



Certified Action of the City of Raleigh Planning Commission

City of Raleigh
Development Plans Review Center
One Exchange Plaza
Raleigh, NC 27601
(919) 516-2626
www.raleighnc.gov

Case File / Name: SP-67-11 / Edison Apartments

General Location: The north side of Davie Street between its intersections with Wilmington Street and Blount Street.

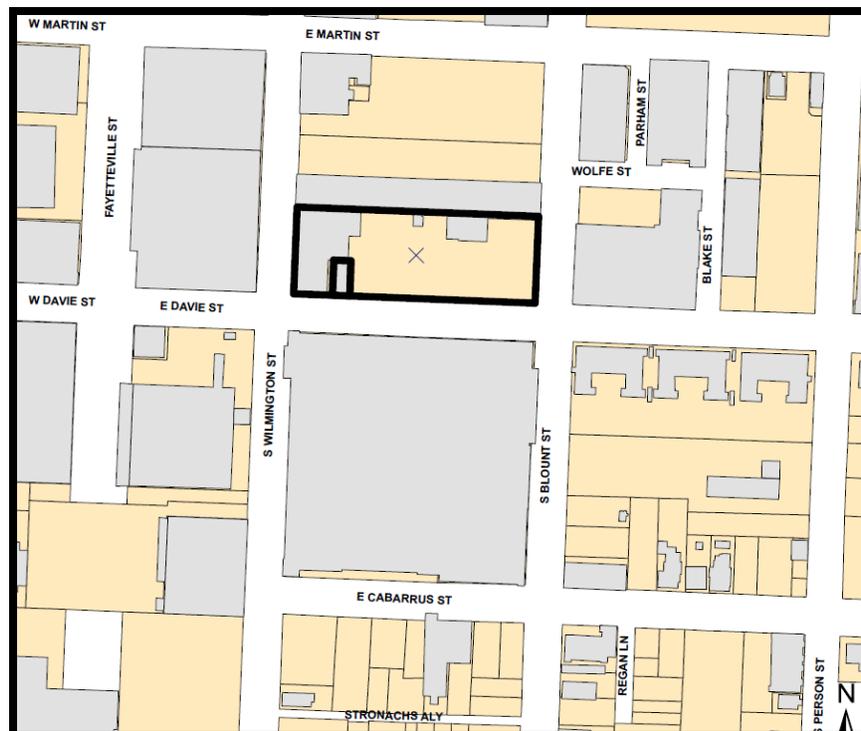
Owner: Edison Land, LLC
Designer: JDavis Architects, PLLC & BSC Companies, Inc.

CAC: Central

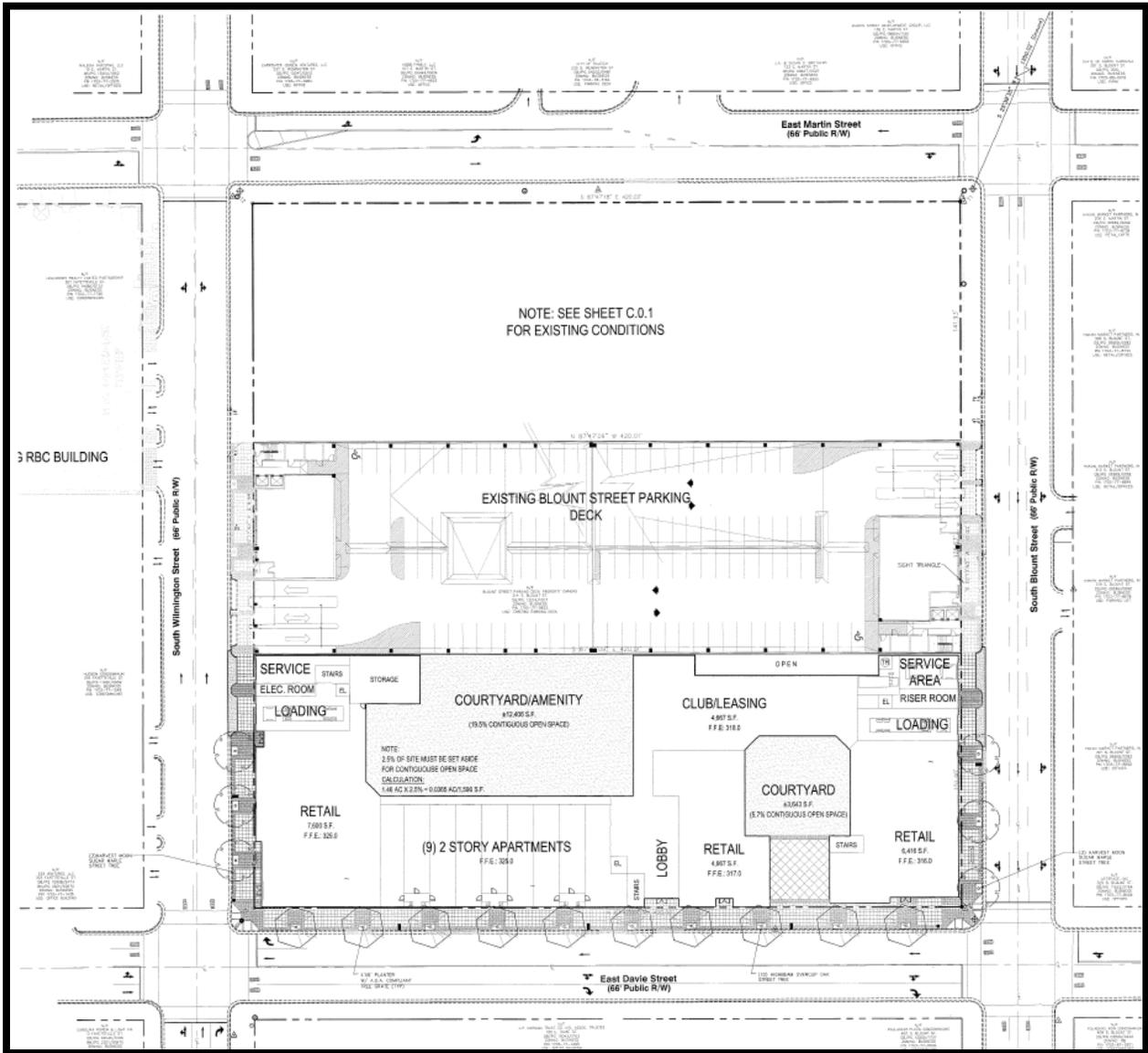
Nature of Case: The proposal is for a 290,000 square foot six/seven story (as it includes a partial mezzanine) mixed use building comprised of 239 dwelling units (164 dwelling units per acre) and 18,683 square feet of ground-floor retail space on a 1.46 acre site zoned Business Zone and Downtown Overlay District. This proposal requires Planning Commission approval for the following reasons: (A.) It is for a building over 10,000 square feet in the Downtown Overlay District; (B.) The proposal includes additional residential density in the Downtown Overlay District; and (C.) The proposal includes retail uses within 400' of a lot line containing a dwelling.

Key Issues: As presented, staff finds that this plan conforms to Code standards and adopted land use policies.

Contact: Ken Thompson, JDavis Architects, PLLC



SP-67-11 Edison Apartments – Site Location Map



SP-67-11 Edison Apartments – Preliminary Site Plan

SUBJECT: SP-67-11 / Edison Apartments

CROSS-REFERENCE: SP-37-07 Blount Street Parking Deck, SP-54-08 The Edison

LOCATION: This site is located on the north side of Davie Street, between its intersections with Wilmington Street and Blount Street, inside the City Limits.

REQUEST: This request is to approve a 290,000 square foot six/seven story (as it includes a partial mezzanine) mixed use building comprised of 239 dwelling units (164 dwelling units per acre) and 18,683 square feet of ground-floor retail space on a 1.46 acre site zoned Business Zone and Downtown Overlay District. This request requires Planning Commission approval for the following reasons:
(A.) It is for a building over 10,000 square feet in the Downtown Overlay District;
(B.) The proposal includes additional residential density in the Downtown Overlay District; and
(C.) The proposal includes retail uses within 400' of a lot line containing a dwelling.

OFFICIAL ACTION: **Approval with conditions**

CONDITIONS OF APPROVAL: **As noted on the Staff Report, attached**

FINDINGS: The Planning Commission finds that with the following conditions of approval this request conforms to Chapter 2, Part 10, Sections 10-2043, 10-2051, 10-2132.2, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated April 12, 2012, owned by Edison Land, LLC, submitted by JDavis Architects, PLLC.

ADDITIONAL NOTES: This plan represents a modification to the previously approved plan for the southern third of this block. The previous plan, SP-54-08 The Edison, included a 38 story mixed-use tower and a 29 story mixed-use tower as well as 8 levels of parking deck on this portion of the block.

VARIANCES / ALTERNATES: The applicants have received a variance from the requirements from right of way dedication for Blount Street, Davie Street and Wilmington Street. The existing right-of-way is 66' wide and the existing roadway width is built to a 43' +/- back of curb to back of curb. Given the existing context of the downtown area within the original Christmas Plan for the City of Raleigh, the existing 66' right-of-way width has been found to be adequate by the Development Plans Review Group. The right-of-way variance was approved by an action of City Council on 1/17/11.

To PC: 4/24/12

Case History:

Staff Coordinator: Eric Hodge, AICP

Motion: Mattox

Second: Haq

In Favor: Butler, Buxton, Fleming, Harris Edmisten, Haq, Mattox, Schuster, Sterling Lewis, Terando

Opposed:

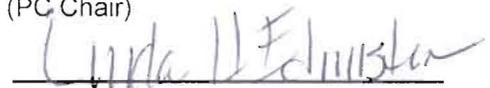
Excused: Fluhrer

This document is a true and accurate statement of the findings and recommendations of the Planning Commission. Approval of this document incorporates all of the findings of the Staff Report attached.

Signatures: (Planning Dir.)

(PC Chair)





date: 4/24/12

date: 4/24/12



Staff Report

**RECOMMENDED
ACTION:** Approval with Conditions

**CONDITIONS OF
APPROVAL:** Planning Commission Actions:

- (1) That the Planning Commission finds that this site plan meets the standards for approval of a residential development in a Business Zone District located in the Downtown Overlay District in accordance with Code Section 10-2051, providing sufficient open space, parking, minimum net lot area, and minimum yard setbacks;
- (2) That the Planning Commission finds that the increase in building height to 85' are in accordance with the general plans for the physical development of the City as embodied in the current Raleigh Downtown Urban Design Guidelines;
- (3) That the Planning Commission finds that this site plan meets the standards for approval of a residential development exceeding 40 dwelling units per acre density located in the Downtown Overlay District in accordance with code Section 10-2051(d)(1)c by (A) being located in the central downtown area, Tier I subsection ii (B) providing parking in a deck which meets the Code standards, Tier II subsection 3 (C) containing adequate amounts of service or retail facilities (at least 50 SF per unit), Tier II subsection 3; all of which are consistent with 10-2051(d)(1)c;

Administrative Actions:

Prior to issuance of a grading permit or a site review permit:

- (4) That as the developer is requesting an exemption from the stormwater runoff control provisions under 10-9023(b), detailed engineering studies shall be submitted to the Stormwater Engineer in the Public Works Department (before land disturbance or lot recording, whichever comes first) that show the increase in peak stormwater runoff between pre-development and post-development conditions for the two and ten year storm is ten percent (10%) or less at each point of discharge;

Prior to issuance of a building permit:

- (5) That infrastructure construction drawings are approved by the City;
- (6) That at time of permitting, the developer is to show how the sand filter complies with all major design criteria of the NCDENR BMP manual;
- (7) That as the developer has chosen to offset a portion of nitrogen export load limitation by paying monies to the North Carolina Ecosystem Enhancement Program (NCEEP), in accordance with Nitrogen reduction requirements of Section 10-9022, this payment shall be made to NCEEP and verification of

the amount of payment shall be provided to the City of Raleigh Stormwater Engineer;

- (8) That a stormwater control plan with a site specific stormwater operations and maintenance manual and budget, shall be approved by the Stormwater Engineer in compliance with Part 10, Chapter 9 prior to permitting. The operations and maintenance manual is to include all construction costs for the proposed stormwater devices used for compliance with Part 10, Chapter 9, including the designation of buffer areas and open space areas prior to grading or the approval of construction drawings whichever event first comes. Payment in the amount of 24% of the total construction costs for the stormwater devices is to be paid to the City of Raleigh prior to building permit approval. The operations and maintenance manual is to note the amount of the 24% payment;
- (9) That all stormwater control measures and means of transporting stormwater runoff to and from any nitrogen and stormwater runoff control measures shall be shown on all plats for recording as private drainage easements. The private drainage easement is to tie to a public right of way.
- (10) That as a variance request has been made to place two (2) 12-inch ductile iron pipes under the proposed building and the variance approval granted by the Public Works Director included agreed upon conditions in the letter submitted by the applicant dated January 19, 2012. As such, a private drainage easement shall be recorded along the proposed pipe system shown to run under portions of the proposed building structure. The drainage easement is to be recorded by plat;
- (11) That an encroachment agreement for any plantings, planters, awnings or stormwater drainage systems that carry private drainage to be located within the public right-of-way (More specifically, the 4 pipe outlet from the sand filter that ties into the storm system within East Davie Street and the 16 inch ductile iron pipe that is proposed to tie into the storm system within Blount Street) is approved by the City Council by separate action. An application for encroachment into the public right of way for the landscaping located within the right of way as indicated on the preliminary plan, shall be submitted to the City's Encroachment Coordinator in the Public Works Department for review, and that the City Council approve the encroachment request. Following City Council approval of the encroachment, an encroachment agreement, prepared in accordance with Raleigh City Code Sections 12-1001 and 12-1021(a), shall be filed with the Public Works Department, and the encroachment agreement is to be recorded with the Wake County Register of Deeds. Maintenance of the encroachment shall be the responsibility of the owner;
- (12) That a landscape permit is obtained from the urban forester in the Parks and Recreation Department for landscaping in the public right-of-way;
- (13) That any work that takes place on adjacent properties owned by others will require notarized permission or temporary construction easements signed by all impacted owners;
- (14) That the City Attorney approve a public sidewalk easement deed for any portion of the proposed pedestrian ways on private property adjacent to public right-of-way on surrounding streets including Davie, Wilmington and Blount;

- (15) That recombination maps be recorded, recombining the existing lots into a single tract; The public sidewalk easements required shall be shown on the recombination plat;
- (16) That demolition permits be issued by the Inspections Department for all buildings located within the subject property and these building permit numbers be shown on all maps for recording.

ZONING:

ZONING DISTRICTS: Business Zone with Downtown Overlay District.

SETBACKS / HEIGHT: This plan conforms to all minimum setback standards. Davie Street = 0', Wilmington Street = 1', Blount Street = 2', Rear Yard = 0'. This plan conforms to maximum height standards in this zoning district. Proposed height of the building is a maximum of 85'.

PARKING: Off-street parking conforms to minimum requirements: 223 spaces required, based on 1 parking space per dwelling unit (exempting the first 16 units and an exemption for up to 30,000 SF of ground floor retail). 223 spaces are being provided within the existing adjacent deck located to the north of the site. The spaces proposed for utilization within the existing deck are not allocated to meet any other development's parking requirements. As such, code allows the off-site spaces to be counted as they are within 800' of the subject property. 11 bicycle spaces are proposed in keeping with code requirements of 1 bicycle space per 20 automobile parking spaces.

LANDSCAPING: Street yard landscaping in conformity with Section 10-2082.5 is shown. Vehicular surface area landscaping in conformity with Section 10-2082.6 is shown. This is a high density residential use under Section 10-2082.9. No transitional protective yards are required given the only adjacent use is a parking deck with ground floor retail spaces.

TREE CONSERVATION: No tree conservation areas are required because no stands of trees on the site meet the requisite standards of code section 10-2082.14.

DEVELOPMENT DENSITY: The applicants are allowed increases in residential densities in excess of 40 units per acre through the Downtown Overlay District and compliance with the tiered standards for additional density. For each Tier 1 and Tier 2 standard specified in the Downtown Overlay District that the Planning Commission finds the plan compliant with, an increase in density of 60 units per acre is allowed. For each Tier 3 standard spelled out in the Downtown Overlay District that the Planning Commission finds the plan compliant with, an increase in density of 40 units per acre is allowed. The project's proposed density is 163.7 dwelling units per acre. In order to achieve this density, the project would have to meet at least three of the tiered density standards. The applicants purport that the plan meets one Tier 1 and two Tier 2 standards. These standards are listed below:

- 1. **Location:** (Tier 1 Standard granting an additional 60 units per acre)

The proposed development is either located within a block immediately adjacent to a public open space greater than one acre or located within the central downtown area described as follows: beginning at the intersection of Harrington Street and Morgan Street, east on Morgan Street, north on McDowell Street, east on Jones Street, south on Blount Street, east on Morgan Street, east on New Bern Avenue, south on Bloodworth Street, west on Davie Street, north on Harrington Street to the point of beginning. **The subject property is within the central downtown area as described.**

- 2. **Parking Deck:** (Tier 2 Standard granting an additional 60 units per acre) At least 80% of the off-street parking spaces provided are contained in a multilevel parking structure that is visually integrated into the principle building and designed to be compatible with other buildings on the site by using compatible building materials and architectural designs, as reflected in scale, color, texture, fenestration, width, height, roof lines, and other similar architectural gauges. No more than 75' total of the ground level of the sides of the building or parking deck (measured 20' deep from the façade of the building) located on the sides of the lot fronting a public street shall be devoted to parking driveways and/or loading areas. **All proposed parking is within a parking deck on the adjacent parcel that was designed, in part, with the anticipation that development on this parcel would serve to screen the southern elevation of the deck from view. The applicant's proposal screens the majority of the southern façade of the deck with the proposed building. The uppermost levels of a portion of the deck were not screened by the building. The applicants have proposed fabric panels mounted on the sides of the parking deck to screen those portions of the parking deck.**
- 3. **Service and Retail Facility:** (Tier 2 Standard granting an additional 60 units per acre). The development contains on-site a minimum of 50 square feet per unit of service and retail facilities to serve the residents. **With 239 dwelling units proposed, 11,950 square feet of retail and/or service facilities are required. The proposal includes 18,683 square feet of retail and/or service facilities within the project.**

OPEN SPACE: The Downtown Overlay District calls for a minimum of 5% of the total land area of the development be set aside as open space. "Open Space" shall include greenways and any common outdoor landscaped and recreation spaces; outdoor decks, roof gardens and other similar outdoor community space accessible to and available for use by all residents of the development. Based on the property's acreage, the base minimum amount of open space required for the tract is 3,180 square feet. The applicants plan contains a minimum of 5,178 square feet of open space provided through qualifying courtyards that meet the standards of the Downtown Overlay District.

PHASING: This is a one-phase development.

UNITY OF DEVELOPMENT: Unity of development and sign criteria are not required in this development.

COMPREHENSIVE
PLAN:

GREENWAY: There is no greenway on this site.

THOROUGHFARE

**/ COLLECTOR
 PLAN:**

The applicants have received a variance from the requirements from right of way dedication for Blount Street, Davie Street and Wilmington Street. The existing right-of-way is 66' wide and the existing roadway width is built to a 43' +/- back of curb to back of curb. Given the existing context of the downtown area within the original Christmas Plan for the City of Raleigh, the existing 66' right-of-way width has been found to be adequate by the Development Plans Review Group. The right-of-way variance was approved by an action of City Council on 1/17/11.

TRANSIT:

The following transit-oriented features of this site are incorporated into the proposed plan: a slim-line style bus shelter w/ leaning rail along South Blount Street. This site is presently served by the existing transit system.

**COMPREHENSIVE
 PLAN:**

The site is located within the Central CAC, and is designated as Central Business District on the future land use map. The Central Business District category is intended to enhance Downtown Raleigh as a vibrant mixed use urban center.

**HISTORIC
 DEVELOPMENT
 COMMISSION:**

The site is located within the Moore Square National Register Historic District and is adjacent to the locally-designated Moore Square Historic District which includes the blocks east and north of the site

The Historic Development Commission has made the following comments on this preliminary plan. Shown below are comments and applicant responses:

<u>Comment</u>	<u>Response</u>
Although the site is adjacent to, rather than located in, the Moore Square Historic Overlay District, it is within the Moore Square National Register Historic District. Both Moore Square and much of Fayetteville Street are characterized by storefronts and building entrances on a very human scale.	Acknowledged
The mid-rise scale of the building is consistent with other buildings in the vicinity.	Acknowledged
The commission appreciates the alcove stoops which bring residential entrances to the street level.	Acknowledged
This building's ground level design includes first floor window bays with canopies in order to enhance a pedestrian-scaled ground floor.	Acknowledged
In keeping with the pedestrian scale and to engage the buildings across Blount Street and activate that elevation, the commission strongly encourages the addition of entrances	There will likely be entrances to the eastern retail space on Blount Street, however, these would be added by retail tenants as yet undefined. There will be an entrance on the corner of the

along the east elevation of the building.

The commission also suggests that brick should be used as the exterior material as much as possible as a way to visually connect to the historic district and provide scale.

building at Blount and Davie Streets. There will also be a secondary pedestrian entrance for residents of the building that will open to Blount Streets. Brick is the dominant material on the exterior faces of the building. There are additional details and cast stone banding at the pedestrian level to enhance tactility, and provide a sense of scale. Metal and cementitious paneling is also used.

APPEARANCE COMMISSION:

The Appearance Commission has made the following comments on this preliminary plan. Shown below are comments and applicant responses:

<u>Comment</u>	<u>Response</u>
The Appearance Commission wishes to commend the applicants on the revisions to the previously-submitted elevations, particularly the improved quality of the building materials, thought given to design and placement of building elements, and increased attention to the pedestrian realm.	Acknowledged
Given the visual and functional prominence of the proposed storefront at the Davie/ Wilmington corner, the commission recommends that its design be detailed further; e.g., re-envision the corner pier/ column as an iconic element (perhaps executed even as artwork), and link individual canopies into a continuous wrap-around form [commensurate with Code Sec. 10-2132.2(d)(2), and Downtown Design Guidelines 6, 20, 28, & 39].	This will be considered as the design develops.

SUBDIVISION STANDARDS:

BLOCK LAYOUT: No new streets are proposed within this development.

PUBLIC UTILITIES: City water and sewer services are available. The developer is responsible for installation of all lines necessary to provide service to this site.

SOLID WASTE: Refuse collection facilities are located internal to the site behind recessed roll-down gates along the northern portion of the site's Wilmington Street frontage and along the north portion of the site's Blount Street frontage and shall meet the standards of the Solid Waste Collection Manual. Individual lot service is to be provided by private contractor.

CIRCULATION: Proposed street improvements shall conform to normal City construction standards. A Transportation Impact Analysis was prepared by the applicants for the previous proposal for this site, The Edison (SP-54-08), which was a much more intensive development than what is proposed today. The proposed circulation plan associated with that Transportation Impact Analysis was approved by the City's Transportation Services Staff at the time. It was determined that a new Transportation Impact Analysis was not warranted for this development.

PEDESTRIAN: Proposed sidewalk locations conform to City regulations. A 14' wide sidewalk is required along the property's Wilmington Street, Davie Street and Blount Street frontages. The proposed sidewalk widths are consistent with the open space requirements of 10-2051(d)(5).

FLOOD HAZARD: There are no flood hazard areas on this site.

**STORMWATER
MANAGEMENT:**

This site is subject to stormwater management nitrogen reduction requirements of Part 10 Chapter 9. The developer is proposing compliance with water quality requirements through the use of an underground sand filter.

This project has chosen to offset a portion of nitrogen load limitations by paying monies to the North Carolina Department of Environment and Natural Resources fund. [10-9022(c)].

That as the developer is requesting an exemption from the stormwater runoff control provisions under 10-9023(b), detailed engineering studies shall be submitted to the Conservation Engineer in the Public Works Department (before land disturbance or lot recording, whichever comes first) that show the increase in peak stormwater runoff between pre-development and post-development conditions for the two and ten year storm is ten percent (10%) or less at each point of discharge.

**WETLANDS
/ RIPARIAN
BUFFERS:**

No wetland areas or Neuse River riparian buffers are required on this site.

**OTHER
REGULATIONS:**

Developer shall meet all City requirements, including underground utility service (§10-3059), flood protection measures (Part 10, Chapter 4), and the soil erosion ordinance (Part 10, Chapter 5), unless specifically varied by this approval.