





SP-20-13 / The Lincoln – Site Plan

**SUBJECT:** SP-20-13 / The Lincoln

**CROSS-REFERENCE:** Z-19-08

**LOCATION:** This site is bounded by E. Hargett Street to the north, S. Bloodworth Street to the west, N. East Street to the east and E. Martin Street to the south. Inside the City Limits.

**PIN:** 1703888232, 1703888281, 1703889232, 1703889282, 1703889152, 1703888135  
1703888049, 1703888044, 1703889054, 1703879959, 1703878949,  
1703878913, 1703878973, 1703879922, 1703879972

**REQUEST:** This request is to approve the construction of a 5-story, 224-unit multifamily development (109 units an acre) and the construction of a 5-story parking deck containing 321 parking spaces on a 2.06 acre site zoned Office & Institutional-1 CUD with Downtown Overlay District, located inside the City limits. This proposal requires Planning Commission approval for the following reasons:

- (A) As this is a site plan for a new structure in excess of 10,000 SF within the Downtown Overlay District; and
- (B) The proposal includes additional residential density in the Downtown Overlay District.
- (C) Residential density exceeds 15 units per acre in O&I-1 district.

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**OFFICIAL ACTION:** **Approval with conditions**

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

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**FINDINGS:** The Planning Commission finds that with the following conditions of approval this request conforms to Chapter 2, Part 10, Sections 10-2035, 10-2051, 10-2132.2, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 7/24/13, owned by The Wood Pile PLLC, submitted by JDavis Architects, LLC.

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**ADDITIONAL NOTES:** There are no additional notes for this plan.

**VARIANCES / ALTERNATES:** This project does not provide the 14' wide sidewalks on East Hargett Street, East Martin Street, and South East Street required by the Downtown Overlay District. The applicants are seeking approval of an alternate open space arrangement for this requirement. Staff does not support this alternate request.

On August 6, 2013 the City Council approved a variance from the requirement to dedicate:

- ½ of an 80' right-of-way along East Hargett Street
- ½ of an 80' right-of-way along East Martin Street
- ½ of an 80' right-of-way along South Bloodworth Street
- ½ of an 80' right-of-way along South East Street

Given the existing context of the East Hargett Street, East Martin Street, South Bloodworth Street, and South East Street the existing right-of-way width was found to be adequate.

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**To PC:** August 13, 2013

**Case History:** N/A

**Staff Coordinator:** Meade Bradshaw

**Motion:** Schuster  
**Second:** Fleming  
**In Favor:** Buxton, Fleming, Fluhrer, Lyle, Mattox, Schuster, Sterling Lewis, Swink and Terando -  
**Opposed:** xxxxx

**Excused:** xxxxx

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)

  
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date: 8/13/13

date: 8/13/13



## Staff Report

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**RECOMMENDED ACTION:** Approval with Conditions

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

- (1) That the developer submits a revised site plan to the Planning Department showing 14' in width sidewalks along East Hargett Street, East Martin Street, and South East Street. An open space alternate would not be needed due to the open space standards of 10-2051(d)(5) being met;
- (2) 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 within one block of Moore Square, Tier I subsection II and (B) Providing parking in a deck which meets the Code standards, Tier II subsection 3;
- (3) That the Planning Commission finds that this site plan meets the standards for approval of Code Section 10-2132.2(d);

Administrative Actions:

***Prior to issuance of a site review permit for grading or infrastructure drawings, whichever comes first:***

- (4) That a nitrogen offset payment must be made to a qualifying mitigation bank;
- (5) That a stormwater control plan with a stormwater operations and maintenance manual and budget shall be approved by the Stormwater Engineer in compliance with Part 10 Chapter 9, including the designation of buffer areas and open space areas for stormwater purposes prior to grading or the approval of construction drawings, whichever event comes first;
- (6) That a stormwater quality control plan is submitted requiring nitrogen reduction of all impervious surfaces (including all bldg. roof, courtyard and parking deck) to drain first flush volume to sand filter. Stormwater quantity control plan requires all impervious surfaces (including all bldg. roof, courtyard and parking deck) to drain to detention device;

***Prior to issuance of building permits:***

- (7) That a demolition permit be issued by the Development Services Department, and this demolition permit number be shown on all maps for recording;

- (8) 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 and the plats shall contain the following note: "All private storm drainage easements & stormwater measures will be maintained by the homeowner association;"
- (9) That prior to issuance of building permits the developer will make a contribution of twenty-four percent (24%) of the initial construction cost of all stormwater control device(s) to the City in accordance with City Code 10-9027;
- (10) That infrastructure construction drawings are approved by the City;
- (11) That an encroachment agreement for any existing and proposed, plantings, planters, porches/stoops/balconies, awnings or stormwater drainage systems that carry private drainage to be located within the public right-of-way is approved by the City Council and/or NCDOT (if applicable) 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 apartment 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 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 South Bloodworth Street;
- (14) That a recombination map be recorded, recombining the existing lots into a single tract, and the demolition permit number be shown on the recombination plat. The public sidewalk easements required shall be shown on the recombination plat;

***Prior to issuance of an occupancy permit:***

- (15) That prior to Issuance of a Certificate of Occupancy an as-built certification for all stormwater control devices as required under Code Section 10-9025(c) shall be provided to the Public Works Department, all stormwater systems shall be in place and functioning, and an original inspection report per Code Section 10-9028; and
- (16) That the development complies with the zoning conditions of Z-19-08.

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**ZONING:**

**ZONING  
DISTRICTS:**

Ordinance 391 ZC 620; effective May 6, 2008,

Z-19-08, E. Hargett Street – located on Hargett Street, south side, between S. Bloodworth and S. East streets, extending southerly to Martin Street, being multiple Wake County PINs. Approximately 1.9 acres to be rezoned Office & Institution-1 Conditional Use District with Downtown Overlay District.

Conditions: April 23, 2008

(a) Maximum Height. Building(s) constructed upon the subject property shall be no more than the lesser of (i) four (4) stories in height entirely above grade (not including basement areas, rooftop architectural features, subterranean parking or internal parking garage, if applicable), or (ii) seventy (70) feet from the back of the curb. As used herein, a story is “entirely above grade” only if the entire horizontal base of the floor is above the finished floor elevation.

**The proposed building is 70'. The top story is a Mezzanine which is not a story defined by the Building Code.**

(b) Parking. There shall be no surface parking areas located between the front face of any multi-story building and its adjacent public street. At a minimum, the lower three (3) levels of any parking deck located on the property (exclusive of subterranean parking) shall be wrapped on all four (4) sides by an active use, except for access points for pedestrian and vehicular ingress and egress to such parking structure. Where not otherwise wrapped by an active use, any subterranean parking shall be screened from the right of way by a solid material that is architecturally compatible with the rest of the building.

**The height of the parking deck is 65' in height, wrapped on all four sides with dwelling units 70' in height, with the exception of a 45' section on E. Martin Street which is being used as a pedestrian access point to the parking structure and building.**

(c) Development as a Single, Mixed Use Structure. In the event the property is developed to include a single building with an associated parking deck, which requires special City Council approval for higher density, then the following conditions apply:

(i) flat roofs will be screened by decorative parapet walls;

**Complies**

(ii) there shall be a change in material and/or an articulation of material at the base of the building within 36" (vertically) of the pedestrian plane at areas where the base of the building is not defined by a stem or retaining wall;

**Complies**

(iii) the building constructed on the property shall have a base which is different in color and/or material than the rest of the building, in order to reduce the scale of the building, help define the pedestrian level and relate to the adjacent neighbors;

**Complies**

(iv) the combined area of windows and doors shall represent no less than fifteen percent (15%) and no greater than sixty percent (60%) of the façade of the building constructed upon the property;

**Windows and doors make up 35% of the façade of the building**

(v) lighting for the subject property shall be pedestrian in scale, except for lighting associated with any parking deck located upon the property;

**Lighting is pedestrian scale**

(vi) any parking structure located on the subject property shall contain a minimum of ninety (90) percent of all parking for uses located on the property.

**100% of the parking is on-site**

**SETBACKS /  
HEIGHT:**

This plan conforms to all minimum setback standards. Front yard = 1', rear yard = 1', front / rear aggregate = 2', side yard = 1', side yard aggregate = 2'. This plan conforms to maximum height standards set forth in Z-19-08(a) no more than the lesser of 70' or four stories. The condition describes a story as "entirely above grade." The top story is a mezzanine (two story unit) and does not meet the building code definition of a story of a story. Proposed height of the building is 70'.

**PARKING:**

Off-street parking conforms to minimum requirements: 208 spaces required, based on 1 parking space per dwelling unit (exempting the first 16 units). 321 spaces are being provided within an on-site 5-story parking deck. While the Downtown Overlay District does not require any bicycle parking facilities, 16 bicycle spaces are proposed.

**LANDSCAPING:**

Street trees are located in the right-of-way and will need an encroachment from the Encroachment Committee. Transitional Protective yards in accordance with Code Section 10-2082.9 are not required due to the development being bounded by public rights-of-way on all four sides.

**TREE  
CONSERVATION:**

No tree conservation areas are required because the site is less than 2 acres and no stands of trees on the site located within 50' of a Thoroughfare that meet the requisite standards of code section 10-2082.14.

**DEVELOPMENT  
INTENSITY:**

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. The project's proposed density is 109 dwelling units per acre. In order to achieve this density, the project would have to meet at least two of the tiered density standards. The applicants purport that the plan meets one Tier 1 standard and one Tier 2 standards. These standards are listed below:

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 one block of Moore Square.**

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-site incorporated into building screened by the apartment units.**

**OPEN SPACE:** The Downtown Overlay District requires that a minimum of 5% of the total land area of the development to be set aside as open space. "Open space" is defined to include: greenways; any common outdoor landscaped and recreation spaces; outdoor decks; roof gardens and other similar outdoor community space accessible to and available for use by visitors of the development." The Code calls for open space first to be met by widening the sidewalks to a minimum of 14' in width. After that is achieved, any deficit in open space can be met with courtyards, roof gardens, outside dining and recreation space so long as 1/2 of the required open space shall be in one continuous part with a minimum length and width dimension of 20 feet.

Based on the property's gross acreage of 2.06 acres, the base minimum amount of open space required by the Downtown Overlay District is 4,487 square feet. The applicant's plan provides a minimum of 5,671 square feet of qualifying open space is to be provided through a common accessible courtyard. The proposed development meets the configuration provisions of the code. The proposed open space exceeds the minimum 5% requirement by 1,184 square feet.

**PHASING:** There is one phase in this development.

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

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**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 East Hargett Street, East Martin Street, South Bloodworth Street, and South East Street. The existing right-of-way is 66' wide and the existing roadway width is built to a 43' +/- back to back road section on South Bloodworth Street, +/- 42' back to back road section on South East Street, +/- 40' back to back road section on East Martin Street, +/- 40' back to back road section on East Hargett Street. 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 8/6/13.

**TRANSIT:**

This site is presently directly served by Route 13 Chavis Heights, Route 18 Worthdale and Route 22 State Street on the existing transit system. In addition, all radial routes pass through Moore Square Transit Station which is 3 blocks away. Due to the proximity to the Moore Square Transit Station, no transit features are required.

**COMPREHENSIVE**

**PLAN:**

This site is located in the Central Citizen Advisory Council and is designated as Central Business District on the Future Land Use Map. This category is intended "to enhance Downtown Raleigh as a vibrant mixed use urban center," supporting "a mix of high-intensity office, retail, housing, government, institutional, visitor, cultural, and entertainment uses." Staff has reviewed the plan and finds it to be in compliance with the following Comprehensive Plan policies:

- LU 2.2 – Compact Development
- LU 4.9 – Corridor Development
- T 5.5 – Sidewalk Requirements
- UD 6.1 – Encouraging Pedestrian-Oriented Uses
- UD 6.2 – Ensuring Pedestrian Comfort and Convenience
- DT 1.17 – Auto-Oriented Uses
- DT 7.2 – Maintaining Consistent Setbacks
- DT 7.3 – Streetwalls
- DT 7.9 – Street Trees

**HISTORIC /  
DISTRICTS:**

This site is not located in or adjacent to a designated Historic District.

**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>
Encourage applicant to provide site furnishings along sidewalks to increase pedestrian interest and comfort.	Response: Trash receptacles and bike racks have been added but the developer feels that all seating on should be in secure areas. See sheet LS1.1
In areas where foundation planting areas are approximately 2ft in width, the applicant is encouraged to use vines and ground covers in place of shrubs to soften and screen the base of the building.	We will use appropriate planting materials That will work with the depth of the planting bed.
Introduce more tree variety on Bloodworth and East Street streets capes. Consider using species changes to articulate key entrances to the project.	We have consulted with the Urban Forester and added different species at building entries on all streets. See sheet LS2.1.
Increase the level of detail and architectural articulation to all blank brick foundation walls.	We have added additional building entries and windows to the mid block ground level areas of both Bloodworth and East Streets. In addition, contrasting brick banding has been added to those areas. Along Martin Street we have added and an additional pedestrian gate, contrasting brick banding and have added additional brick details to the courtyard wall.
Completely screen the parking deck from the right of way.	The building geometry largely screens the parking garage. It is only exposed behind the landscaped courtyard and is more than 40'-0" back from the sidewalk. We plan on painting the spandrel panels that are behind the landscaped courtyard.
Use of brick should be increased and if split face block is considered its use should be minimized.	We have added some additional brick and broken up the brick around the building by using a number of different brick colors. Where we plan on using additional masonry will not use a split face block.
Eliminate the use of cementitious siding where it is close to ground level and replace with durable material like brick	We have replaced the cementitious siding at the corner of Hargett and East Streets with brick. That was the corner that it was closest to the sidewalk. At the project's two southern corners the cementitious siding is always greater than 6'-0" above sidewalk and is typically between 7'-0" and 8'-0" above the sidewalk.
Greater articulation should be brought to all entrances.	We have added additional articulation to the building entries
The commission supports the 14' sidewalk easement. If a variance is granted to 12' as requested, the resulting streetscape should eliminate tree lawns and install tree grates.	We have talked to Urban Design Center and revised the previously proposed sidewalk sections on Hargett, East and Martin Streets based on comments from the Appearance Commission. The current proposal is to provide a 10' sidewalk from back of curb with a 2'x2' grid pattern, 4'x6' tree grates. There will be no brick pavers on East and Martin Streets

but they will be on Bloodworth and Hargett Streets. This will increase the planting area at the base of the building.

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**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 eastern side of the building on South East Street and shall meet the standards of the Solid Waste Collection Manual. Service is to be provided by private contractor.

**CIRCULATION:** Proposed street improvements shall conform to normal City construction standards. Entrance to the parking deck is on South Bloodworth Street.

**PEDESTRIAN:** The applicants are seeking an alternate approval in accordance with Code Section 10-2051(D)(5) to construct sidewalks 10' in width along East Hargett Street, East Martin Street, and South East Street. The applicants will construct sidewalks 14' in width along the property's South Bloodworth Street frontage. Section 10-2051(d)(5) of the Code calls for 5% of the site to be set aside as open space which is to be met first and foremost by providing a minimum of a 14' wide sidewalk, where possible. As the proposal includes the new construction of a building fronting on four public rights-of-way, 14' sidewalks are feasible along all street frontages. The Planning Commission can approve this reduction in width in accordance with Code Section 10-2051(d)(5) after a finding that such reduction in open space is in accordance with the general plan for the Physical development of the City as embodied in the Raleigh Comprehensive Plan and the site plan meets the standards of 10-2132.22(d).

**Staff does not support the full variance request for the sidewalk narrowing.**

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

**STORMWATER  
MANAGEMENT:** This site is subject to stormwater management controls in accordance with Chapter 9 of Part 10 of the Raleigh City Code. This development plan proposes to use an underground detention facility to attenuate the post-development peak discharge rates to pre-development conditions for the 2 year and 10 year storm events. An underground sand filter and one time mitigation payment to the NCEEP or private mitigation bank are proposed to reduce nitrogen loading rates to 3.6 lbs/ac./yr.

**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.