

TRANSPORTATION AND CONNECTIVITY ADVISORY BOARD

RECOMMENDATION FOR CONDITIONAL ZONING AT 710 North Estes

August 23, 2022

Recommendation: Approval Approval with Conditions Denial

Denise Matthews, seconded by Katie Huge, recommended approval, with the following conditions:

- The developer should provide additional covered bicycle parking within the limitations of their impervious requirements.
- The developer should provide conduit or electrical access to the surface parking spots.
- The developer should provide a paved, ADA-accessible access point from the property's southern edge to Estes Drive if possible.
- Town staff should pursue safer means of travel for bicyclists and pedestrians in the area of MLK and Estes Drive adjacent to this property.
- The developer should provide 220-volt outlets in the garages to support electric vehicle charging.
- The developer should ensure there is sufficient lighting on-site to accommodate people with low vision.
- Town staff should request NCDOT officials attend a Board meeting and discuss pedestrian safety on Estes Drive.

Aye: 7 - Chair Heather Brutz, Vice-Chair Nikki Abija, Stephen Bevington, Mary Breeden, Brian Hageman, Katie Huge, and Denise Matthews

HOUSING ADVISORY BOARD

The charge of the Housing Advisory Board is to assist the Chapel Hill Town Council in promoting and developing a full spectrum of housing opportunities that meet the needs of the Chapel Hill community.

RECOMMENDATION N ESTES TOWNHOMES CONDITIONAL ZONING APPLICATION 710 N. ESTES DRIVE

Recommendation: Approval Approval with Conditions Denial

Motion: A motion was made by Mills, seconded by Mercer, that the N Estes Townhomes at 710 N. Estes Drive Conditional Zoning Application be recommended for approval by the Town Council.

Vote: 4-0

Ayes: Sue Hunter (Chair), Rex Mercer, Dustin Mills, Brandon Morande

Nays:

Prepared by: Emily Holt, Staff



www.lock7.com • 202.854.1448 • david@lock7.com

September 21, 2022

David Gorman
Lock7 Development

Re: 710 N. Estes Drive Chapel Hill, NC (the “Property”)

Dear Members of the ESAB,

This letter is in reference to the September 13 ESAB meeting regarding our intended development at the Property referenced above. At the meeting, the Board made several suggestions for us to consider incorporating into our development plans. The Board also asked for some more information on specific portions of the proposed plans. While we had hoped to come back and present at a future Board meeting, we are unable to do so because of our scheduled Planning Board and Town Council meetings. As a result, we’d like to commit in writing to pursuing the following items in order to address the concerns brought up at the meeting.

Description of Proposed Project

The proposed project will construct a new 95-unit townhome and condo residential community.

Specific Requested Changes/Clarifications and Developer responses

The Use of Fossil Fuels

We will commit to eliminating gas appliances entirely at the project, so all cooking, heating and water heating will be electric.

HVAC efficiency

We will commit to using 15 SEER or greater HVAC units. Systems will be heat pumps.

Stormwater management

We will design the SWM to the Town of Chapel Hill standards, which is for the 25-year event. Our team will continue to study and analyze the impact of increasing the 50-year or 100-year events.

We’d also like to emphasize the culvert under Estes is being increased from 24” to 42” as part of

the Estes improvement project and the Town required a downstream analysis to verify that runoff “will safely be conveyed through the 42” culvert beneath N Estes. Dr.

Bus Capacity

Per Matt Cecil: “We supplement overcrowding issues with trippers as needed. The BRT has a planned daily capacity of 6,014 riders at our proposed service levels.”

The TCAB approved the proposal with conditions that did not mention the bus line capacity. Generally, the board members were appreciative of the increased connectivity to current and future bus lines.

Bike Storage

Per the Chapel Hill Zoning Ordinance, 4 spaces are required based on a calculation of 1 space per 4 multifamily units. Our proposal includes 15 multifamily units, but we will commit to that ratio for the TOTAL unit count and provide at least 23 bicycle parking spaces. We are committed to providing traditional bike racks, bike lockers and covered bike shelters.

Electric Car Charging Stations

We are willing to commit to making all 90 garages EV-charging ready. In addition, we will provide 1 electric car charging station, with two stalls, for the public parking area on the common green.

Eliminating non-native plantings

We will eliminate non-native species and use Judy Gaitens-Arneson’s suggestions.

Preservation of existing trees on site

Our engineers and arborists created a grading plan which allows the preservation of 6 trees of 12” or greater in diameter in the common green. Additionally, we have increased the buffers by moving buildings 1, 2 and 3 towards Estes, allowing for preservation of 10+ additional trees in the buffer along the Northern buffer and Somerset Dr.

Sincerely,



Dave Gorman
Partner
Lock7 Development, LLC

Attachments:

- 1) Representative EV charging station
- 2) Representative bike storage option
- 3) Site plan rendering highlighting tree preservation areas

Attachment 1:

ChargePoint CT4000 or similar in guest parking area

Products and services for community charging

- + ChargePoint CT4000 charging station, ENERGY STAR certified for energy efficiency
- + [ChargePoint Commercial Cloud Plan](#) (network service that gives you all the tools your population needs).
- + [ChargePoint Assure](#)
- + [ChargePoint as a Service](#)



The First
ENERGY STAR®
Certified EV Charger

CT4000 hardware highlights

Cable Management Kit keeps cables clean and safely off the ground

Available in 18' (5.5m) and 23' (7m) cable lengths for ample reach

Drivers tap their phone, ChargePoint card, credit card, pay through the ChargePoint app, or call the 24/7 toll-free support number to start and pay for a session

Full-motion screen displays self-service instructions for visitors and the public

Universal J1772™ connector works with all car models*

Available in single or dual port configurations and can be installed in pedestal (shown) or wall mount configuration

Strong and rugged design materials built to withstand the elements



ChargePoint CT4000
Dual-port pedestal charging station
with 18' charging cables

Attachment 2:

Covered, vertical bicycle storage with U-lock compatibility



Attachment 3:



From: [John Weis](#)
To: [Town Council](#); [Pam Hemminger](#)
Cc: [Susan Lyons](#); [Scott Levitan](#); [Megan Patnaik](#); [Edward Hoskins](#); [Colleen Willger](#); [Corey Liles](#); [Adam Nicholson](#)
Subject: CDC Position on 710 Estes
Date: Wednesday, September 28, 2022 10:52:42 AM
Attachments: [CDC Response- 710 N Estes.docx](#)

External email: Don't click links or attachments from unknown senders. To check or report forward to reportspam@townofchapelhill.org

Honorable Mayor and Council Members;

Tonight (September 28th), you will be hearing a proposal from Lock7 for a project at 710 N Estes Drive consisting of 95 For Sale units on 8 acres; 12 of those units are to be affordable. On August 23rd the Community Design Commission reviewed this project and recommended denial.

Since then the developer has reached out to us and the Planning Commission to see if they could address our concerns.

The Community Design Commission prepared a detailed analysis of our concerns and recommendations which was sent to Lock7 and the Planning Commission. As a result, the developer has made substantial changes to the project which was presented to the Planning Commission on September 20th.

This week the developer presented a detailed response to our analysis (see attached below) which we believe represents a Good Faith effort of compliance. The Commission discussed 710 Estes at our meeting last night (September 27th) and decided it could now support the project but was concerned that updated Elevations and Perspectives were not available. Therefore, the Commission has granted me permission to contact you (unfortunately at this late date) to indicate our support for the project being presented to you tonight, but to request that the developer return to the CDC for review and approval of Elevations and Perspectives as well as any further changes made to the Site Plan, if any.

Thank You

John Weis

*John Weis, Chair
Town of Chapel Hill, Community Design Commission*

CDC Summary of Comments re: 710 N Estes

September 6, 2022

The CDC reviewed this project August 23, 2022. The Commission used our Guidelines for our feedback to this applicant. Overall, what we were shown does not sufficiently exemplify the character of Chapel Hill as we would like to see it. Below are some of our concerns followed by some suggestions for areas of improvement. **Our goal is to help this applicant create a project that will provide mid-income housing in a way that will work for the town as well as the developer. We appreciate the feedback and we have made significant changes in the design in order to incorporate the CDC's comments. A summary of our changes follows each item below.**

Our concerns

1. **Site design.** The proposed development is not well integrated with the existing topography. There is massive clear-cutting, and a 15' tall, public-fronting retaining wall will leave a table top effect. The design doesn't emphasize the pedestrian realm. Rather, it is the circulation of vehicles (cars, fire trucks, garbage trucks) that is dictating the site organization – not the shaping of outdoor spaces or the community experience. We also believe there is too much parking for a town that is emphasizing multi-modal transit and this close to a transit station at the corner of Estes and MLK.

The renderings were inaccurate and did not accurately depict the way the buildings are stepped between each townhome to work with the topography. This is now correctly rendered. Additionally, the building along Estes has been redesigned with a split-level foundation to work with the slope and eliminate the table topping effect. These units now better interact with the proposed path and a ramp was added to bike from the site directly onto the path. The retaining wall in question is not public-fronting except for the corner (about 50') however it now terminates down to 0' height. It is screened heavily by the permanently protected stream buffer. Most of the wall along Aura is approximately 6-7' tall. Town staff had asked for more visitor parking after the 1st CZP submission. Since the CDC meeting, we have reduced the number of 2-car parking garages and eliminated 40 spaces. The parking count is 205 reserved spaces for 95 units (a 2.1 ratio) and 20 guest parking spaces. We are open to reducing the guest parking count if required, although we think the current count is appropriate. We have committed to 23 (or more) biking spaces, exceeding the requirement by a multiple of 5.

2. **Building type/outdoor space.** Although townhomes and stacked homes are appropriate for much of the site, those located at the Northern buffer, adjacent to the existing neighborhood need to relate better to that single family neighborhood. Those units facing Estes need to connect to the streetscape and the bike path. Those surrounding the public open space need to engage with that space. The proposed central open space needs further thought including preservation of existing trees for enhanced canopy and comfort in summer.

Townhomes along the Northern border were moved an additional 10' further from property line, the 4th story rooftop decks were removed, and a pitched roof was added. Proposed building FFE split will help the units engage with Estes streetscape. By redesigning the shape of the underground SCM, a patch of existing mature trees will be preserved on the common green. These changes were all well-received by the adjacent neighbors and they have expressed their support for the new design.

3. **Building elevations.** The drawings we were shown included multi-colored facades which exacerbate weak design and emphasize the podium or tabletop appearance of the project. The fronts of the buildings are too busy and the backs are too plain and boring. Garage doors are too frequently the dominant façade feature.

Color and material selections will be simplified as the design progresses. The color palette will be minimized and will emphasize more red and tan bricks to mimic existing buildings in Chapel Hill. Many of the 2-car garages were converted to 1-car to reduce garage doors and driveways.

CDC Summary of Comments re: 710 N Estes

4. Tree canopy and buffers. The northern buffer is not dense enough. Removing the existing mature trees takes away an important feature of Chapel Hill character. In addition, there are not enough newly planted trees at the Estes pedestrian level to provide a significant street tree canopy.

The 10' building shift will increase the buffer distance and allow for additional mature tree preservation. Northern buffer has been doubled to 20' in width and an increased opacity. The landscaping plan will include trees in the planting strip between Estes and the multimodal path to shade the trail. Note that some limitations exist in this area because of the new sewer easement, however, developer will work closely with OWASA to make sure there is substantial tree plantings.

Our recommendations

We believe a better design is not only possible for this site but should be a prerequisite for allowing an increase in the density. It is about how it is situated on the site and how the design reflects those parameters.

Here are more detailed suggestions for how to improve the plans.

Site Design

- Diagram the site to find how the design can work with the topography and existing trees. All trees do not have to be saved, but it would enhance the neighborhood design to use existing hardwoods wherever possible and to plant more trees along the edges of the property and in the buffers.
Existing topography and tree preservations has been studied thoroughly and additional efforts are in progress. 10' building shift will increase the buffer distance and tree preservation along both the Somerset side and the rear Northern boundary. We are now proposing a 20' Type C buffer proposed along Northern border which will allow more room for new plantings.
- Townhomes should either engage with the new multi-modal path or retain a forest edge between Estes and the townhomes.
Engagement is increased with the proposed building FFE split and with the new ramp connections for both bikes and accessibility. Existing trees will be cleared with the public sanitary sewer construction by others, not by this developer. Replanting of trees is proposed but limited by OWASA easement, however, developer will plant trees to the most amount available.
- No tall retaining walls. Townhomes should work with the grade on the site.
Retaining walls are proposed as required for tree preservation but will be tiered to bring them to a pedestrian scale. Walls will be terraced and landscaped to reduce their presence. We are looking into material options to better disguise the walls, such as split-face CMU.
- Maintain wooded areas on the steep slope to help with run off, especially on the south west corner.
Existing vegetation is preserved in the sloped stream buffer. Prior to establishing new vegetation, erosion will be prevented with engineered solutions. Post-construction runoff will be less than pre-construction runoff because of our mitigation measures.
- People in the south want to be outside in the shade, the main grassy court should use embrace the existing vegetation and retain canopy trees, possibly reorienting itself to allow for this kind

CDC Summary of Comments re: 710 N Estes

of preservation.

Proposed wall or split building FFE's will preserve some amount of existing mature trees. New proposed communal structure (the gazebo) will increase shade and allow a place for communal meetings. We will focus on creating additional shade with replanted trees.

- Reduce on-street parking and reduce the overall parking spaces per unit.
Town staff asked for more visitor parking after the 1st CZP submission. 205 reserved parking spaces with 20 guest parking spaces is the current count. Applicant is open to a reduction in guest parking spaces per board and commission feedback.

Elevations

- Simplify the design so that it is pleasing on all sides especially those that face the public realm.
Noted. The new facades will incorporate brick and siding, and will be less "busy" than the previous rendering.
- Townhomes in this location should allow the topography to inspire the architecture. This could break up the elevation and bring positive visual appeal to the site. See concept below image.
The existing topography has been studied thoroughly and additional efforts to match it more closely are in progress. Proposed townhomes already step up to 6' along certain rows. Steeper slopes will eliminate ADA accessibility within the community, which is required.
- Side elevations that face streets need further thought
We will continue to develop the side elevations as the design furthers. We're looking at the window orientation, bay windows, masonry amount, and other ideas to bring the side elevations more to life.
- Consider sloped roofs.
Sloped roofs added to townhome buildings at the rear of the site to provide transition to existing single family.

Buffers

- We recommend enhancing or maintaining buffers with dense plantings on the northern buffer.
Proposed 10' building shift will increase the buffer distance and tree preservation on both the Somerset and rear property lines.
- The buffer to the south along Estes could be modified if the townhomes have access onto Estes Road.
This has been revised on the most current plan.
- East buffer could be amended to the southern portion of the site but should remain as it transitions into the neighborhood.
10' building shift on this side increased the buffer distance and tree preservation.
- Show an elevation for the Estes frontage along with the elevations for Aura next door. In other words, show us the context for the streetscape along Estes.
Streetscape should be matched on the south side of the path. Plantings are not allowed on the north side of the path due to the 30' OWASA easement and overhead utility lines.

CDC Summary of Comments re: 710 N Estes

- Western buffer should remain as is except for around the connection to Aura. Except for the Aura driveway, disturbance will be kept 25-35' from the west property line. Units are at least 85' from the nearest Aura buildings. In between the two developments lies a 65' easement and a 100' protected stream buffer.



Stepping precedent



Figure 1: Updated rendered site plan for Town Council Meeting.

CDC Summary of Comments re: 710 N Estes



STREET PERSPECTIVE #2

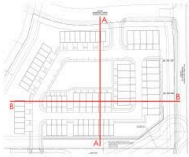
Figure 2: Perspective from common green towards Aura showing stepping of units.



STREET PERSPECTIVE #4

Figure 3: Perspective from Estes Dr.

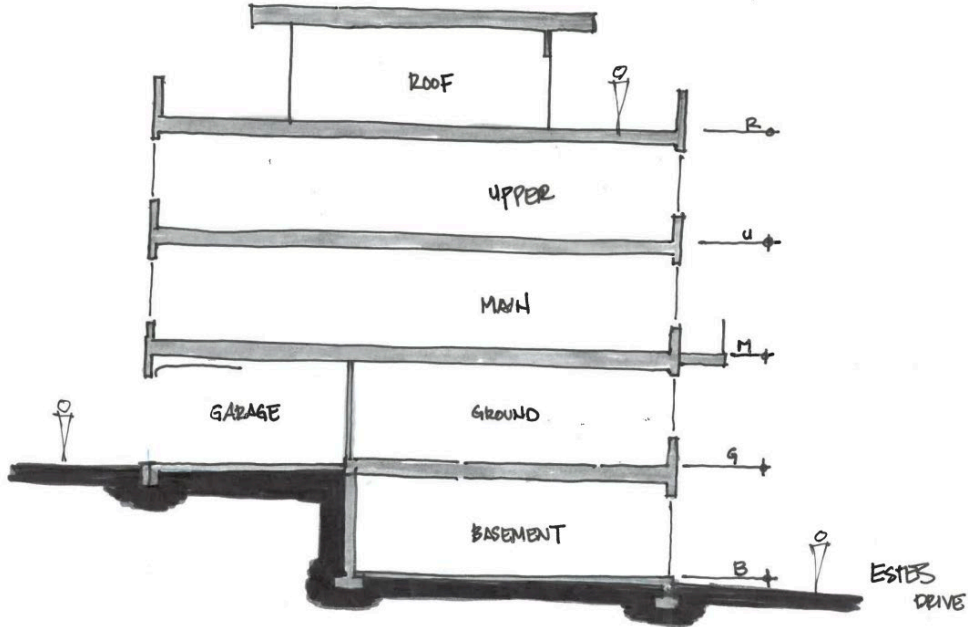
CDC Summary of Comments re: 710 N Estes



NORTH-SOUTH SITE SECTION (SECTION B)

Figure 4: North-South site section showing topography and unit stepping.

CDC Summary of Comments re: 710 N Estes



TRIPLEX AND INTERLOCKING TOWNS 9.7.22

Figure 5: Split foundation building along Estes Dr. to activate frontage and eliminate table topping.

PLANNING COMMISSION

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

RECOMMENDATION FOR CONDITIONAL ZONING APPLICATION FOR 710 N Estes

September 20, 2022

Recommendation: Approval Approval with Conditions Denial

Motion: John Rees moved, and Wesley McMahon seconded a motion to recommend that the Council adopt Resolution A (Resolution of Consistency).

Vote: 6 – 0

Yeas: Jonathan Mitchell (Chair), Elizabeth Losos (Vice-Chair), Wesley McMahon, Chuck Mills, John Rees, Stephen Whitlow

Nays:

Recommendation: Approval Approval with Conditions Denial

Motion: John Rees moved, and Wesley McMahon seconded a motion to recommend that the Council approve the Conditional Rezoning, with the attached comments as supplements to their recommendation.

Vote: 6 – 0

Yeas: Jonathan Mitchell (Chair), Elizabeth Losos (Vice-Chair), Wesley McMahon, Chuck Mills, John Rees, Stephen Whitlow

Nays:

Commission Notes to Council: PC members had a generally favorable view of the project, noting that the site plan has improved considerably in recent weeks. From a housing perspective, the proposal seems in line with the Town's needs. Members noted that the current plan seems at least somewhat responsive to concerns raised about excessive re-grading and clearcutting, as well as architectural quality, among other aspects. Nevertheless, the PC wishes to bring two concerns to the Council's attention:

- First, Lock7 has committed to complying with the current 25-year flood standard for stormwater control, not the 100-year standard that the Aura developer agreed to. Members worry about the long term, and difficult to remediate, consequences of designing new developments to meet stormwater standards that many view as no longer sufficient. Lock7 states that complying with a 100-year standard would increase costs by approximately \$500,000, and complying with a 50-year standard would increase costs by approximately \$250,000. Lock7 also states that increasing stormwater storage capacity could also necessitate more tree removal. (Members would like to see more tree preservation, not less). Members pointed out that a reduction in guest parking (currently 20 spots) could create more space for stormwater control measures. We recommend that the Council consider whether a higher stormwater standard is appropriate, and how to weight the potential trade-offs.
- Second, as alluded to above, members believe that the proposal for 20 guest parking spots may be excessive when there are dozens of rarely used street parking opportunities on Somerset Drive south of the existing neighborhood. These guest parking spots effectively increase the overall internal parking ratio from 2.1 to 2.4, with attendant consequences for transit-oriented development, construction cost and affordability, and impervious surface. (Aura's parking ratio is 1.55, before backing out retail parking.) Lock7 expressed openness to reducing guest parking but stated that Town officials previously cautioned Lock7 that some of the Somerset parking might not remain available indefinitely. The PC is not aware of any Town plans that would impact the majority of the street frontage in question. Therefore, we recommend that the Council consider asking for a reduction in on-site guest parking. In doing so, the Council might also clarify any future plans that might impact street parking on Somerset Drive south of the existing neighborhood (and the extent of any such impacts).

On a side-note, members expressed concern about the 26ft wide internal street width that we understand Lock7 must maintain to meet fire code. We understand that the Fire Marshall administers that requirement, not the Council. Nevertheless, we wonder whether the trade-offs involved in the 26ft standard are justifiable (e.g., additional maneuvering space for larger fire trucks vs. impervious surface and decreased pedestrian friendliness) and would welcome dialogue between the Council and the Fire Marshall on this subject.

Prepared by: Jacob Hunt, Planner II
 Jon Mitchell, Planning Commission Chair