



**CONSIDER AN APPLICATION FOR CONDITIONAL ZONING – AURA, 1000 MARTIN LUTHER KING JR. BLVD.**

**SUMMARY REPORT**

TOWN OF CHAPEL HILL PLANNING DEPARTMENT  
 Colleen Willger, Director  
 Judy Johnson, Assistant Director

<b>PROPERTY ADDRESS</b> 1000 Martin Luther King Jr. Blvd.	<b>MEETING DATE(S)</b> April 20, 2021 – Planning Commission	<b>APPLICANT</b> Sean Gleason, McAdams Co.
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**STAFF RECOMMENDATION**

That the Environmental Stewardship Advisory Board, Community Design Commission, Transportation and Connectivity Advisory Board, and Planning Commission review and make comments and recommendations on the application to the Town Council.

**ZONING**

*Current:* Residential-1 (R-1)

*Proposed:* Office/Institutional-3-Conditional Zoning District (OI-3-CZD)

**PROCESS**

Conditional Zoning is a legislative process that allows Town Council to review the rezoning application for consistency with the Land Use Plan in the Comprehensive Plan and establish standards that address any impacts on surrounding properties.

**PROJECT OVERVIEW**

The application is located on a 16.2 acre lot at the northeast corner of Estes Drive and Martin Luther King Jr. Blvd. Several Concept Plans have been reviewed by the Council, most recently at the [May 6, 2020 Council Meeting](#).

A Transportation Impact Analysis has been completed and identifies the following necessary improvements:

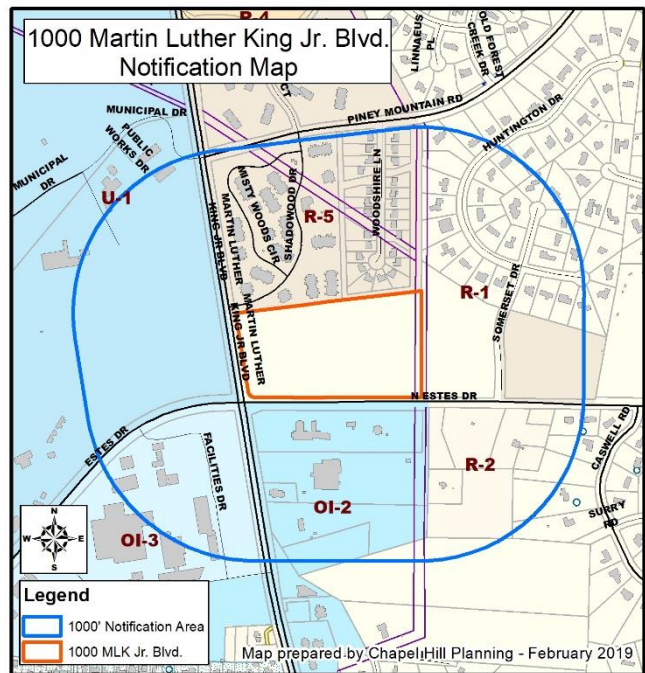
- Improve Estes Drive along the property’s frontage to extend the right-turn lane at Martin Luther King Jr. Blvd.
- Incorporate bicycle and pedestrian facility improvements along the Estes Drive frontage.
- Incorporate pedestrian facility improvements along the Martin Luther King Jr. Blvd. frontage as well as transit stop improvements.
- Martin Luther King Jr. Blvd entrance to include:
  - one ingress lane and one egress lane and configured as a right-in/right-out only.
  - Northbound right-turn lane into the site.
  - Install a high visibility crosswalk across the entrance.
- Estes Drive entrance to include:
  - one ingress lane and two egress lanes.
  - Eastbound left-turn lane into the site.
  - Westbound right-turn lane into site
  - Install a high visibility crosswalk across the entrance.

**DECISION POINTS**

The applicant is requesting the following modifications to regulations:

- Foundation buffer requirements;
- Perimeter buffer standards;

**PROJECT LOCATION**



**ATTACHMENTS**

1. Technical Report
2. Project Details Table
3. Draft Ordinance A
4. Draft Resolution A (Approving the Application)
5. Draft Resolution B (Denying the Application)



# TECHNICAL REPORT

## PROJECT OVERVIEW

The application proposes applying Office/Institutional-3-Conditional Zoning (OI-3-CZ) district to the site in order to accommodate a mix of land uses including retail/office, live-work spaces, and market-rate and affordable multi-family development. The site proposal includes approximately 419 apartment units and townhomes as well as approximately 15,000 sq. ft. of retail/restaurant/office floor area. Applicant has committed to no less than 361 apartment units and no less than 44 townhomes, with the remaining 14 units to be either apartment units or townhomes depending on the affordable housing mix. Currently the site is vacant having been forested in 2018. More details about the proposed development can be found in the applicant's narrative and statement of justification.

Information about the site and proposed zoning districts can be found below, as well as a list of proposed Modifications to Regulations, other important considerations that staff has identified, and an analysis of the project's consistency with the Comprehensive Plan and relevant Findings of Fact.

## SITE CONTEXT

Staff has identified the following physical and regulatory characteristics of the land which are relevant to consideration of a Zoning Atlas Amendment:

- The site consists of a 16.2 acre vacant site that was forested in 2018.
- The subject site fronts on and has access to Estes Drive and Martin Luther King Jr. Blvd, both arterial streets maintained by the North Carolina Department of Transportation (NCDOT).
- Amity Methodist Church on the opposite side of Estes Drive is zoned Office/Institutional-2 (OI-2).
- Shadowoods Apartments and Coker Woods subdivision to the north of the subject site, fronting on Martin Luther King Jr. Blvd., are zoned Residential-5 (R-5).
- The property to the east of the site is vacant and zoned Residential-1 (R-1).
- West of the site, on the opposite side of Martin Luther King Jr. Blvd. is the former Horace Williams Airport property owned by University of North Carolina and zoned University-1 (U-1).
- The site is relatively flat with a Resource Conservation District in the southeast corner.

## PROPOSED ZONING

The applicant has submitted a Conditional Zoning application, which allows review of the development proposal in conjunction with the rezoning, and which allows site-specific standards to be formulated and applied as conditions through a legislative process. The

Conditional Zoning application provides an opportunity to establish conditions that modify use, intensity, and development standards in order to address impacts reasonably expected to be generated by development. Conditions can also address conformance of the development with town regulations and adopted plans. A -CZ suffix would be added to the zoning district designation to incorporate the approved conditions. The applicant proposes Office/Institutional-3-Conditional Zoning (OI-3-CZ) district for the site.

The intent of the Office/Institutional-3 (OI-3) zoning district is “provide for major educational, research, public service, and office uses, and their necessary support functions, while minimizing conflicts with adjacent land uses.”<sup>1</sup> The OI-3 zoning district is one of the few zones that allows intensity as envisioned with the Central West Plan and the adopted FLUM.

The applicant has proposed modifications to permitted uses and dimensional standards for the proposed zoning districts, among other requested modifications, as summarized in the Modifications to Regulations section below.

## AFFORDABLE HOUSING

The applicant is proposing to provide an amount equal to 15 percent of the total market-rate apartment units as affordable. The project is proposing 321 market-rate apartment units and 40 affordable rental units, at amounts proportional to the sizes of the market units. The affordable rental units would remain affordable for a period of thirty (30) years with half of the units offered at 65 percent AMI and half at 80 percent AMI. Additionally the applicant is proposing 14 for-sale affordable dwelling units. Half of the for sale affordable units are proposed to be offered at 65 percent and half at 80 percent of AMI.

## PROPOSED MODIFICATIONS TO REGULATIONS

- 1) Section 5.7.2 Tree Canopy Coverage Standards:** The site requires a minimum of 40 percent tree canopy coverage.

*Staff Comment:* The proposal requires a minimum of 398 replacement trees to address the canopy coverage deficiency. The applicant is proposing 298 replacement trees. The applicant indicates that the Central West Plan and FLUM call for an urban form and intensity along this major transportation corridor with future BRT that is not conducive to the suburban tree replacement standards.

- 2) Section 5.9.6 Parking Landscape Standards:** The parking landscape standards require a foundation buffer strip to separate the building from parking facilities.

*Staff Comment:* The proposed modification request is requested as the standards in the ordinance are typical of suburban settings to screen parking from view. The applicant is proposing alternative landscaping such as street trees and planters to reflect the urban form and intensity of the proposal as envisioned with the Central West Plan and FLUM for development adjacent to the BRT on a major transportation corridor.

- 3) Section 5.6.6 Schedule of Required Buffers:** The Ordinance requires the following buffers:

Location of Buffer	Ordinance Standard	Proposed Buffer
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<sup>1</sup> LUMO Section 3.3.5

Northern Buffer	10' Type "B"	Varied width/modified buffer
Southern Buffer	15' Type "B"	Varied width/modified buffer
Eastern Buffer	15' Type "A"	Varied width/modified buffer
Western Buffer	15' Type "B"	15' modified buffer

*Staff Comment:* With the proposed urban form and density proposed, the modified buffers will contribute to the urban streetscape as called for with the Central West Small Area Plan and FLUM, elements of the Comprehensive Plan.

**Council Findings and Public Purpose:** The Council has the ability to modify the regulations according to Section 4.4.5 of the Land Use Management Ordinance. Staff believes that the Council could modify the regulations if it makes a finding in this particular case that public purposes are satisfied to an equivalent or greater degree. If the Council chooses to deny a request for modifications to regulations, the developer's alternative is to revise the proposal to comply with the regulations.

## CONSISTENCY WITH THE COMPREHENSIVE PLAN AND OTHER DOCUMENTS

Town staff has reviewed this application for compliance with the themes from the [2020 Comprehensive Plan](#)<sup>2</sup>, the standards of the [Land Use Management Ordinance](#)<sup>3</sup>, and the [Town of Chapel Hill, NC : Design Manual and Standard Details](#)<sup>4</sup> and believes the Aura proposal for 1000 Martin Luther King Jr. Blvd. complies with several themes of the 2020 Comprehensive Plan:

**Comprehensive Plan Themes:** The following are themes from the 2020 Comprehensive Plan, adopted June 25, 2012:

<input checked="" type="checkbox"/>		Create a Place for Everyone	<input checked="" type="checkbox"/>		Develop Good Places, New Spaces
<input checked="" type="checkbox"/>		Support Community Prosperity	<input checked="" type="checkbox"/>		Nurture Our Community
<input checked="" type="checkbox"/>		Facilitate Getting Around	<input checked="" type="checkbox"/>		Grow Town and Gown Collaboration

**Land Use Plan:** The FLUM map adopted December 2020, identifies this area with Future BRT and multi-family development with shops and offices as the Central West Focus Area.

## FINDINGS OF FACT

In order to establish and maintain sound, stable, and desirable development within the planning jurisdiction of the Town, it is intended that the Land Use Management Ordinance (as stated in Section 4.4) shall not be amended except:

- 1) To correct a manifest error in the chapter; or
- 2) Because of changed or changing conditions in a particular area or in the jurisdiction generally; or

<sup>2</sup> <http://www.townofchapelhill.org/home/showdocument?id=15001>

<sup>3</sup> [https://www.municode.com/library/#!/nc/chapel\\_hill/codes/code\\_of\\_ordinances?nodeId=CO\\_APXALAUUMA](https://www.municode.com/library/#!/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALAUUMA)

<sup>4</sup> <http://www.townofchapelhill.org/town-hall/departments-services/public-works/engineering/design-manual-and-standard-details>

3) To achieve the purposes of the Comprehensive Plan.

Staff provides below an evaluation of this application based on the three findings. Further information may be presented for the Council's consideration as part of the public hearing process. All information submitted at the public hearing will be included in the record of the hearing.

**1) Finding #1:** The proposed zoning amendment is necessary to correct a manifest error.

*Arguments in Support:* To date, no arguments in support have been submitted or identified by staff.

*Arguments in Opposition:* To date, no arguments in opposition have been submitted or identified by staff.

*Staff Response:* We believe, based on the information entered into the record to date, that there is no manifest error in the Town's Zoning Atlas Amendment related to the project site.

**2) Finding #2:** The proposed zoning amendment is necessary because of changed or changing conditions in a particular area or in the jurisdiction generally.

*Arguments in Support:* The applicant's Statement of Justification states that the proposal is in accordance with the Chapel Hill 2020 Comprehensive Plan and the Central West Small Area Plan, an element of the Town's Comprehensive Plan.

*Arguments in Opposition:* To date, no arguments in opposition have been submitted or identified by staff.

*Staff Response:* We believe, based on the information entered into the record to date, that the Council could make the finding that the proposed zoning amendment is in response to changing conditions along Martin Luther King Jr. Blvd. and in the jurisdiction generally.

**3) Finding #3:** The proposed zoning amendment is necessary to achieve the purposes of the comprehensive plan.

*Arguments in Support:* The applicant's Statement of Consistency states that the proposed rezoning would contribute to the following elements of the Comprehensive Plan:

- Choices
- Connections

In addition, the applicant's statement notes compliance with the 13 guiding principles of the Central West Plan, an element of the Comprehensive Plan. Please refer to the applicant's Statement.

*Arguments in Opposition:* Members of the public have identified concerns related to traffic.

*Staff Response:* We believe, based on the information entered into the record to date, that the Council could make the finding that the proposed zoning amendment is necessary to achieve the purposes of the Comprehensive Plan.


















# PROJECT FACT SHEET











## Project Details

Site Description	
<b>Project Name</b>	Aura Development
<b>Address</b>	1000 Martin Luther King Jr. Blvd
<b>Property Size (GLA)</b>	705,070 sf (16.2 acres)
<b>Existing</b>	Vacant
<b>Orange County Parcel Identifier Number</b>	9789-35-9617
<b>Existing Zoning</b>	Residential-1 (R-1)
<b>Proposed Zoning</b>	Office/Institutional-3-Conditional Zoning District (OI-3-CZD)


## Site Development Standards

Topic	Comment	Status
<b>Development Intensity</b>		
<b>Use/Density (Sec. 3.7)</b>	Commercial and Residential 419 Dwelling units (44 townhomes; 14 affordable units)	
<b>Dimensional Standards (Sec. 3.8)</b>	Primary height: NA Core height: NA Setbacks: 0 ft. in Office/Institutional-3 (OI-3) zoning districts except for Transitional Control Intensity standards – setbacks shall be equal to adjacent residential zoned property	<b>M</b>
<b>Floor area (Sec. 3.8)</b>	Maximum: 399,069 sq. ft. Affordable Floor Area Bonus: 54 units X 4,400 = 237,600 sq. ft. Maximum Floor Area with Bonus: 636,670 sq. ft. Proposed: 560,803 sq. ft.	
<b>Landscape</b>		
<b>Buffer – North (Sec. 5.6.2)</b>	<i>Required:</i> 10' Type "B" <i>Proposed:</i> Variable width/modified buffer	<b>M</b>
<b>Buffer – East (Sec. 5.6.2)</b>	<i>Required:</i> 15' Type "A" <i>Proposed:</i> Variable width/modified buffer	<b>M</b>
<b>Buffer – South (Sec. 5.6.2)</b>	<i>Required:</i> 15' Type "B" <i>Proposed:</i> Variable width/modified buffer	<b>M</b>
<b>Buffer - West (Sec. 5.6.2)</b>	<i>Required:</i> 15' Type "B" <i>Proposed:</i> 15' modified buffer	<b>M</b>
<b>Tree Canopy (Sec. 5.7)</b>	<i>Required:</i> 40% <i>Proposed:</i> 40%	
<b>Landscape Standards (Sec. 5.9.6)</b>	Application must comply – requested modification to regulations for foundation plantings	<b>M</b>

Environment		
<b>Resource Conservation District (Sec. 3.6)</b>	<i>Required:</i> Maximum of 40% of land disturbance in upland zone <i>Proposed:</i> 1,200 sq. ft.	
<b>Erosion Control (Sec. 5.3.1)</b>	Orange County Erosion Control permit required	
<b>Steep Slopes (Sec. 5.3.2)</b>	<i>Required:</i> Disturb less than 25% of slopes exceeding 25% (7,841 sq. ft.) <i>Proposed:</i> less than 25% of slopes exceeding 25%	
<b>Stormwater Management (Sec. 5.4)</b>	Meet or exceed LUMO 5.4 standards	
<b>Land Disturbance</b>	653,400 sq. ft. (15 acres)	
<b>Impervious Surface</b>	<i>Maximum:</i> 493,535 sq. ft. (11.33 acres) – 70% of land area <i>Proposed:</i> 466,092 sq. ft. (10.7 acres) – 66.1% of land area	
<b>Solid Waste &amp; Recycling</b>	Private refuse service proposed	
<b>Jordan Riparian Buffer (Sec. 5.18)</b>	1,200 sq. ft.	
Access & Circulation		
<b>Road Improvements (Sec. 5.8)</b>	Improvements to be completed in accordance with TIA findings, including: Martin Luther King Jr. Blvd and Estes Drive intersection <ul style="list-style-type: none"> <li>Extend WB right-turn lane to at least 500' of full storage with taper</li> </ul> Martin Luther King Jr. Blvd and Future Driveway #1 <ul style="list-style-type: none"> <li>One ingress and one egress lane</li> <li>Restrict access to right-in/right-out only</li> <li>High visibility crosswalk across driveway</li> </ul> Estes Drive and Future Driveway #2 <ul style="list-style-type: none"> <li>One ingress and two egress lanes; minimum of 100' storage for exclusive SB left turn</li> <li>Exclusive EB left-turn lane with a minimum of 100' of full storage with taper</li> <li>Exclusive WB right-turn lane with a minimum of 100' of full storage with taper</li> <li>High visibility crosswalk across driveway</li> </ul>	
<b>Vehicular Access (Sec. 5.8)</b>	Two points of access – one full access from Estes Drive and right-in/right-out from Martin Luther King Jr. Blvd.	
<b>Bicycle Improvements (Sec. 5.8)</b>	Bicycle improvements along Estes Drive frontage including 12' multi-use path	
<b>Pedestrian Improvements (Sec. 5.8)</b>	Pedestrian improvements along Estes Drive frontage including 12' multi-use path	
<b>Traffic Impact Analysis (Sec. 5.9)</b>	TIA completed	
<b>Vehicular Parking (Sec. 5.9)</b>	<i>Required:</i> NA in OI-3 district <i>Proposed:</i> 650 vehicle parking spaces	
<b>Transit (Sec. 5.8)</b>	Incorporate bus stop and related amenities	

<b>Bicycle Parking (Sec. 5.9)</b>	<i>Required:</i> 119 spaces <i>Proposed:</i> 120 spaces Commercial – 24 spaces (20% long term) Residential – 95 spaces (90% long term)	
<b>Electric Vehicle Parking</b>	<i>Proposed:</i> minimum of 20 spaces	
<b>Parking Lot Standards (Sec. 5.9)</b>	Built to Town Standards	
<b>Technical</b>		
<b>Fire</b>	Built to Town Standards	
<b>Site Improvements</b>	419 Dwelling units; 7,521 sq. ft. of commercial use; 6,020 sq. ft. of restaurant use; 2,316 sq. ft. of office use	
<b>Schools Adequate Public Facilities (Sec. 5.16)</b>	Application must comply	
<b>Inclusionary Zoning Ordinance (Sec. 3.10)</b>	<i>Required:</i> 15% (54 units) <i>Proposed:</i> 15% (14 affordable for sale units and 40 affordable rental units)	
<b>Recreation Area (Sec. 5.5)</b>	<i>Required:</i> 10,576 sq. ft. <i>Proposed:</i> 40,000 sq. ft.	
<b>Lighting Plan (Sec. 5.11)</b>	Built to Town Standards; Maximum of 0.3 footcandles at property line	
<b>Homeowners Association (Sec. 4.6)</b>	Yes	

### Project Summary Legend

Symbol	Meaning
	Meets Requirements
<b>M</b>	Seeking Modification
<b>FP</b>	Required at Final Plan
<b>NA</b>	Not Applicable