



Certified Action

Of the City of Raleigh Planning Commission

City of Raleigh
Development Plans Review Center
One Exchange Plaza
Raleigh, NC 27602
(919) 996-2626
www.raleighnc.gov

Case File / Name: S-58-13 / The Saint

General Location: This site is located on the east side of St Mary's Street, between W Lane Street and W Jones Street.

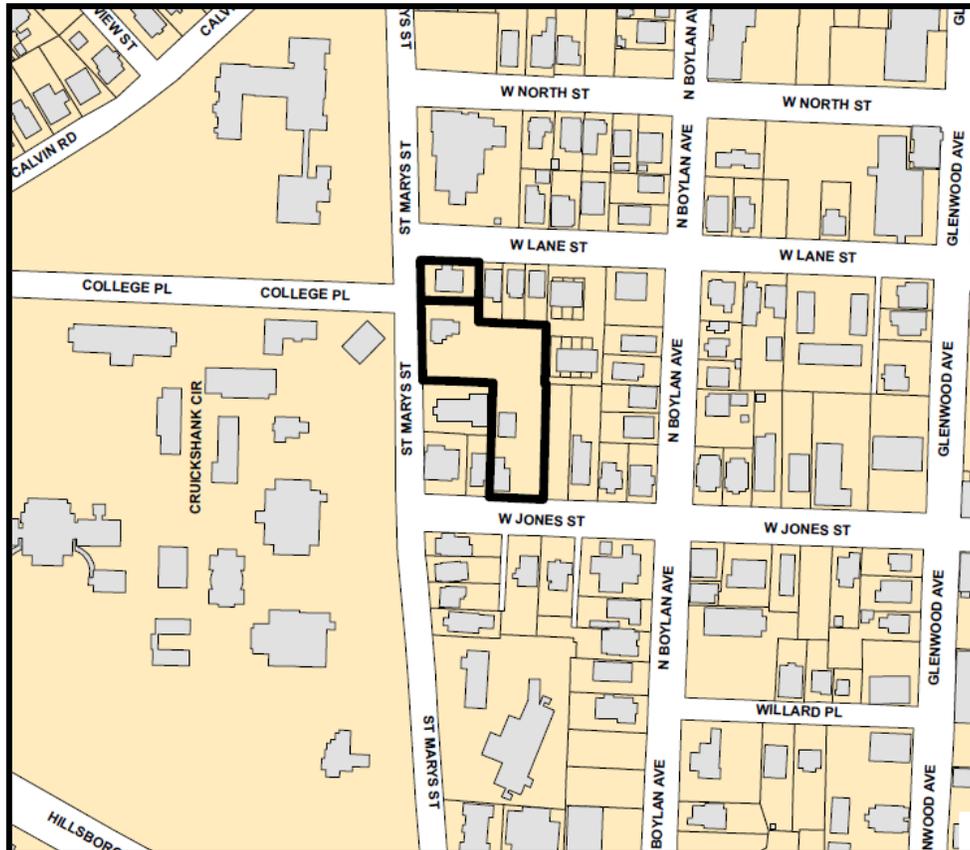
Property owner: Modus NC
Designer: Randy Miller, Thompson Associates

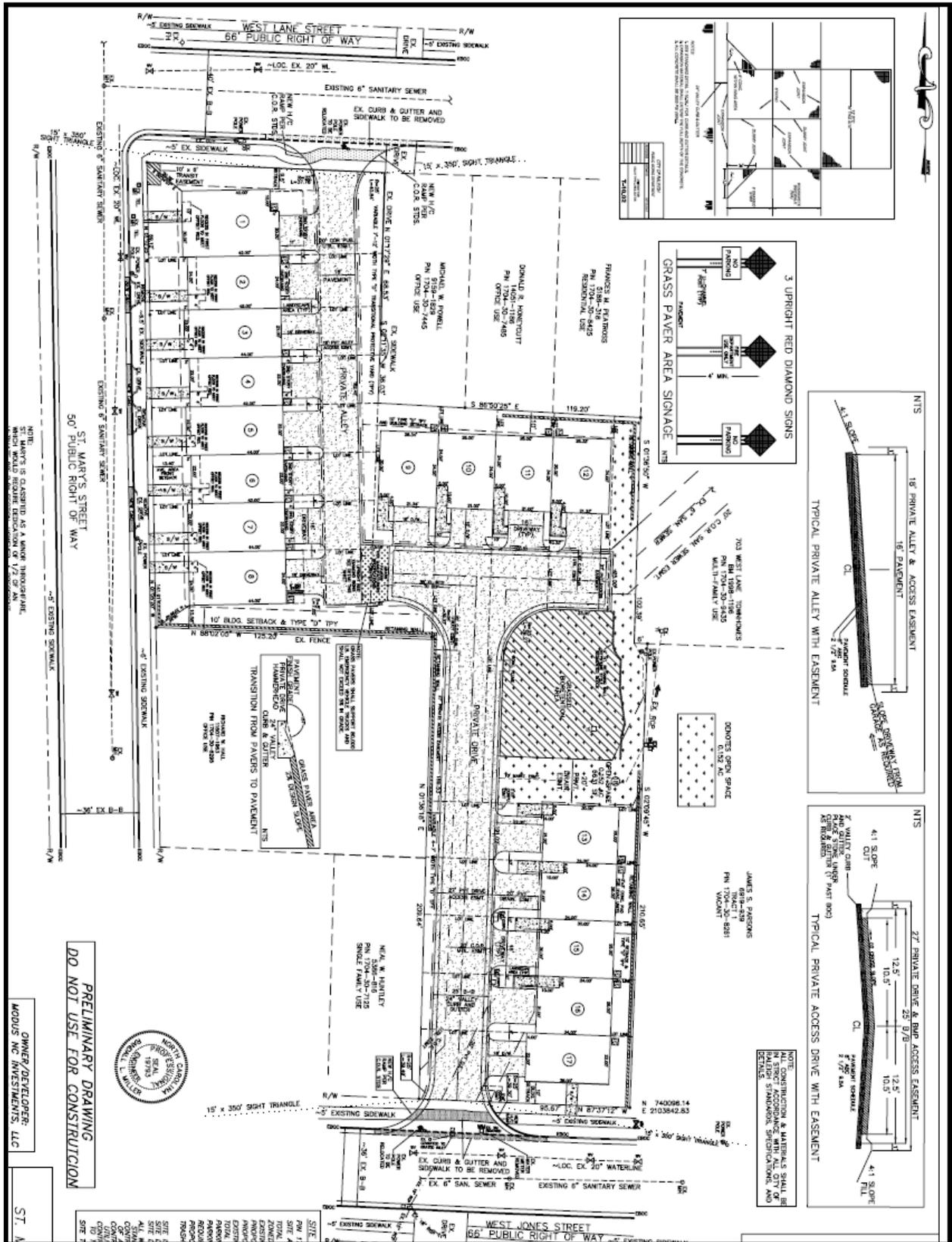
CAC: Hillsborough

Nature of Case: This request is to approve a townhouse subdivision of a 1.25 acre tracts into 18 lots, zoned O&I-2 CUD with NCOD.

Contact: Randy Miller

Key Issues: As presented, staff finds that this plan conforms to Code standards and adopted land use policies. However, building setbacks, landscaping, parking, sidewalks and perimeter setbacks as shown on the plans require approval from the Planning Commission per Code Section 10-2036(d)(2) and 10-2103(h).





SUBJECT: S-58-13 / The Saint

CROSS-REFERENCE: Z-19-06, Z-57-06

LOCATION: This site is located on the east side of St Mary's Street, between W Lane Street and W Jones Street, inside the City Limits.

PIN: 1704-30-6388 and 1704-30-6478

REQUEST: This request is to approve the subdivision of a 1.25 acre tracts into 17 townhouse lots and one open space lot, zoned O&I-2 CUD with NCOD. This requires Planning Commission approval due to the group housing design alternates and alternate setback requested by the applicant.

OFFICIAL ACTION: Approval with conditions

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

FINDINGS: The Planning Commission finds that this request, with the conditions of approval being met, conforms to Chapter 2, Part 10, Sections 10-2036, 10-2054, 10-2103, 10-2109, 10-2132.2, Chapter 3, Part 10, Sections 10-3001-3059 and 10-3072-3074. This approval is based on a preliminary plan dated 10/4/14, owned by Modus NC, submitted by Randy Miller, Thompson & Associates.

ADDITIONAL NOTES: This plan was submitted prior to September 1, 2013, therefore the Unified Development Ordinance does not apply.

VARIANCES / ALTERNATES: Applicant is seeking approval from the Planning Commission for the following alternates:

1. **Building Setbacks** – Applicant is requesting a reduction from 20' to 10' for the corner lot side setback of Unit 1, and a rear yard setback reduction from 20' to 10' along the rear of Units 12-17. Dwellings proposed in O&I-2 zoning districts revert to R-30 zoning unless otherwise approved by Planning Commission.
2. **Group Housing Perimeter Setbacks** – Applicant is requesting a reduction in the perimeter setback requirement from 30' to 10' for Unit 12. Code section 10-2103(b) requires a perimeter setback of 30' for any buildings over 28' in height. Code section 10-2103(h) allows reductions to these requirements by approval of Planning Commission.
3. **Group Housing Parking Requirement** – Applicant is requesting relief from parking requirements of Section 10-2103(c)(5). Group housing standards require any private street or drive within 200' of a dwelling to

provide on-street parking. Code section 10-2103(h) provides Planning Commission the ability to grant a Design Alternate for this standard.

4. **Transitional Protective Yard** – Applicant is requesting a reduction to the Transitional Protective Yard as required along its southern property line. A Type D yard would typically be required; request is for a 4'-7' variable width protective yard. Code section 10-2103(h) allows reductions to landscaping requirements if approved by Planning Commission.
 5. **Group Housing Sidewalks** – Applicant is requesting an alternate to the required sidewalks as referenced in Code section 10-2103(c)(8). This regulation states that all units shall have direct sidewalk access to public rights-of-way. Code section 10-2103(h) provides Planning Commission the ability to grant a Design Alternate for this standard.
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To PC: 10/28/14

Staff Coordinator: Stan Wingo

Motion: Terando
Second: Buxton
In Favor: Braun, Buxton, Fleming, Fluhrer, Schuster, Sterling-Lewis, Swink, Terando and Whitsett
Opposed: xxxxx
Excused: Lyle

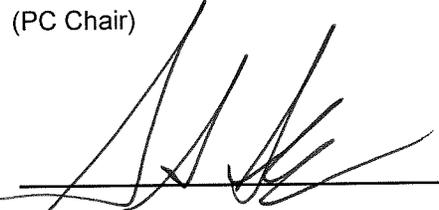
This document is a true and accurate statement of the findings and recommendations of the Planning Commission. Approval of this document incorporates all of the findings of the Staff Report attached.

Signatures: (Planning Dir.)

(PC Chair)



date: 10/28/14



date: 10/28/14



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 Code Section 10-2132.2(d);
- (2) That the Planning Commission approves the proposed minimum corner lot side yard setbacks along the northern property line a minimum 10' setback in accordance with code section 10-2036(d)(2);
- (3) That in accordance with 10-2103(h); the Planning Commission approves an alternate to the width requirement for the Type D transitional protective yard and that the alternate is at least equivalent to the standards specified in terms of quality, effectiveness, durability, hardiness, and performance. Reduced yard will be variable width 4'-7' with a 6' closed fence.
- (4) That in accordance with 10-2103(h); the Planning Commission approves an alternate to the width requirement for the perimeter setback requirement as referenced in Code section 10-2103(b) from 30' to 10' for Unit 12.
- (5) That in accordance with 10-2103(h); the Planning Commission approves an alternate to the on-street parking requirement for private streets as referenced in Code section 10-2103(c);
- (6) That in accordance with 10-2103(h); the Planning Commission approves an alternate to the sidewalk requirement for group housing developments as referenced in Code section 10-2103(c);

Administrative Actions:

Prior to approval of a concurrent review of Final Site Review and Infrastructure construction plans, or whichever occurs first:

- (7) 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 of the Code, 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;

Prior to Planning Department authorization to record lots:

- (8) That construction plans be submitted and approved by the Public Works and Public Utilities Department;
- (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 and the plats shall contain the following note: "All private storm drainage easements & stormwater measures will be maintained by the homeowner association.
- (10) That a demolition permit be issued and this building permit number be shown on all maps for recording;
- (11) That street names for this development be approved by the Raleigh GIS Division and by Wake County;
- (12) That final site plan show conformance with zoning conditions of Z-19-06, Z-57-06 and the standards of the North Boylan NCOD;
- (13) That a 10' by 6' transit easement as offered by the applicant located on St Mary's Street be approved by the Transit Planner in the Public Works Transportation Department, be shown on all maps for recording, and that a transit easement deed approved by the City Attorney is recorded with the local County Register of Deeds. That the recorded copy of this transit easement be provided to the Planning Department prior to building permit approval;
- (14) That a recombination map be recorded prior to or in conjunction with the recording of lots, recombining the existing lot into a single tract. The recombination map shall show a City of Raleigh sanitary sewer easement and a private drainage easement where unrecorded easements now exist;
- (15) That the City form documents entitled Declaration of Maintenance Covenant and Grant of Protection Easement for Stormwater Control Facilities and Declaration of City of Raleigh Required City Code Provisions for Developments with Common Elements and Common Expenses [City Code Covenant] shall be recorded with the county register of deeds office where the property is located prior to any recordation of a subdivision or recombination plat. A copy of the recorded documents shall be provided to the Planning Department within 14-days of recording; further recordings and building permits authorization will be withheld if the recorded documents are not provided to the Planning Department;
- (16) That the developer shall pay to the City a stormwater facility replacement fund payment equal to twenty-four percent (24%) of the estimated cost of constructing all stormwater control facilities shown on the development plans;
- (17) That townhome legal documents prepared in accordance with Chapter 47 F of the North Carolina General Statutes are recorded with the county register of deeds office where the property is located. This document shall be recorded after the legal documents in condition 14 above are recorded. The townhome legal documents as well as Article X of the City Code Covenant shall contain a provisions that prohibits garages from being converted to any

use other than parking of vehicles and that prohibit parking on the private drive;

- (18) That pedestrian pavers shall be installed to articulate a pedestrian walkway along or within the private drive from lot 13 to lot 17 and the West Jones Street;

Prior to issuance of building permits:

- (19) That when 75% of the permits have been issued for residential subdivisions, that the proposed private or public improvements are required to be accepted by the City for maintenance. If this does not occur, then a financial security equal to 1.5 time the cost of public or private improvements will be provided to the Public works Department for the uncompleted portions and roadway extensions;

- (20) That final building construction plans show conformance with the North Boylan NCOD standards for roof pitch, building height and façade details;

ZONING:

ZONING DISTRICTS: Office and Institution-2 Conditional Use (Z-19-06, Z-57-06) and North Boylan NCOD

Z-19-06 – St. Mary's Street, east side, north of its intersection with West Jones Street, being Wake County PIN 1704-30-6388. Approximately 1.08 acres from Residential Business with Neighborhood Conservation Overlay District to Office and Institution-2 Conditional Use with Neighborhood Conservation Overlay District.

Conditions dated: 4/11/06

- 1.) The maximum floor area gross per office use shall be 5,000 square feet under one continuous roof or per building. **N/A**
- 2.) Site lighting shall not exceed sixteen (16) feet in height or twelve (12) feet within required transitional protective yards and shall be of full cut-off (shielded) design. **No pole lighting proposed, N/A**

Z-57-06 — St. Marys St. & W. Lane St. on the east side of St. Marys Street, southeast of its intersection with West Lane Street being Wake County PIN 1704 30 6478. Approximately 0.17 acre rezoned to Office and Institution-2 Conditional Use with Neighborhood Conservation Overlay District.

Conditions dated: 10/20/06

- 1.) The maximum floor area gross per office use shall be 5000 square feet under one continuous roof or per building. **N/A**
- 2.) Site lighting shall not exceed sixteen (16) feet high or (12) twelve feet within required transitional protective yards and shall be of full cut-off (shielded) design. **No pole lighting proposed, N/A**

North Boylan NCOD

North Boylan Neighborhood (Zoning Case Z-63-98)
Front Yard Setback: Within ten percent (10%) of the average *front yard* setbacks established by *buildings* on the same side of the *block face* as the proposed *building*, but not less than five (5) feet or greater than twenty-five (25) feet.
Building placement and building entrance: *Buildings* and their primary entrances *shall* be oriented towards a public *street*. Additional entrances *may* be oriented towards the block interior so long as a direct pedestrian connection is provided to the public *street*.
Maximum building height: Twenty-four (24) feet with a maximum of forty (40) feet when the *building* includes a minimum roof pitch of 5:12 and the facade is detailed with a minimum four (4) foot offset at least every twenty-five (25) linear feet of *building wall* and a minimum ten (10) foot offset at least every fifty (50) linear feet of *building wall*.
Vehicular surface areas: *Vehicular surface areas*, even if located on a separate *lot*, *shall* be located behind the *principle building*. A *vehicular surface area* *may* be located at the side of a *building* if: 1) It does not extend in front of the *building facade line*; 2) For any *lot* with *street frontage* in excess of one hundred (100) feet, the linear *frontage* of *vehicular surface area* facing the *street* does not exceed twenty-five percent (25%) of the linear *street frontage* of the *lot*. Ramp type driveways *shall* be used to maintain a continuous sidewalk along the *block face*.

DEVELOPMENT DENSITY:

17 dwelling units on 1.25 acres is equivalent to 13.6 dwelling units per acre.

SETBACKS / HEIGHT:

Setbacks from public streets and property lines conform to Section 10-2103(b). The minimum setback from public streets conforms to code standards. Private outdoor living areas maintain a min. 40' separation if parallel to each other or oriented at less than a 45-degree angle. Vehicular surface areas other than individual driveways are no less than 5' to a building wall. Building-to-building setbacks are shown in accordance with Sec. 10-2103(b). However, this plan requires Planning Commission approval for all minimum setback standards. Dwellings to be constructed in O&I-2 zoning districts require Residential-30 setbacks unless otherwise approved by Planning Commission. Corner lot side setback does not conform to Residential-30 setbacks and requires approval by the Planning Commission. Rear setbacks and perimeter setbacks as required by 10-2103 are not met along the western and northern property lines. A reduction to these setbacks requires Planning Commission approval. This plan does conform to front setback standards as required by the North Boylan NCOD. This plan also conforms to maximum height standards in this zoning district. The North Boylan NCOD requires any building over 24' in height be constructed with a 5:12 roof pitch and offset façade. Buildings as shown meet this requirement.

OPEN SPACE:

Open space conforms to minimum requirements. 10% or 0.125 acres required, 12% or 0.152 acres provided, based on the open space standards of 10-2103(d).

PARKING: Development proposes 17 three-bedroom units which would require a total of 43 parking spaces. 68 parking spaces are shown. Group housing regulations of Code section 10-2103 require on-street parking to be provided when private streets and drives are located within 200' of the units. Applicant is seeking a Planning Commission design alternate to alleviate this requirement.

LANDSCAPING: Street yard landscaping in conformity with Section 10-2082.5 is shown. Vehicular surface area landscaping in accordance with 10-282.6 is shown. As a medium density residential use a Type D transitional protective yard is required where adjacent to residential.

<u>Location</u>	<u>Yard type required</u>	<u>Width proposed</u>
Northern Property Line	Type D	10'
Western Property Line	Type D	10'
Southern Property Line	Type D	*4'-7' variable

*Applicant is requesting a Planning Commission alternate with reduced width variable from 4'-7' and installation of a 6' closed fence. The initial tree plantings are 8 to 10 feet tall; the City Code requires 8 foot tall plantings.

TREE CONSERVATION: Subject property is less than two acres in size and therefore exempt from tree conservation requirements.

PHASING: There is one phase in this development.

COMPREHENSIVE PLAN:

GREENWAY: There is no greenway on this site.

THOROUGHFARE / COLLECTOR PLAN: No dedication of right-of-way or construction of streets are required by the Thoroughfare and Collector Street Plan.

TRANSIT: The following transit-oriented features of this site are incorporated into the proposed plan: a 10'x6' transit easement. This site is presently served by the existing transit system.

URBAN FORM: This site is located in the Hillsborough CAC, in an area designated as Office and Residential Mixed Use. The plan as shown meets the following Comprehensive Plan Policies:
Policy LU 2.1: Placemaking
Policy LU 2.2: Compact Development
Policy LU 4.5: Connectivity
Policy LU 6.2: Complementary Uses and Urban Vitality
Policy LU 8.1: Housing Variety

HISTORIC /

DISTRICTS: The existing building is not a designated Historic Structure. 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**:

Comment	Response
The Commission suggests using the stormwater detention area as an amenity, and considering it as a park.	<i>The detention area will appear as grassed open space, and will be screened from the adjacent properties. The site constraints make it difficult to use the stormwater detention area as an amenity or park, in that there is not enough room to install seating or walking trails. The design of the BMP as a dry facility does not lend itself to a park-like use, but will appear visually as a natural space.</i>
The Commission strongly encourages the inclusion of front doors for Units 1 and 18 on Jones and Lane Streets.	<i>The townhomes were designed to be resemble brownstones, which have a uniform orientation to the street. This type of housing focuses on a uniform front entrance area with parking in the rear, which would be disrupted by moving the front doors to a side entrance orientation. The development plan has also been reduced from 18 to 17 units.</i>
The Commission suggests the use of durable material instead of stucco at the base of the buildings.	<i>As suggested, the plan will use a durable material instead of stucco at the base of the buildings. The material will be brick, likely with a glazed charcoal finish.</i>
The Commission suggests that retaining walls on Saint Mary's Street be built of a durable material that complements and responds to the adjacent stone walls of the church and nearby Wiley Elementary School, and that cap be placed on the wall so that people can use it for seating.	<i>As suggested, the retaining walls on Saint Mary's Street will be built with a durable material that complements and responds to the adjacent walls of the church and Wiley Elementary, with a cap for seating. The material will likely be slate.</i>
	<i>Acknowledged.</i>

<p>The Commission commends the applicant for the scale and design of the project, the use of a private street designed as an alley, as well as the change in plane on the building facades.</p>	
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**SUBDIVISION
STANDARDS:**

- LOT LAYOUT:** Lots proposed with townhome developments must meet the standards of Code section 10-2103. Lots as shown conform to these minimum standards.
- BLOCK LAYOUT:** The proposed street layout conforms to City Code, providing for efficient circulation of traffic within the entire neighborhood area. The maximum block length in this development meets the 1500-foot standard as noted in the Streets, Sidewalk and Driveway Access Manual. No dead end street in this development exceeds 800 feet in length.
- PUBLIC UTILITIES:** City water and sewer services are available. The subdivider is responsible for installation of all lines necessary to provide service to this site. An existing City of Raleigh sewer line is located on the site; a sanitary sewer easement is being conveyed to the City,
- SOLID WASTE:** Individual lot service by the City is to be provided.
- CIRCULATION:** There is no vehicular connection between the two townhouse sections due to offset alignment and grade difference which prevents the 75' centerline radius from being met. Grass pavers are being provided in the section of property between the two alignments for use as part of the fire turnaround.
- PEDESTRIAN:** The townhouses fronting St. Mary's Street connect from each townhouse to St. Mary's Street sidewalk in the right-of-way. The eight townhouses fronting on the private street do not have sidewalk along the street due to the valley curb design and the 18' parking depth overlapping the sidewalk. This was applied as compared to a dead-end street with less than 10 units not requiring sidewalk.
- 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. Proposed stormwater control measures are shown in accordance with the Raleigh Stormwater Control and Watercourse Buffer Manual. A dry retention pond is being used to comply with the City's stormwater regulations. An existing private drainage pipes is located on the site; a private drainage is being shown on the recombination map.
- WETLANDS
/ RIPARIAN
BUFFERS:** No wetland areas or Neuse River riparian buffers are required on this site.

STREET NAMES: One new street name is required for this development. A street name application has not yet been approved. All proposed names must be approved by the City and by Wake County prior to recording.

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.

SUNSET DATES: If significant lot recording has not taken place on a project after preliminary subdivision approval, that approval may "sunset" and be declared void, requiring re-approval before permits may be issued. To avoid allowing this preliminary approval to "sunset", the following must take place by the following dates:

3-Year Sunset Date: 10/28/2017

Record at least ½ of the land area approved.

5-Year Sunset Date: 10/28/2019

Record entire subdivision.

WHAT NEXT?:

- MEET ALL CONDITIONS OF APPROVAL.
- COMPLETE CONSTRUCTION DRAWINGS FOR ANY PUBLIC IMPROVEMENTS Streets, Utility lines to be owned and maintained by the City. and submit them to the Development Plans Review Center for approval.
- HAVE A REGISTERED SURVEYOR PREPARE FINAL PLATS FOR RECORDING. These also must be submitted to the Development Plans Review Center for authorization signature prior to recording with the Wake County Register of Deeds.
- MEET THE REQUIREMENTS OF THE SUNSET THRESHOLDS AS NOTED ABOVE.

**FACILITY FEES
REIMBURSEMENT:**

If oversized street construction takes place, or greenway or oversized public street right-of-way is conveyed to the public, the owner is responsible for application to the City for reimbursement allowed by Code. Reimbursement takes place twice a year in January and July; a written request must be filed with the Planning Department for greenway and street right-of-way; and in the Engineering Department for street construction; by the first working day in November and May each year.