Phasing in more ambitious parking ratios over time will make it more likely that transit and other public infrastructure investments can keep up with increased demand. This scenario assumes a 3 million square foot build-out for the initial agreement. If this does not end up being the case, then the numbers should be revised.

- When Carolina North is built, concerned about ability of University staff to get back and forth between the two campuses.
- Bicycle and pedestrian uses appear to be inadequately addressed within the Development Agreement. Although some very nice bike paths exist within the proposed Carolina North development, there has been very inadequate discussion about how to have transportation between the two campuses, as well as how to have transportation from Chapel Hill to neighboring areas. Carolina North represents an opportunity to begin thinking about how to lay out an infrastructure for an alternative ways to get ourselves around town. In particular, need to make bicycle use a real mode of transportation. Can only be done by laying a certain infrastructure of bike paths that are convenient to use and will encourage people to get out and make bicycles their main mode of transportation.
- Need to get a real dedicated bike path between Carolina North and the main campus. The agreement currently only discusses a bike lane along Martin Luther King Jr. Boulevard. This proposal is really a non-starter. Martin Luther King Jr. Boulevard is a very difficult corridor to navigate on a bicycle, due to both the volume of traffic and the hills. There is an alternative way of constructing a dedicated, off-road bicycle path to connect the two campuses that could really be used. Once this is done, CN could become the hub of some other easy to construct bike paths that would connect to other parts of the town. This would allow the campus to effectively become a hub that could be used for various activities, concerts and other civic uses on the weekend, making the campus a real focal point. These changes need to be made and they are going to require some infrastructure changes. It is going to require a commitment and a good bit of money up front in order to make these changes. We have no choice in terms of environmental considerations and traffic considerations, we need to change the way we get around town.
- Comparison between Denver and Portland is very interesting. Denver took Federal funds and built roads and highways, and as a result has a lot of traffic gridlock today. Portland made some very important infrastructure changes in an effort to alter how people get around and make bicycles a primary form of transportation. Now, 8% of the people in Portland use a bicycle as their primary mode of transportation. Portland actually has a bridge that is crossed by 18,000 bicyclists a day. Believe that Chapel Hill could get 10% of the residents to use bicycles as their main mode of transportation if they had a means to do that. Carolina North is an opportunity to make an important choice in this regard.
- Recommend adding a section to the Development Agreement labeled "Public Participation" to highlight that the public must be engaged at every step of the process in all the key future decisions that will affect the Town and the neighborhood throughout the build-out of Carolina North. There are four parts to this recommended section:

- (1) That the Mayor and Council appoint a Carolina North citizen's advisory committee that works closely with neighborhoods and communicates through an elected chair to gather neighborhood concerns and bring them back to the Town Council;
 - (2) That there be good reporting in a timely manner, and that the reports from the University be provided on the Town's web site;
 - (3) That the Town ensures that the public is able to participate in each of the following key decision points during throughout the build-out: Transportation Impact Analysis, Short Range Transit Plan, all key milestones, fiscal analysis, traffic management plans, stream restoration projects; that information for even minor modifications is available on the Town web site; and, that the public is able to know how their input is being utilized or not.
 - (4) That the Town of Carrboro also be engaged more actively in the transportation planning decisions, and that Carrboro officials be consulted at each of the above decision-making points.
- In cases where NCDOT will not install traffic calming, would like to ask the Town to consider taking over those roads that would require traffic calming.
 - Would like to see language inserted stating that the parties to this agreement will not use eminent domain actions which impact neighborhoods.
 - Should seek to minimize widening of roads and new road construction as a means to address traffic congestion.
 - The Town Manager should schedule public hearings and information sessions for new roads that will connect to neighborhood streets. Want to ensure public input as these decisions are made.
 - Need to ensure that school buses are not delayed, disrupted or detoured in any way during the construction phases of Carolina North. The Town and the University also need to work with the school system to provide additional school crossing guards as needed.
 - Regarding sedimentation, the development agreement seems weak. Unlike the stormwater section, the University is only bound to State NPDES requirements for construction site management with State oversight. Thus, this activity does not fall under Orange County's jurisdiction, it is handled by the State. The State has very few enforcement officers and its standards are not as strict as those of Orange County. Thus, in keeping with the spirit of this agreement and the sustainable standards that are being subscribed to as part of this agreement, would recommend that the University agree to use state-of-the-art technologies or at least the stricter of the two standards. Current requirements for reseeded of disturbed areas is about 15 days. That is long enough that if there were a big storm event, a lot of sedimentation could occur in nearby area streams. Alternatively recommend seeding within one week of disturbance and taking immediate action in response to problems reported in local streams. In addition, propose that UNC allow volunteer monitoring to report the volume of sediment moved into area streams during construction. Have observed construction at the Botanical Gardens, and despite people apparently being on top of the construction process, there were problems with stormwater and sedimentation. Someone needs to be out there every day during construction, not once a week. Successful implementation to prevent the movement of soil into creeks will depend on how well inspections and enforcement works. Chapel Hill and Orange County don't have the legal authority. We recommend that the University request Orange County to assist in

the inspections at Carolina North as it is built, and consider funding a portion of a dedicated inspector to do the work. Alternatively, if the University chooses not to give the legal authority to Chapel Hill and Orange County, the University could alternatively choose to fund a State inspector.

- Need a living agreement that we can live with.
- In terms of finances, consider the idea of reserve funds for transit. Need to start accumulating funds so that when opportunity presents itself, the Town is in a position to take advantage of the situation.
- Will the Town incur additional expenses (maintenance, etc.) for the areas being protected by the conservation easement?
- Regarding the University's design guidelines, when first presented there were 2-3 story buildings on the edges of this property that eventually grew to be up to 20 story buildings. Need to focus on what types of buildings are we talking about, and where will those buildings be put?
- Concerned that Umstead Road is not part of the transit impacts. The bus stop at Northfields is currently over capacity, yet not addressed in the study. Need to look more closely at roads south of Carolina North.
- No mention in the TIA of non-linear effects. At some point, people are going to get tired of how slow traffic is on Martin Luther King Jr. Boulevard and start cutting through neighborhoods.
- Also, concerned about off-site parking. At some point students are going to want to start parking in the neighborhoods near the site.
- Regarding scope, there is nothing in the current Development Agreement that justifies 3 million square feet and twenty years. It seems that the conservation easement is being held hostage to get a 20 year commitment, and there is nothing the Town can't do with zoning to protect this land that requires this development agreement. Twenty years and three million square feet is too big. Have used the Comprehensive Plan as a good example – were supposed to go back and update it and have been tardy and not gotten to it yet. Twenty years is way too long. Interesting that transit plans talks in terms of conditions in 2015 – a 6 or 7 year time frame is just more realistic. Assumptions based on assumptions just end up generating a lot of garbage that you can't depend on.
- Loves that public input is mentioned in the agreement, but reality currently indicates that the Town is having trouble getting information out to citizens both in terms of foundational studies as well as memos and information associated with regular meetings.
- After talking repeatedly about “when we get the transit study” and now getting it at the last minute, believe that we are way ahead of ourselves to have just gotten it and already be thinking about taking action on the Development Agreement in just a few short weeks.
- Have seen that a lot of public comments have migrated into the document. We have made a lot of progress and are close, but we are not there yet. Potentially September or October would be more realistic targets to aim for, but not June.