



Certified Action of the City of Raleigh Planning Commission

City of Raleigh
Development Plans Review Center
One Exchange Plaza
Raleigh, NC 27601
(919) 996-2626
www.raleighnc.gov

Case File / Name: SP-21-14 / 2811 Hillsborough Street

General Location: Southwest corner of the intersection of Hillsborough Street and Dan Allen Drive.

Owner: FMW at 2811 Hillsborough Street, LLC – Jim Zanoni
Designer: Baker Engineering, Inc. – Rick Baker
New City Design Group – Ted Van Dyke

CAC: Wade

Nature of Case: A 4-story multi-family mixed use building comprised of 30 dwelling units (53 dwelling units per acre) and 3,000 square feet of retail on 0.56 acres zoned Buffer Commercial District, Pedestrian Business Overlay District, and Special Residential Parking Overlay District.

This proposal requires Planning Commission approval for the following reasons:
(A) The proposal includes additional residential density in the Pedestrian Business Overlay District; and
(B) The proposal includes retail uses within 400' of a lot line containing a dwelling.

This plan was submitted after September 1, 2013, but is in a legacy zoning district

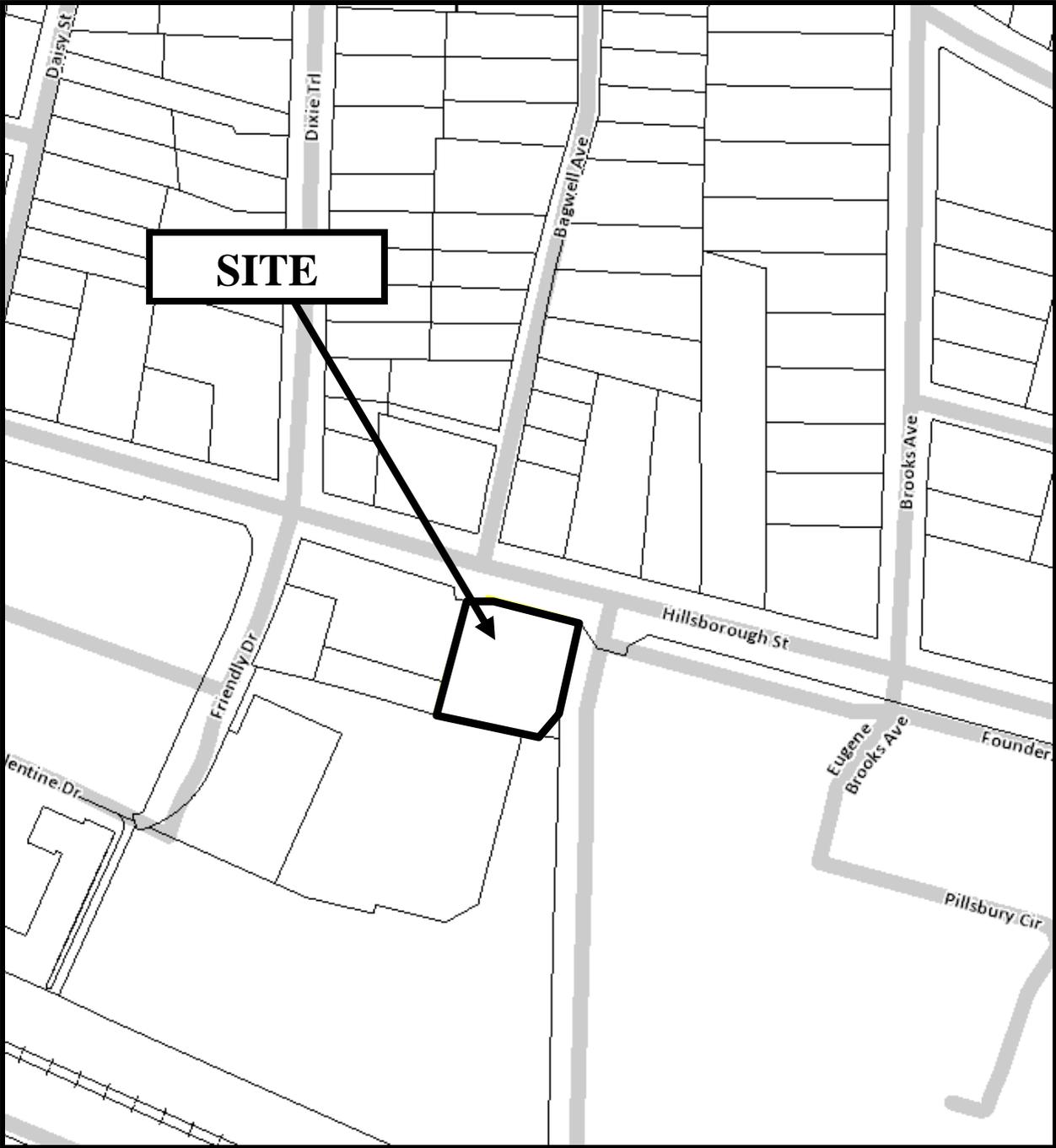
Key Issues: The proposal includes residential density greater than 40 units per acre in the Pedestrian Business Overlay District.

Contact: Rick Baker – Baker Engineering, Inc.

Design Adjustment: One Design Adjustment has been approved by the Public Works Director for this project, noted below.

1. Raleigh Street Design manual section 5.8.1 from relief of 8.5' of right-of-way dedication on Hillsborough Street.

Administrative Alternate: N/A



SP-21-14 / 2811 Hillsborough – Location Map

SUBJECT: SP-21-14 / 2811 Hillsborough Street

**CROSS-
REFERENCE:** NA

LOCATION: This site is located on the south side of Hillsborough Street, west of its intersection with Dan Allen Drive, inside the City Limits.

PIN: 0794623284, 0794624243, 0794624114

REQUEST: This request is to approve a 4-story multi-family mixed use building totaling 30,585 square feet -- 3,000 square feet of retail, 30 multifamily units, (53 dwelling units per acre) and resident amenity space -- on three existing vacant lots totaling 0.56 acres, zoned Buffer Commercial District with Pedestrian Business Overlay District and Special Residential Parking Overlay District.

This site is located within 400 feet of a residential use or zone.

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 being met, this request conforms to Chapter 2, Part 10, Sections 10-2040, 10-2055, 10-2132.2, Part 10A (Unified Development Ordinance) Articles 8, and 9. This approval is based on a preliminary plan dated 6/28/14, owned by FMW at 2811 Hillsborough Street, LLC, submitted by Baker Engineering, Inc.

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

**VARIANCES /
ALTERNATES:** Design Adjustment by the Public Works Director from the Raleigh Street Design manual section 5.8.1 for relief of 8.5' of right-of-way dedication on Hillsborough Street.

To PC: xxxxx

Case History: xxxxx

Staff Coordinator: Justin Rametta

Motion: Whitsett

Second: Buxton

In Favor: Braun, Buxton, Fleming, Fluhrer, Lyle, Schuster, Sterling Lewis, Swink and Whitsett

Opposed: xxxxx

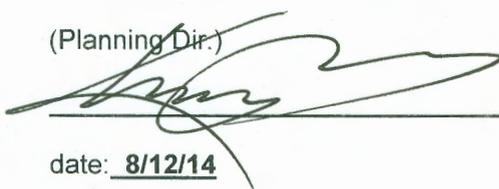
Excused: xxxxx

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.

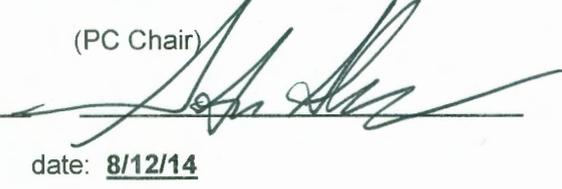
Signatures:

(Planning Dir.)

(PC Chair)



date: 8/12/14



date: 8/12/14



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 Sections, 10-2040, 10-2055, 10-2107, and 10-2132.2;
- (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 a Pedestrian Business Overlay District in accordance with code Section 10-2051(d)(1)c by containing adequate amounts of service or retail facilities (at least 50 SF per unit), Tier II subsection 4; all of which are consistent with 10-2051(d)(1)c Tier II.4;

Administrative Actions:

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

- (3) That in accordance with Part 10A Section 9.4.4, a surety for clearing, grubbing and reseeding a site shall be paid to the City prior to grading permit issuance;

Prior to issuance of building permits:

- (4) That recombination maps be recorded, recombining the three existing lots into a single tract; The public sidewalk easements required shall be shown on the recombination plat;
- (5) That verification be provided to the Planning Department that cross-access easements exist between the subject properties and properties to the west identified as DB 10187 PG 1733 for the shared driveway as shown on the plans;
- (6) That the City Attorney approve a public sidewalk easement deed for approximately 5' of the proposed pedestrian ways on private property adjacent to the public right-of-way on Hillsborough Street, and this easement deed be recorded within 1 day following recordation of the plat;
- (7) That verification be provided to the Planning Department that North Carolina State has approved the proposed sidewalk connection to Dan Allen Drive;
- (8) That in accordance with Part 10A Section 8.1.3, a surety equal to 125% of the cost of development related improvements which remain incomplete;

- (9) That an encroachment agreement for any plantings, planters, traffic control devices, balconies, benches or awnings to be located within the public right-of-way 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 property owner. The encroachment shall be recorded prior to approval of construction drawings;
- (10) That a Tree Impact Permit is obtained from the urban forester in the Parks and Recreation Department for landscaping in the public right-of-way;

Prior to issuance of certificate of occupancy permits:

- (11) That the proposed streetscape improvements are in accordance with the University Village Streetscape Plan;
- (12) That the impervious surfaces not exceed 20,674 square feet.

ZONING:

**ZONING
DISTRICTS:**

Buffer Commercial with Pedestrian Business Overlay District (University Village) and Special Residential Parking Overlay District.

**SETBACKS /
HEIGHT:**

This plan conforms to all minimum setback standards. Front yard = 5.8, rear yard = 60.2, front / rear aggregate = 66', side yard = 22.5' and 4.7', side yard aggregate = 27.2'. This plan conforms to maximum height standards in this zoning district. Proposed height of the building is 45'. The PBOD allows front yard corner lot side yard setback to be 0', all other setbacks are governed by the underlying zoning district. In the Buffer Commercial zoning district, side and rear yard setbacks are 0'. As the University Village Streetscape Plan does not contain height regulations, the Buffer Commercial standards for height apply. Buildings in Buffer Commercial may be constructed to any height provided one foot of additional yard area is added for each foot in height greater than 40'.

PARKING:

Off-street parking conforms to minimum requirements: 14 spaces required, based on at least one parking space per dwelling unit over 16 units in the Pedestrian Business Overlay District (PBOD). The PBOD also exempts the first 10,000 square feet of retail space when hours of operation do not extend past 11 PM from providing parking. 3,000 square feet of retail space not to be open past 11 PM are proposed. 21 spaces are provided.

LANDSCAPING:

Street yard landscaping is in conformity with the University Village Streetscape Plan. Trees are planted 25' on center in tree grates. 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 adjacent to medium impact uses. No transitional protective yards are required.

**TREE
CONSERVATION:**

The site is less than 2 acres in size and is not a residential zoning district; therefore, the site is exempt from Code Section 10-2082.14.

OPEN SPACE:

The Pedestrian Business Overlay District requires that a minimum of 5% of the total land area of the development 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 ½ 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 0.56 acres, the base minimum amount of open space required by the Pedestrian Business Overlay District is 1,253 square feet. The applicant's plan provides 1,254 square feet of qualifying open space through 14' wide sidewalks (564 square feet) and a recreation area (690 square feet).

**DEVELOPMENT
INTENSITY:**

The applicants are allowed increases in residential densities in excess of 40 units per acre through the Pedestrian Business Overlay District and compliance with the tiered standards for additional density. For Tier 2 standards specified in the Downtown Overlay District (as a cross reference) 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 52.6 dwelling units per acre. In order to achieve this density, the project would have to have a site plan approved pursuant to 10-2132.2 (d) and meet at least one standard of the tiered density standards. The applicants purport that the plan meets the Tier 2 standard. Number 4. This standard is listed below:

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 30 dwelling units proposed, 1,500 square feet of retail and/or service facilities are required. The proposal includes 3,000 square feet of retail and/or service facilities.

**MULTI-FAMILY
DWELLING
DEVELOPMENT:**

The development complies with the standards of City Code Section 10-2107 which govern multi-family dwelling developments.

**PEDESTRIAN
BUSINESS
OVERLAY DISTRICT:**

The development complies with the standards of City Code Section 10-2055.

PHASING:

There is one phase in this development.

**UNITY OF
DEVELOPMENT:**

Unity of development and sign criteria are not required for this development.

**COMPREHENSIVE
PLAN:**

GREENWAY: There is no greenway on this site.

**STREET
TYPOLOGY MAP:**

A Design Adjustment has been approved by the Public Works Director for relief from additional right-of-way dedication and street construction.

Hillsborough Street is classified as an Avenue 3-lane divided with parallel parking.

A surety for the required improvements shall be provided in accordance with 8.1 of the UDO.

TRANSIT: This site is presently served by the existing transit system. No transit features are required or proposed for this development. A new transit stop will be incorporated as part of the proposed roundabout at Dixie Trail per the Hillsborough Street Streetscape Improvement Plan.

**COMPREHENSIVE
PLAN:**

The site is located within the Wade Citizen Advisory Council, in an area designated Neighborhood Mixed Use on the Future Land Use map. That category supports mixed use projects with ground floor retail, and upper floor housing in the Medium density range (>14 units/ acre). The Urban Form map shows the site to be within a Transit Stop Half-Mile Buffer, and designates the adjacent section of Hillsborough Street as a Main Street/ Transit Emphasis corridor. The proposed building form, scale, and placement reflect that guidance.

Staff finds this plan in compliance with the Comprehensive Plan and the following policies:

- Policy LU 4.8 – Policy LU 5.1 Reinforcing the Urban Pattern
- Policy LU 6.1 – Composition of Mixed Use Centers
- Policy LU 7.6 – Pedestrian Friendly Development
- Policy UD 1.3 – Creating Attractive Facades
- Policy UD 1.4 – Maintaining Façade Lines
- Policy UD 2.1 – Building Orientation
- Policy UD 2.3 – Activating the Street
- Policy UD 2.5 – Parking Location and Design
- Policy UD 6.1 – Encouraging Pedestrian-Oriented Uses
- Policy UD 7.3 – Design Guidelines 1, 7, 8, 17, 21, 23, 24, 25, 26

**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:

<u>Comment</u>	<u>Response</u>
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The Commission suggests that the applicant coordinate their planting plan with that of the planned NCSU Dan Allen Drive entrance planting palette.	We will communicate with NCSU on the plantings as suggested, however plantings close to the NCSU property (street trees along Hillsborough Street) are dictated by the University Village Streetscape Plan.
The Commission suggests the addition of plantings in the area between the retaining wall and curb at the west end of the site.	Additional plantings have been added as suggested. Please see sheet L1.0.
The Commission suggests the use of a more durable material at the base of the building.	See elevations for proposed materials.
The Commission applauds the applicant for placing student housing adjacent to the University and their thought in choosing commercial tenants.	We appreciate the comment and are excited to be proposing this project on behalf of FMW Real Estate.

**SUBDIVISION
STANDARDS:**

- 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:** Individual lot service is to be provided by a private contractor.
- CIRCULATION:** Proposed street improvements shall conform to normal City construction standards. The site will be accessed by the existing shared private drive, approximately 24' in width, off Hillsborough Street. Two other entrances into the site from Hillsborough Street will be closed.
- BLOCKS / LOTS / ACCESS:** Block perimeters, lot arrangement and access conform to Chapter 8 of the UDO.
- STREETSCAPE TYPE:** Hillsborough Street is part of an existing street network and conforms to normal City construction standards. This development is subject to the streetscape requirements of the adopted University Village Streetscape Plan. The preliminary site plan shows conformance to the Streetscape Plan and UDO Code section 8.5.1 F.

PEDESTRIAN: Proposed sidewalk locations conform to City regulations. A 14' sidewalk is required along Hillsborough Street per the University Village Streetscape Plan. Portions of the proposed sidewalks are located on private property adjacent to public right-of-way on Hillsborough Street; therefore, the City Attorney must approve a sidewalk easement deed for those portions of sidewalk. A sidewalk connection is proposed to Dan Allen Drive over North Carolina State University property. Approval from the university is required for this connection.

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

**STORMWATER
MANAGEMENT:** This site is subject to stormwater management in accordance with Article 9.2. of the Unified Development Ordinance (UDO). This project is reducing impervious surface area and claiming exemption to active stormwater control requirements as afforded to them by UDO 9.2.2.A.5 substituting of impervious surfaces with approved pervious surface. There is currently 24,674 square feet of impervious surface. 24,602 square feet are proposed.

**WETLANDS
/ RIPARIAN
BUFFERS:** No wetland areas or Neuse River riparian buffers are required on this site.

**OTHER
REGULATIONS:** Developer shall meet all other applicable City requirements of Code Part 10 and 10A (Unified Development Ordinance).