



SECOND READING TO CONSIDER AN APPLICATION FOR CONDITIONAL ZONING FOR AURA DEVELOPMENT, 1000 MARTIN LUTHER KING JR. BOULEVARD (PROJECT # 20-074)

SUMMARY REPORT

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

PROPERTY ADDRESS 1000 Martin Luther King Jr. Blvd.	MEETING DATE June 28, 2021	APPLICANT Sean Gleason, McAdams Co., on behalf of Trinsic Residential Group and Cant Hook Properties LLC, the owner of the property
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UPDATES SINCE THE JUNE 16, 2021 MEETING
Town Council voted 5-3 on a proposed ordinance. By State law, an ordinance must receive a 2/3 affirmative vote to be enacted on the first reading. The language included on the proposed Conditional Zoning Ordinance is substantially the same as Revised Ordinance A. The ordinance today has incorporated minor edits as indicated at the June 16, 2021 meeting. Council adopted Resolution A, Resolution of Consistency, at the June 16, 2021 meeting.

TOWN MANAGER RECOMMENDATION
That the Council consider adopting the Resolution of Consistency and enacting Revised Ordinance A, approving the proposal.

ZONING
Existing: Residential-1 (R-1)
Proposed: Office/Institutional-3-Conditional Zoning District (OI-3-CZD)

DECISION POINTS
The applicant requests modifications of regulations to the following categories:

- Foundation buffer standard;
- Perimeter buffer standards.

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.

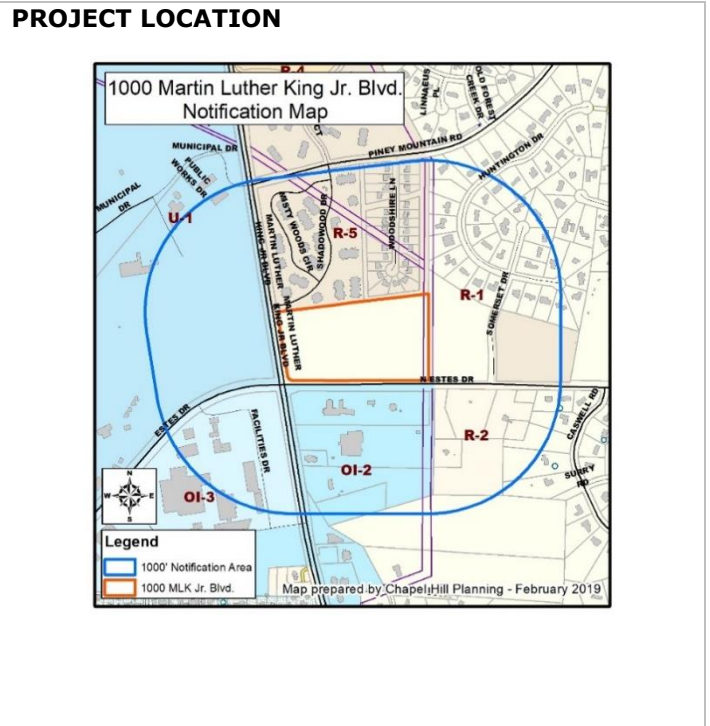
The applicant will provide information for two affordable housing scenarios for Council’s consideration. These alternative weigh the relative costs of meeting lower-income thresholds. Both scenarios would provide on-site townhouses for sale.

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 Meeting¹](#).
The application proposes:

- Approximately 419 dwelling units: 361 apartment units and 58 for-sale townhomes.
- 7,521 sq. ft. of business, convenience; 6,020 sq. ft. of restaurant; and 2,316 sq. ft. of business, office-type.

A Transportation Impact Analysis has been completed and identifies improvements along the frontages of both Estes Drive and Martin Luther King Jr. Blvd.
The applicant proposes:

- a right-in/right-out entrance on Martin Luther King Jr. Blvd.
- a full access driveway on Estes Drive.
- a median divider along Martin Luther King Jr. Blvd.
- a mid-block crosswalk on Estes Drive.
- if traffic signal warrants are met, a traffic signal to be added to the Estes Drive and Somerset Drive intersection.



ATTACHMENTS	<ol style="list-style-type: none"> 1. Technical Report and Project Fact Sheet 2. Revised Ordinance A (Approving the Application)
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¹ <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=4432413&GUID=590B4EDC-8F0C-4EB9-9543-502B2F030A0B>

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|--|---|
| | <ol style="list-style-type: none">3. Resolution B (Denying the Application)4. Adopted Resolution of Consistency (2021-06-16/R-7)5. Applicant Site Plan dated June 10, 20216. Applicant's written response dated May 20, 20217. Applicant's Materials8. Site Plan (4 files)9. Council Questions with Staff Responses |
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ADDITIONAL INFORMATION FOR THE CONDITIONAL ZONING FOR AURA DEVELOPMENT, 1000 MARTIN LUTHER KING JR. BOULEVARD (PROJECT # 20-074)

June 16, 2021

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

Staff has provided this summary of key considerations from the May 26, 2021 Public Hearing on the Aura Development project.

KEY CONSIDERATIONS

Traffic

In response to concerns regarding safety for pedestrians and bicycles as well as delay for vehicles exiting Somerset Drive, there is significant interest in installing a traffic signal at the intersection of Somerset Drive and Estes Drive. Estes Drive is maintained by North Carolina Department of Transportation (NCDOT). NCDOT would need to approve a proposed improvement. At this time, staff believes that a traffic signal is not warranted at Somerset Drive and Estes Drive. Staff believes that once the Town bicycle and pedestrian project on Estes Drive is complete, it maybe be possible to install a traffic signal; the Town's Estes Drive Connectivity Project will increase pedestrian and bicycle traffic as well as add traffic volumes. We have included the following condition in the Council Ordinance for Aura Development:

8. Estes Drive and Somerset Drive: Prior to issuance of a Zoning Compliance Permit, all construction details shall be reviewed and approved by the Town and NC Department of Transportation. A full traffic signal be constructed by the Town if traffic signal is warranted and approved by NCDOT. Remaining funds required for traffic signal design and construction to be provided by others. Prior to issuance of a Final Zoning Inspection, the developer shall provide the following improvements:
 - A payment-in-lieu is provided by the developer proportional to the proposed traffic generated by the development as compared with the pre-COVID-19 traffic volumes for adjusted for 2020.

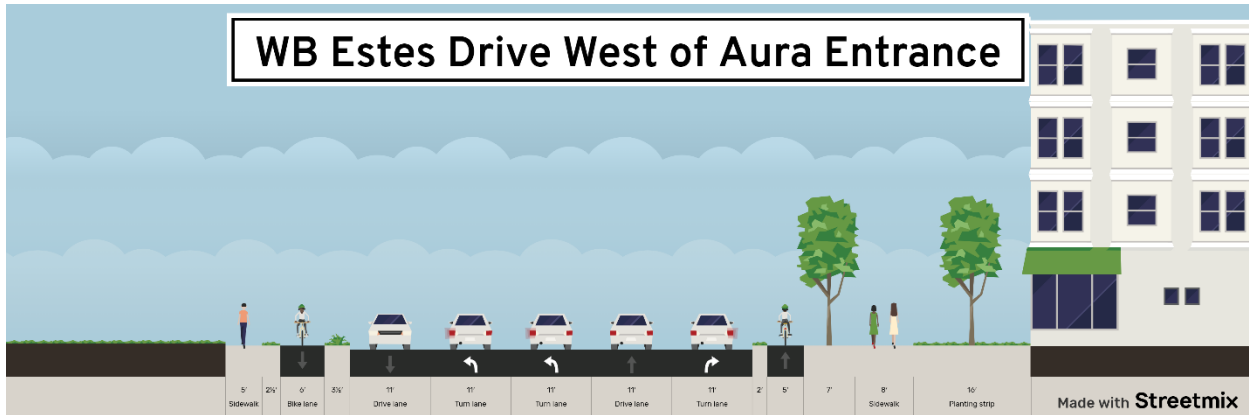
The entrance on Estes Drive would be a full access intersection (allowing both right and left turns entering and exiting the site). NCDOT would require at least one of the Aura Development access drives to be full access to provide reasonable access to the site.

Additional information regarding the proposed Martin Luther King Jr. Blvd. median will be shared prior to the Council meeting.

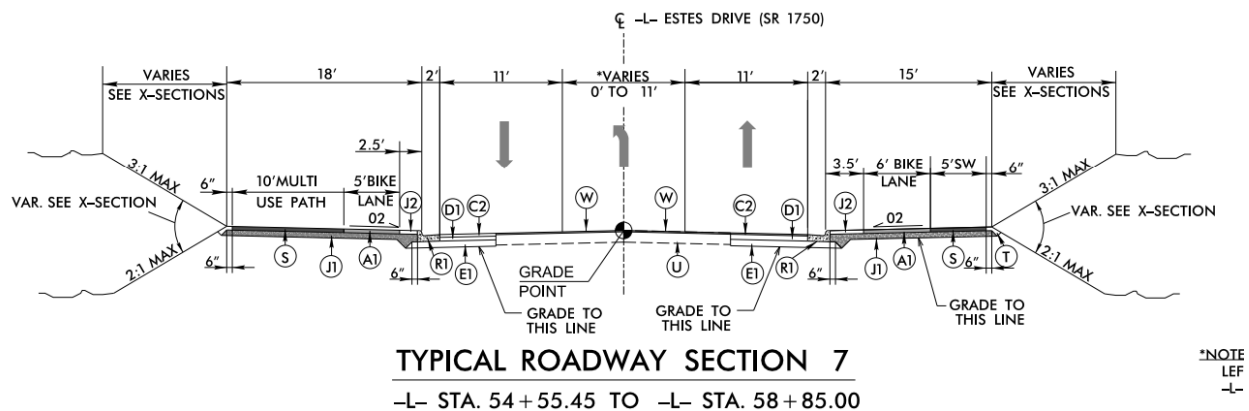
Estes Drive Cross-section

At the Public Hearing, Council members expressed interest in understanding the proposed cross-section of Estes Drive along the frontage of the Aura property.

The applicant has provided some typical cross-sections along the Aura frontage (below and attached). Town staff recommends the applicant's proposal be revised to include eight (8) foot wide sidewalks, instead of seven (7) foot wide sidewalks. The eight foot width would be consistent with Type B frontages within the Blue Hill District.



Additionally, the Estes Drive Connectivity Project, the Town's bicycle and pedestrian project, from Caswell Road to Martin Luther King Jr. Blvd is adding bicycle lanes, a sidewalk on the south side, a 10 foot wide multi-use path along the north side, and intersection improvements. The typical cross-section (looking east) is depicted below:



The Town's contract award for the Estes Drive Connectivity Project is for the entire length of the Estes Drive frontage with exception of the Aura property and the adjoining property to the east, Parcel Identifier Number 9789-45-5646 (currently owned by Whitcomb Rummel). These two property frontages (approximately 1,500 linear feet) were not included in the bid package for the Estes Drive Connectivity Project due to a variety of circumstances including trouble negotiating, timeline for development, and threat of federal funds being rescinded. Town staff made the decision to remove the Rummel and Aura development properties from the Estes Drive Connectivity Project design in order to move forward with the rest of the Town's project.

Staff has been working with NCDOT to understand the limitations for plantings within the public rights-of-way. Plantings in the NCDOT right-of-way need to conform with the *NCDOT Guide for Planting Within Highway Right of Way*² which establishes design and administrative requirements to ensure safety, maintenance responsibilities and acceptable operation and maintenance of the roadway facilities. Below is a summary of the planting requirements:

The NCDOT required horizontal setbacks from travel way for urban curb and gutter sections for speed limit 35 mph or below:

- Shrubs and small trees (4" trunk caliper or less)

² <https://connect.ncdot.gov/resources/roadside/AestheticEngineeringDocuments/PlantingGuidelines.pdf>

- Foliage line of shrub- 1 foot Back of Curb (BOC)
- Center of Trunk- 5 feet from edge of travel way
- Large Trees (trunk caliper greater than 4")
 - Center of Trunk- 10 feet edge of travel way
- Required minimum vertical clearances, all plantings:
 - 16 feet above travel way
 - 7 feet above sidewalks
 - 2 foot -6 inches above roadway elevation along sightlines

Staff has also been providing information on adequate tree planting areas. The Town's Design Guidelines section on parking standards indicates the minimum amount of surface soil (in square feet) that a tree should be planted in is 200 sq. ft. Staff does share that this is only one standard and does not address soil volume (length, width and depth). In other words, adequate square footage does not yield the depth of amended soil that a tree should have access to not just survive but thrive. Landscape industry standards generally suggest approximately 1,000 cubic feet of soil for large trees.

Staff has suggested considering using silva cells along the Aura frontage to enhance a tree's growth, to help prevent significant future maintenance costs and perform stormwater management.

These have been incorporated into a condition in Revised Ordinance A.

De-Coupling Parking

At the Public Hearing on May 26, the developer agreed to decouple the parking rental from the apartment rentals. We have included this de-coupling as a condition in the Revised Ordinance:

- Parking Space Rental: The developer shall rent the resident parking spaces, available only to Aura residents, separately from apartment rental leases. Vehicle parking spaces shall be offered to Aura residents at an additional per month rate. Prior to a Zoning Final Inspection, a lease example shall be provided to the Town for review and approval. Nothing in this condition shall limit Aura's ability to provide the appropriate number of visitor parking spaces for the project.

Stormwater

The developer has not conducted a downstream analysis beyond the property line to assess the capacity or the stream channel capacity south of the site. The developer has agreed to conduct the analysis as part of the Final Plan Zoning Compliance Permit stage after the Conditional Zoning approval. It is at this stage when construction-ready drawings are prepared and submitted. Staff will evaluate the submission by the developer at that time. A condition requiring the analysis of the downstream culvert during zoning compliance permit application has been added to Revised Ordinance A:

- Downstream Culvert Analysis: Prior to the issuance of the Zoning Compliance Permit, the developer shall provide a downstream analysis for the Town's regulatory design storms demonstrating that the peak flows for these storms can be conveyed through the culvert.

Since the Public Hearing on May 26, Town staff has met with Amity Methodist Church to discuss the possible stormwater impacts on the church's property. As part of the Aura Development, the developer informed staff that they plan to fill in the existing culvert crossing Estes Drive discharging to the Amity Methodist Church property which would

reduce the stormwater impacts on Amity Church from this property. Additionally, staff had concerns with a second culvert near the eastern Aura property line. Staff has learned that this culvert is to be replaced with a larger culvert as part of the Estes Drive Connectivity Project. NCODT requires that culvert be sized to convey the 50-year storm event.

Affordable Housing

At the May 26 Public Hearing, the number and location of the proposed affordable housing units were discussed. The developer has agreed to provide:

- 8 affordable three-bedroom townhouse for-sale units for residents earning up to 80 percent AMI.
- 29 apartment units with 9 available to residents earning up to 80 percent AMI and 20 units for residents earning up to 65 percent AMI. The rental units will be available for a minimum of thirty (30) years. The rental units will be one and two bedroom units proportional to the market-rate units.

The Council also discussed that the affordable units should be substantially indistinguishable from the market-rate units on the exterior. Staff has heard from Community Home Trust that units with garages are preferable.

These updates have been included as conditions in the Revised Ordinance A.



TECHNICAL REPORT

UPDATES SINCE THE MAY 12 PUBLIC HEARING

At the May 12 Public Hearing, additional information was requested by the Council. Staff has provided the following information and the applicant provided a written attachment.

Revised Ordinance A

Ordinance A has been revised with these added conditions:

- Commercial Space: An increase of up to 100 percent of the permitted commercial use square footage shall be considered an administrative approval.
- Future Bike Share Station: Prior to issuance of a Zoning Compliance Permit, the plans shall indicate an area to be designated as a future bike share docking station near the Bus Rapid Transit station along Martin Luther King Jr. Blvd.
- Estes Drive Culvert: [added to condition 24] Prior to issuance of a Zoning Compliance Permit, the developer shall provide to the Town a detailed stormwater management plan ensuring that the NC Department of Transportation culvert has adequate capacity.
- Bus Rapid Transit Station: Prior to issuance of a Zoning Compliance Permit, the developer shall design and construct the BRT station with the developer contributing \$100,000 of those costs.

Stormwater Overview

Stormwater management is achieved by directing runoff into engineered stormwater control measures (SCMs) to store runoff which is released at a controlled rate into nearby waterbodies. Town regulations require the stormwater runoff rate leaving the site post-development shall not exceed the stormwater runoff rate leaving the site pre-development (existing conditions) for the local 1-year (2.96 in), 2-year (3.58 in), and 25-year (6.11 inches) 24-hour storm events. The intention of this regulation is to mitigate against high flow rates that can cause erosion and flooding in urban streams, damaging habitat, property, and infrastructure.

The Town also requires detention of the increased runoff volume due to development for the 2-year, 24-storm event using on-site infiltration or reuse of stormwater runoff as irrigation or graywater. The intention of this regulation is to prevent additional volume from being directed downstream. When neither infiltration or reuse are possible and/or practical, the increased volume is required to be slowly released or "drawn down" over a period of 2-5 days. The runoff is released through an orifice which control the rate. The design guidance requires projects to check larger storm events (i.e., 50-year (6.85 in) and 100-year (7.61 in)) to demonstrate runoff can bypass the engineered system and be discharged in a way to non-erosively impact the stream.

The design storms listed in the Town's Stormwater Management ordinance are consistent with regional and industry standards. The design storm rainfall depths and intensities are based on data from NOAA Atlas 14. Stormwater design modeling assumes 100% available storage in the engineered system prior to the rainfall event. In reality, rainfall is not entirely predictable; for example, there can be large events or high intensity bursts of

rainfall in succession. The high intensity short-term bursts of rainfall occur with a higher frequency and can stress a stormwater system. The system may still be releasing runoff at the time a subsequent storm event arrives. Therefore, the assumption that there is 100% storage in the engineered storm systems may not be met resulting in overflow from smaller events.

Traditional stormwater controls rely on a single large system that results in flow released over longer duration. As an alternative, the practice of green infrastructure (i.e., permeable pavement and bioretention) can help address high intensity bursts of rainfall. Examples of green infrastructure at the Shelton Station project in Carrboro shown below. Green infrastructure (GI) capture runoff at its source and mimic natural hydrology. By dispersing small GI practices through the site, the impervious area is broken into smaller drainage basins reducing the accumulation of peak flow to one system. Green infrastructure adds redundancy, increases the available ponding, changes the timing of discharge, and attenuated peak flow. Green infrastructure also provides many ecosystem services and bolsters climate resiliency. Many sites end up utilizing a combination of traditional and GI.



Pervious pavement in the parking space



Bioretention basin

Traffic Overview

The Town’s traffic consultant has provided a Technical Memorandum titled “Town-Wide Transportation Model – Estes Drive Scenario Testing” document providing information on scenario tests developed as using the Town-wide traffic model. The memorandum summarizes the scenario testing of the model for the 2024 AM and PM peak hour scenarios. The document provides additional information for the minimum and maximum queue data over five model runs for the analyzed intersections.

The table below summarizes the afternoon average maximum queue lengths at the intersection of Martin Luther King Jr. Blvd. and Estes Drive:

	2021 Base Model	2024 No-Build	2024 Build	2024 Build with Improvements
	Ave. Max Queue	Ave. Max Queue	Ave. Max Queue	Ave. Max Queue
Eastbound	650	550	575	475
Westbound	850	725	575	425
Northbound	625	675	675	625
Southbound	475	375	375	375

The technical memorandum provides details for each of the four scenarios.

At the May 12 Public Hearing, Council also requested additional information regarding improvements to Estes Drive and Somerset Drive intersection. Based on the Estes Drive

Scenario Testing Results, improvements to the Somerset Drive/Estes Drive intersection would need to be investigated regardless of whether the Aura Development is built – primarily due to lack of adequate gaps in the PM peak hour traffic stream along Estes Drive for the stop-controlled minor street approaches (and the fact that adding a fourth leg at the intersection) adds additional vehicular conflicts and further reduces side street capacity. The issue would not be caused by the Martin Luther King Jr. Blvd and Estes Drive intersection, as westbound queue issues should be able to be reduced with the committed Town project improvements.

Initial testing using the town-wide traffic model of a single lane roundabout at Somerset Drive and Estes Drive intersection shows that it likely would operate acceptably in the AM peak hour but may be near capacity in the PM peak hour, and may cause rolling queues along Estes Drive that may impair operations at nearby driveways/intersections – although not likely all the way to Martin Luther King Jr. Blvd and Estes Drive intersection. Additional study may be needed to vet the roundabout as a viable improvement option, as it does not perform quite as well in terms of Level of Service (LOS)/delay as the two-phase traffic signal. It also may need to be studied for a longer-term design year than the 2024 Scenario Test year.

At the May 12 Council meeting, additional questions were heard regarding pedestrian and bicycle safety through the corridor. Staff and NCDOT have discussed additional safety measures for the corridor and believe the Town’s bicycle and pedestrian improvement project will enhance the safety through the area.

A signal at Somerset Drive and Estes Drive intersection would need more justification through a full application of the Manual on Uniform Traffic Control Devices (MUTCD) signal warrants.

KEY CONSIDERATIONS

Planning Commission: At their [May 4, 2021 meeting](#)³, the Planning Commission recommended approval with the following modifications to Revised Ordinance A:

- Allow administrative approval of up to a 100% increase in commercial square footage over what is currently proposed. Do not allow more than the standard administratively approved 10% reduction.

Staff Response: We have added the following condition to Revised Ordinance A:

Commercial Space: An increase of up to 100 percent of the permitted commercial use square footage shall be considered an administrative approval.

- Require that all affordable housing be offered at 65% AMI – provided this does not result in a reduction of the total number of affordable units currently proposed.

Applicant Response: The applicant will provide two scenarios to weigh the relative costs of meeting lower-income thresholds. Both scenarios provide on-site townhouses for sale.

- Provide open space that could be repurposed as a bike share docking station area near the BRT station in the future.

³ <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=4911196&GUID=3F06AF22-8245-418A-ACEF-5489C4442FD3&Options=&Search=>

Staff Response: We have added the following condition to Revised Ordinance A:

Future Bike Share Station: Prior to issuance of a Zoning Compliance Permit, the plans shall indicate an area to be designated as a future bike share docking station near the Bus Rapid Transit station along Martin Luther King Jr. Blvd.

- Provide a minimum 40 percent tree canopy and increase open space wherever possible.

Staff Response: The applicant is proposing to provide 40 percent tree canopy coverage.

- Remove any unnecessary impervious surface and use pervious pavement (or other treatments) wherever possible.

Applicant Response: The design team has looked at these and the mechanical measures proposed as part of the project design, and how they will actually perform and if they can be made more effective. As currently designed those measures fully manage the pre development vs post development runoff rate for the 1, 2- and 25-year storm, and the runoff volume for the 2-year storm, as prescribed by Town rules. After re-running the calculations, we further find that we are also managing some of the additional runoff volumes for the 50- and 100-year storm events...thus exceeding the current Town standards. We feel that the most effective way to further address the concerns we heard from the Council and downstream property owners is to add at least one of the additional above ground measures that Council suggested, and also fully manage the 50-year storm event

- Remove any unnecessary parking spaces, ideally reducing the average to 1.2 spaces per unit.

Applicant Response: We have looked again at our parking rates, and have confirmed we have an extremely low number relative to industry standards, and 20 percent less than the parking allowed by the Chapel Hill ordinance.

- The apartment units are parked at an average rate of 1.25 per unit. We expect that our residents will use the bus system for work and some other activities, but cars (and a place to store them) are still necessary for most people, for at least part of their lives.
- 100 spaces are intended for the commercial area (half general retail, half restaurants). In order for the retail to be successful, our parking consultant has determined that these are the rates needed for the immediate future. This demand likely will diminish over time, but for now, this parking is necessary.
- Almost all of the 100 spaces for the townhomes are located in personal garages, most of which are accessed from the alleys.
- About 275 of the proposed spaces are either below grade or in garages meaning they are not contributing to impervious surface.
- The "upper level" of the parking in the apartment block can be converted to other uses as demand for parking decreases.

Transportation and Connectivity Advisory Board: At the [April 5, 2021 meeting](#)⁴, the Transportation and Connectivity Advisory Board recommended denial for the following reasons:

- The development does not reflect the goals of the Central West Small Area Plan
- The development does not meet the transit priority goals of the Town due to the number of parking spaces and increase in single occupancy vehicle trips
- The project will exacerbate the existing pedestrian and bicycle safety issues due to the increase in traffic on Estes Drive and Martin Luther King Jr. Blvd., and thus is not in line with the Road to Zero pedestrian safety goals of the Town
- The traffic impact analysis and Town-wide traffic model do not reflect the current reality and lived experience of drivers on Estes Drive, nor do they take a holistic view of traffic on Estes Drive, including the future development of other surrounding parcels, The traffic model needs to be validated.
- The Estes Drive site access is a major safety hazard and should be right-in/right-out

Environmental Stewardship Advisory Board: At the [March 18, 2021 meeting](#)⁵, the Environmental Stewardship Advisory Board recommended denial due to traffic and stormwater concerns. The board offered the following conditions for the development:

- Provide Council with a detailed stormwater management plan, ensuring that the NCDOT culvert has adequate capacity

Staff Response: The applicant agrees and the following language has been added to condition 24 in the Revised Ordinance A:

Estes Drive Culvert: Prior to issuance of a Zoning Compliance Permit, the developer shall provide to the Town a detailed stormwater management plan ensuring that the NC Department of Transportation culvert has adequate capacity.

- Ensure zero stormwater runoff to neighbors on the northeastern side of the property, with some form of recourse if the standard is not met (e.g. stormwater bond)

Applicant Response: The design team has looked at these and the mechanical measures proposed as part of the project design, and how they will actually perform and if they can be made more effective. As currently designed those measures fully manage the pre development vs post development runoff rate for the 1, 2- and 25-year storm, and the runoff volume for the 2-year storm, as prescribed by Town rules. After re-running the calculations, we further find that we are also managing some of the additional runoff volumes for the 50- and 100-year storm events...thus exceeding the current Town standards. We feel that the most effective way to further address the concerns we heard from the Council and downstream property owners is to add at least one of the additional above ground measures that Council suggested, and also fully manage the 50-year storm event.

- Provide a detailed landscaping plan, ahead of the Council's review of a buffer modification, that includes number of trees, species, and location

⁴ <https://chapelhill.legistar.com/MeetingDetail.aspx?ID=853559&GUID=5EF52EAF-22C9-4597-9B60-42C6C8AC60DB&Options=&Search=>

⁵ <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=4853895&GUID=5286726C-CF2D-4C4E-B5EC-9A92B5F90E17&Options=&Search=>

Staff Response: The applicant will provide a detailed landscape plan for Council's review of the buffer modification.

Special Considerations:

- Model 50, 75, 100-year storm events to ensure that the on-site stormwater infrastructure can meet capacity needs
- Add solar as part of initial construction, which could help the project meet the AIA 2030 standards
- Assess environmental health outcomes, both acute and larger
- Meet the Council's energy policy regarding 20% better performance than ASHRAE 90.1
- Allow the ESAB to review the project a second time once there are more details regarding: landscaping, traffic, stormwater

Housing Advisory Board: At the [March 9, 2021 meeting](#)⁶, the Housing Advisory Board recommended approval of the project. The Housing Advisory Board continued its review of the project at their May 11, 2021 meeting and made some additional recommendations:

- That the applicant determines a path that will allow some amount of affordable homeownership opportunities on-site. As a concession, there could be a reasonable reduction in the number of total affordable housing units on-site.

Applicant Response: The applicant will provide two scenarios to weigh the relative costs of meeting lower-income thresholds. Both scenarios provide on-site townhouses for sale.

Community Design Commission: The application was discussed at the [March 23, 2021](#) and the [March 29, 2021](#)⁷ meetings. The Community Design Commission recommended approval of the project with the following conditions:

- That Council add 'and approve' to the standard stipulations regarding review of building elevations and site lighting plans.

Staff Response: We have modified the Community Design Commission Elevation Review stipulation to include "and approve" for the multi-family buildings and the commercial buildings:

Community Design Commission Review: Except for any dwelling units constructed under the single-family/two-family building code, the Community Design Commission shall review and approve the building elevations, including the location and screening of all HVAC/Air Handling Units for the site, prior to issuance of a Zoning Compliance Permit.

- That Council add a stipulation to Ordinance A for the CDC to review and approve the northern buffer.

Staff Response: The applicant is proposing a modified and variable width buffer along the northern property line. We have included the following condition in Revised Ordinance A:

⁶ <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=4815852&GUID=6E5F4CC3-5B95-4AC9-BEDC-2172C580AD87&Options=&Search=>

⁷ <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=4890228&GUID=69C93251-E432-4570-8FBC-E36BE7061BD0&Options=&Search=>

Modified Buffers: Prior to issuance of a Zoning Compliance Permit, the Community Design Commission shall provide courtesy review comments on all modified landscape buffers.

- That the applicant revise the proposed building elevations to have a lighter feel.

Staff Response: We encourage the applicant to discuss this further with the Community Design Commission as part of the Final Plan Building Elevation review process.

UPDATES SINCE THE MAY 12 PUBLIC HEARING

At the May 12 Public Hearing, additional information was requested by the Council. Staff has provided the following information and the applicant provided a written attachment.

Revised Ordinance A

Ordinance A has been revised with these added conditions:

- Commercial Space: An increase of up to 100 percent of the permitted commercial use square footage shall be considered an administrative approval.
- Future Bike Share Station: Prior to issuance of a Zoning Compliance Permit, the plans shall indicate an area to be designated as a future bike share docking station near the Bus Rapid Transit station along Martin Luther King Jr. Blvd.
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Stormwater Overview

Stormwater management is achieved by directing runoff into engineered stormwater control measures (SCMs) to store runoff which is released at a controlled rate into nearby waterbodies. Town regulations require the stormwater runoff rate leaving the site post-development shall not exceed the stormwater runoff rate leaving the site pre-development (existing conditions) for the local 1-year (2.96 in), 2-year (3.58 in), and 25-year (6.11 inches) 24-hour storm events. The intention of this regulation is to mitigate against high flow rates that can cause erosion and flooding in urban streams, damaging habitat, property, and infrastructure.

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storage in the engineered system prior to the rainfall event. In reality, rainfall is not entirely predictable; for example, there can be large events or high intensity bursts of rainfall in succession. The high intensity short-term bursts of rainfall occur with a higher frequency and can stress a stormwater system. The system may still be releasing runoff at the time a subsequent storm event arrives. Therefore, the assumption that there is 100% storage in the engineered storm systems may not be met resulting in overflow from smaller events.

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Southbound	475	375	375	375

The technical memorandum provides details for each of the four scenarios.

At the May 12 Public Hearing, Council also requested additional information regarding improvements to Estes Drive and Somerset Drive intersection. Based on the Estes Drive Scenario Testing Results, improvements to the Somerset Drive/Estes Drive intersection would need to be investigated regardless of whether the Aura Development is built – primarily due to lack of adequate gaps in the PM peak hour traffic stream along Estes Drive for the stop-controlled minor street approaches (and the fact that adding a fourth leg at the intersection) adds additional vehicular conflicts and further reduces side street capacity. The issue would not be caused by the Martin Luther King Jr. Blvd and Estes Drive intersection, as westbound queue issues should be able to be reduced with the committed Town project improvements.

Initial testing using the town-wide traffic model of a single lane roundabout at Somerset Drive and Estes Drive intersection shows that it likely would operate acceptably in the AM peak hour but may be near capacity in the PM peak hour, and may cause rolling queues along Estes Drive that may impair operations at nearby driveways/intersections – although not likely all the way to Martin Luther King Jr. Blvd and Estes Drive intersection. Additional study may be needed to vet the roundabout as a viable improvement option, as it does not perform quite as well in terms of Level of Service (LOS)/delay as the two-phase traffic signal. It also may need to be studied for a longer-term design year than the 2024 Scenario Test year.

A signal at Somerset Drive and Estes Drive intersection would need more justification through a full application of the Manual on Uniform Traffic Control Devices (MUTCD) signal warrants.

The below information has not changed since the May 12, 2021 packet materials

PROJECT OVERVIEW

The application proposes applying the Office/Institutional-3-Conditional Zoning District (OI-3-CZD) to the site 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 418 apartment units and townhomes as well as approximately 15,000 sq. ft. of retail/restaurant/office floor area. The applicant has committed to no less than 361 apartment units and 57 townhomes. Currently the site is vacant having been deforested in 2018. More details about the proposed development can be found in the applicant's narrative and statement of justification in the Application Materials.

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 deforested in 2018.
- The 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).
- The site is located along the future Bus Rapid Transit (BRT) corridor along Martin Luther King Jr. Blvd.
- Amity Methodist Church on the opposite side of Estes Drive is zoned Office/Institutional-2 (OI-2).
- Shadowood Apartments, fronting on Martin Luther King Jr. Blvd., and the Coker Woods subdivision to the north of the site, 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 District (OI-3-CZD) for the site.

The intent of the Office/Institutional-3 (OI-3) zoning district is to “provide for major educational, research, public service, and office uses, and their necessary support functions, while minimizing conflicts with adjacent land uses.”⁸ The Office/Institutional-3 (OI-3) zoning district is one of the few zones that allows intensity as envisioned with the Central West Plan and the adopted Future Land Use Map (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.

PROPOSED MODIFICATIONS TO REGULATIONS

- 1) Section 5.6.6 Schedule of Required Buffers:** The applicant is requesting proposed modifications to perimeter buffer standards as follows:

Location of Buffer	Ordinance Standard	Proposed Buffer
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

⁸ LUMO Section 3.3.5

Western Buffer	15' Type "B"	15' modified buffer
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Staff Comment: With the proposed urban form and intensity envisioned with the Central West Plan, Future Land Use Map (FLUM), and elements of the Comprehensive Plan, variable or modified buffers are appropriate for this site for development adjacent to a major transportation corridor with Bus Rapid Transit (BRT).

2) Section 5.9.6 Parking Landscaping Standards: The parking landscape standards require parking facilities to be separated from the exterior wall of a structure by a landscaped buffer strip at least five (5) feet in width and landscaped in accordance with Town standards. The applicant is proposing to provide tree plantings and planters in lieu of the foundation landscape buffer strip.

Staff Comment: The parking landscaping standards are based on a suburban standard and the developer is proposing a more urban setting as appropriate for this site for development adjacent to a major transportation corridor with BRT in accordance with the Central West Plan, FLUM, and 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.

AFFORDABLE HOUSING

The applicant proposes to provide 15 percent of the apartment units as affordable. The project proposes 361 apartment units with 54 affordable rental units, at sizes 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 to sponsor five (5) dwelling units in the Habitat for Humanity's Weavers Grove project.

TRAFFIC EVALUATION

A Traffic Impact Study was conducted for the proposed development. Additionally, the Town has provided an initial review of the traffic impacts using the town-wide traffic model. The Traffic Impact Study analyzed the impact of the development on the nearby intersections and determined the following improvements would be necessary to mitigate the impacts:

Martin Luther King Jr. Blvd. and Estes Drive:

- Extend the storage of the existing westbound right-turn lane to at least 500 feet of full storage;
- Incorporate bicycle and pedestrian facilities along Estes Drive frontage
- Incorporate pedestrian improvements along Martin Luther King Jr. Blvd. frontage
- Incorporate transit stop and related amenities on Martin Luther King Jr. Blvd.

Martin Luther King Jr. Blvd. and Future Access Drive #1:

- Provide one ingress and one egress lane
- Restrict access to right-in/right-out only
- Construct an exclusive northbound right-turn lane on Martin Luther King Jr. Blvd. with at least 100 feet of storage

- Provide a high-visibility painted crosswalk across the driveway
- Estes Drive and Future Access Drive #2:**
- Provide one ingress and two egress lanes. Provide a minimum of 100 feet of storage for an exclusive southbound left-turn lane
 - Construct an exclusive eastbound left-turn lane with a minimum of 100 feet of storage
 - Construct an exclusive westbound right-turn lane with a minimum of 100 feet of storage
 - Provide a high-visibility painted crosswalk across the driveway

Additionally, the applicant is proposing construction of a mid-block pedestrian crossing of Estes Drive. This pedestrian crossing would be similar in design to the mid-block pedestrian crossings on Martin Luther King Jr. Blvd.







Town staff, along with the Town’s Traffic Consultant, hosted two community meetings on the Traffic Impact Study. Additionally, the Town recently shared results of the new Town-wide Traffic Modelling efforts. The chart below compares the two processes’ projected levels of service for the afternoon peak hour:

Intersection	Town-Wide Model	Aura TIA
MLK Blvd and Estes Drive	D	D
Eastbound	D	E
Westbound	D	E
Northbound	D	D
Southbound	C	C

CONSISTENCY WITH THE COMPREHENSIVE PLAN AND OTHER DOCUMENTS

Town staff has reviewed this application for compliance with the themes from the [2020 Comprehensive Plan](#)⁹, the standards of the [Land Use Management Ordinance](#)¹⁰, and the [Town of Chapel Hill, NC : Design Manual and Standard Details](#)¹¹ 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 type="checkbox"/>		Nurture Our Community
<input checked="" type="checkbox"/>		Facilitate Getting Around	<input type="checkbox"/>		Grow Town and Gown Collaboration

- A range of housing options for current and future residents (*Goal-Create a Place for Everyone.3*)

⁹ <http://www.townofchapelhill.org/home/showdocument?id=15001>

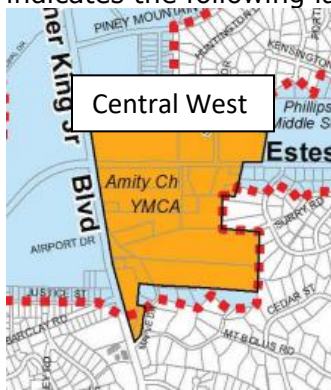
¹⁰ https://www.municode.com/library/#!/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALAUSMA

¹¹ <http://www.townofchapelhill.org/town-hall/departments-services/public-works/engineering/design-manual-and-standard-details>

- Balance and sustain finances by increasing revenues and decreasing expenses (*Goal-Support Community Prosperity and Engagement.1*)
- A range of neighborhood types that addresses residential, commercial, social, and cultural needs and uses while building and evolving Chapel Hill’s character for residents, visitors, and students. (*Goal-Develop Good Places, New Spaces.5*)
- A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (*Goal-Facilitate Getting Around.2*)

Land Use Plan: The Future Land Use Map adopted in December 2020 identifies this area as a multi-family development with shops and offices near the Bus Rapid Transit (BRT) within the Central West Focus Area.

Central West Small Area Plan: The focus area of the plan includes the site of the Aura development project. The total land area is approximately 85 acres in size and the plan indicates the following land uses:



Central West Land Uses	
Use	Total
Residential	620 dwelling units
Office	100,000 sq. ft.
Retail	25,000 sq. ft.
Hotel	65,000 sq. ft.
Commercial	30,000 sq. ft.
Institutional	50,000 sq. ft.

The Central West Small Area Plan projections have been assigned to different areas within the plan boundaries. The table below compares the values from the Central West Plan with the proposed Aura Development for the Aura property:

Use	Central West Proposal	Aura Proposal
Residential	175 dwelling units	419 dwelling units
Office	40,000 sq. ft.	2,316 sq. ft.
Retail	20,000 sq. ft.	7,521 sq. ft.
Hotel	65,000 sq. ft.	0
Commercial	20,000 sq. ft.	6,020 sq. ft.

Market Analysis: Market conditions have changed significantly since drafting of the Central West Small Area Plan in 2013. The Town recently contracted to conduct a [Mini Market Study of the Aura Site](#)¹². The study summarizes:

- “Ten years ago, this would have been a good but not great location for a convenience store, gas station, or drug store but the area is now saturated with them.
- The most likely tenants of traditional office space are realtors or wealth managers, who would want both good access and visibility from the street.
- Mixed-use can work on this site, particularly live/work unit and possibly a coffee shop, but any pure retail use would need to be visible from the street.”

¹² <https://www.townofchapelhill.org/home/showpublisheddocument?id=48404>

The market study concluded that economically the highest and best use of the site is pure residential at the proposed density.

Mobility and Connectivity Plan¹³: The adopted mobility plan (page 79) includes a recommendation for the Timberlyne Trail, a greenway between Weaver Dairy Road and Estes Drive. A portion of the proposed greenway is adjacent to the eastern edge of the proposed development within a Duke Energy easement. The applicant has agreed to dedicate a 15-foot wide greenway easement along the northeastern property line. The remaining portion of the greenway would be constructed on the property with a crossing of the Resource Conservation District (and Jordan Buffer) and connect with Estes Drive near the proposed pedestrian crossing.

The applicant will also be providing frontage improvements along Estes Drive to match the cross-section to the east. This will include a 10-foot wide multi-use path as well as an on-street 5-foot wide bicycle lane. These have been included as conditions in Ordinance A.

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
- 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.

¹³ https://townhall.townofchapelhill.org/agendas/2020/10/28/20201023_Mobility_and_Connectivity_Plan.pdf

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 two key concepts of the Comprehensive Plan including choices and 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 of Consistency in the applicant materials.

Arguments in Opposition: Members of the public have identified concerns related to traffic and stormwater impacts.

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 based on the initial review by the town-wide traffic model.
















PROJECT FACT SHEET













Project Details

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


Site Development Standards

Topic	Comment	Status
Development Intensity		
Use/Density (Sec. 3.7)	Commercial and Residential 418 Dwelling units (361 apartment units and 57 for-sale townhomes); 13,541 sq. ft business, convenience (7,521 sq. ft. of commercial and 6,020 sq. ft. of restaurant); 2,316 sq. ft. of business, office-type	
Dimensional Standards (Sec. 3.8)	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	
Floor area (Sec. 3.8)	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.	
Landscape		
Buffer – North (Sec. 5.6.6)	<i>Required:</i> 10' Type "B" <i>Proposed:</i> Variable width/modified buffer	M
Buffer – East (Sec. 5.6.6)	<i>Required:</i> 15' Type "A" <i>Proposed:</i> Variable width/modified buffer	M
Buffer – South (Sec. 5.6.6)	<i>Required:</i> 15' Type "B" <i>Proposed:</i> Variable width/modified buffer	M
Buffer - West (Sec. 5.6.6)	<i>Required:</i> 15' Type "B" <i>Proposed:</i> 15' modified buffer	M
Tree Canopy (Sec. 5.7)	<i>Required:</i> 40% <i>Proposed:</i> 40%	
Landscape Standards	Application must comply – requested modification to regulations for foundation plantings	M

(Sec. 5.9.6)		
Environment		
Resource Conservation District (Sec. 3.6)	<i>Required:</i> Maximum of 40% of land disturbance in upland zone <i>Proposed:</i> 11,228 sq. ft.	
Erosion Control (Sec. 5.3.1)	Orange County Erosion Control permit required	
Steep Slopes (Sec. 5.3.2)	<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%	
Stormwater Management (Sec. 5.4)	Meet or exceed LUMO 5.4 standards	
Land Disturbance	653,400 sq. ft. (15 acres)	
Impervious Surface	<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	
Solid Waste & Recycling	Private refuse service proposed	
Jordan Riparian Buffer (Sec. 5.18)	11,228 sq. ft.	
Access & Circulation		
Road Improvements (Sec. 5.8)	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"> Extend WB right-turn lane to at least 500' of full storage with taper Martin Luther King Jr. Blvd and Future Driveway #1 <ul style="list-style-type: none"> One ingress and one egress lane Restrict access to right-in/right-out only High visibility crosswalk across driveway Median on Martin Luther King Jr. Blvd. Estes Drive and Future Driveway #2 <ul style="list-style-type: none"> One ingress and two egress lanes; minimum of 100' storage for exclusive SB left turn Exclusive EB left-turn lane with a minimum of 100' of full storage with taper Exclusive WB right-turn lane with a minimum of 100' of full storage with taper High visibility crosswalk across driveway 	
Vehicular Access (Sec. 5.8)	Two points of access – one full access from Estes Drive and right-in/right-out from Martin Luther King Jr. Blvd.	
Bicycle Improvements (Sec. 5.8)	Bicycle improvements along Estes Drive frontage including 12' multi-use path; Construction of greenway traversing along eastern property line to connect with Estes Drive at the Site Access Drive	
Pedestrian Improvements (Sec. 5.8)	Pedestrian improvements along Estes Drive frontage including 12' multi-use path; Crosswalk on Estes Drive	
Traffic Impact Analysis (Sec. 5.9)	TIA completed	

Vehicular Parking (Sec. 5.9)	<i>Required:</i> NA in OI-3 district <i>Proposed:</i> 650 vehicle parking spaces	
Transit (Sec. 5.8)	Incorporate bus stop and related amenities	
Bicycle Parking (Sec. 5.9)	<i>Required:</i> 119 spaces <i>Proposed:</i> 120 spaces Commercial – 24 spaces (20% long term) Residential – 95 spaces (90% long term)	
Electric Vehicle Parking	<i>Proposed:</i> minimum of 20 spaces	
Parking Lot Standards (Sec. 5.9)	Built to Town Standards	
Technical		
Fire	Built to Town Standards	
Site Improvements	418 Dwelling units; 7,521 sq. ft. of commercial use; 6,020 sq. ft. of restaurant use; 2,316 sq. ft. of office use	
Schools Adequate Public Facilities (Sec. 5.16)	Application must comply	
Inclusionary Zoning Ordinance (Sec. 3.10)	<i>Required:</i> 15% (54 units) <i>Proposed:</i> 47 affordable rental units and sponsorship of five (5) Habitat for Humanity Weavers Grove homes	
Recreation Area (Sec. 5.5)	<i>Required:</i> 10,576 sq. ft. <i>Proposed:</i> 40,000 sq ft.	
Lighting Plan (Sec. 5.11)	Built to Town Standards; Maximum of 0.3 footcandles at property line	
Homeowners Association (Sec. 4.6)	Yes	

Project Summary Legend

Symbol	Meaning
	Meets Requirements
M	Seeking Modification
FP	Required at Final Plan
NA	Not Applicable