



Certified Action of the City of Raleigh Planning Commission

City of Raleigh
Development Plans Review Center
One Exchange Plaza
Raleigh, NC 27601
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www.raleighnc.gov

Case File / Name: SP-44-15 / Charter Square North Tower

General Location: East side of Fayetteville Street and west side of Wilmington Street, north of Lenoir Street.

Owner: Dominion Realty Partners, LLC
Designer: JDavis Architects

CAC: Central

Nature of Case: A 255' tall building with 23 stories, 425,130 square foot mixed use building consisting of 156,052 square feet of office space, 8,228 square feet of retail, and 242 dwelling units on a 1.95 acre parcel zoned Business Zone with Downtown Overlay District. This plan was submitted prior to the adoption of the UDO zoning on the property effective February 14, 2016. The southern portion of the site consists of an eleven story mixed use office and retail building.

This site plan requires Planning Commission approval for the following reasons: (1) The proposed building is greater than 80' tall; (2) The proposed building is greater than 10,000 square feet in the Downtown Overlay District; (3) The proposal includes residential units at a density greater than 40 units per acre in the Downtown Overlay District [requested density is 125 units per acre];(4) The request involves a height increase without additional setbacks above what is allowed in the base zoning district as allowed in the Downtown Overlay District; and (5) The applicant is requesting an exception to the number of required parking spaces for the development.

Key Issues: Increase in building height to 255' without setbacks allowed by City Code Sections 10-2051(d)(4)b and 10-2132.2(d). Increase in residential density to 125 units per acre as allowed by City Code Section 10-2051(d). Exception to required parking in accordance with Section 10-2051(e)(1)(g).

Contact: Ken Thompson

Design Adjustment: A design adjustment has been approved by the Public Works Director to not require right-of-way dedication on Wilmington and Lenoir Streets.

**Administrative
Alternate:** NA



SP-44-15 Location Map

SUBJECT: SP-44-15 / Charter Square North Tower

CROSS-REFERENCE: SP-21-13 / Charter Square, SP-23-06 / City One Parking Deck

LOCATION: This site is located on the east side of Fayetteville Street and the west side of Wilmington Street, north of their intersections with Lenoir Street, within the City Limits.

PIN: 1703761606

REQUEST: This request is to approve a building 255 feet tall with 23 stories, 425,130 square foot mixed use building consisting of 156,052 square feet of office space, 8,228 square feet of retail, and 242 dwelling units on a 1.95 acre parcel zoned Business Zone with Downtown Overlay District. The southern portion of the site has been developed with an eleven story mixed use (retail/office) building.

This site plan requires Planning Commission approval for the following reasons: (1) The proposed building is greater than 80' tall; (2) The proposed building is greater than 10,000 square feet in the Downtown Overlay District; (3) The proposal includes residential units at a density greater than 40 units per acre in the Downtown Overlay District [requested density is 125 units per acre];(4) The request involves a height increase without additional setbacks above what is allowed in the base zoning district as allowed in the Downtown Overlay District; and (5) The applicant is requesting an exception to the number of required parking spaces for the development.

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 Part 10, Chapter 2, Sections 10-2043, 10-2051 and 10-2132.2, Part 10A (Unified Development Ordinance) Chapters 8, and 9. This approval is based on a preliminary plan dated 4/27/16, owned by Dominion Realty Partners, LLC, submitted by JDavis Architects, PLLC.

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

VARIANCES / ALTERNATES: NA

To PC: 6/28/16

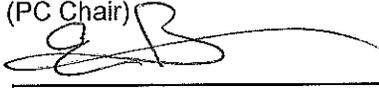
Case History: xxxxx

Staff Coordinator: Justin Rametta

Motion: Swink
Second: Braun
In Favor: Alcine, Braun, Hicks, Jeffreys, Lyle, Schuster, Swink, Terando and Tomasulo
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: _____ 6/28/16 date: _____ 6/28/16



Staff Report

RECOMMENDED ACTION: Approval with Conditions

CONDITIONS OF APPROVAL: Planning Commission Actions:

- (1) That as allowed by City Code Section 10-2051(d)(4)b and 10-2051(d)(3)b, the Planning Commission finds that the increase in building height to 255', without stepbacks or additional setbacks, is in accordance with the general plans for the physical development of the City as embodied in the Raleigh Comprehensive Plan and this site plan meets the standards of section 10-2132.2(d);
- (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 (125 units per acre proposed) located in the Downtown Overlay District in accordance with code Section 10-2051(d)(1)c1(iii) by (A) being located within the central downtown area and (B) providing a service and retail facility which meets the code standards of 10-2051(d)(1)c.4;
- (3) That the Planning Commission finds that the number of parking spaces provided is in accordance with the general plans for the physical development of the City as embodied by the Comprehensive Plan per Section 10-2051(e)(10)(g);
- (4) That the Planning Commission finds that this site plan meets the standards of section 10-2132.2(d);

Administrative Actions:

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

- (5) That a sanitary sewer capacity study be completed and forwarded to the Public Utilities Department. Construction drawings shall be required for any sewer system upgrades needed as a result of the study;

Prior to issuance of building permits:

- (6) That a sanitary sewer capacity study be completed and forwarded to the Public Utilities Department;
- (7) That a tree impact permit be issued for plantings in the right of way;
- (8) That temporary sidewalk and street closure plans are approved by the Right-of-way Services staff in the Public Works Department;
- (9) That in accordance with Part 10A Section 8.1.3, a surety equal to 125% of the cost of development related improvements, including streetscape trees on Wilmington street is paid to the Public Works Department;

(10) That the City Attorney approves a public sidewalk easement, including an exhibit, for any portion of the public sidewalk along South Wilmington Street located within private property. A copy of the recorded sidewalk easement must be provided to the Planning Department prior to building permit issuance;

ZONING:

ZONING DISTRICTS: Business Zone and Downtown Overlay District (DX-40-SH under the current UDO zoning).

SETBACKS / HEIGHT: This plan conforms to all minimum setback standards. All street setbacks are 0'. Proposed height of the building is 255' (23 stories). The Business Zone District allows for all setbacks to be 0' and for buildings to be constructed to any height except buildings greater than 50' shall add one foot additional width to each required district yard setback for each foot of height greater than 50 feet high. The proposed building does not meet all of the setbacks called for in the underlying zoning, but the Planning Commission can approve the increase in height as allowed in the Downtown Overlay District. Raleigh City Code section 10-2051-(d)(4)b., of the Downtown Overlay District, allows the Planning Commission to approve height increases after a finding that such increase in height is in accordance with the general plans for the physical development of the City as embodied in the Raleigh Comprehensive Plan and the site plan meets the standards of City Code Section 10-2132.2(d). This plan conforms to maximum height standards in this zoning district.

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 (242 dwelling units at 125 units per acre proposed). 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 125 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 propose to meet one Tier 1 standard and one Tier 2 standard. These standards are listed below:

1. **Location:** (Tier 1 Standard granting an additional 60 units per acre)
The proposed development is located within the central downtown area.
2. **Service and Retail Facility:** (Tier 2 Standard granting an additional 60 units per acre)
The development contains on site at least 50 square feet of retail per unit to serve the residents. The 242 proposed units require a minimum of 12,100 square feet of retail space on site. There is 36,103 square feet of existing and proposed retail on site.

PARKING: Off-street parking conforms to minimum requirements. Including the existing building, this site requires 1,240 spaces, based on one space per dwelling unit (first 16 spaces exempted) and 1 space per 400 square feet of nonresidential floor area (first 30,000 square feet exempted). 1,200 spaces are being provided in the existing underground deck (549 spaces) on site and off site in accordance with the Charter Square Parking Agreement, recorded in DB 15602 PG 1803-1819. The applicant is requesting the Planning Commission approve a reduction in the number of required spaces to 1,200 in accordance with Section 10-2051(e)(1)(g). The Commission can approve an exception to the number of required spaces when they find the number provided is in accordance with the general plans for the physical development of the City as embodied in the Raleigh Comprehensive Plan and the site plan meets the standards of City Code Section 10-2132.2(d).

LANDSCAPING: Street trees are being planted in the public right-of-way in accordance with Chapter 8 of the UDO and the Downtown Streetscape Plan. No vehicular surface area is proposed with this plan. This is a high density residential and medium impact use adjacent to a medium impact use under Section 10-2082.9. Therefore, transitional protective yards are not required.

TREE CONSERVATION: Tree conservation is not required for this development as the parcel is less than two acres in size.

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 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 development's acreage of 1.95 acres, the base minimum amount of open space required for the development is 4,247 square feet. This plan proposes an additional 9,700 square feet of open space in the form of an outdoor courtyard on the northeast side of the proposed building in addition the existing 11,500 square foot pedestrian plaza on the south side of the proposed building. The configuration of this open space meets the provisions of the code.

DEVELOPMENT INTENSITY: Not applicable.

PHASING: This is the third phase of development on this site. The first phase, SP-23-06 City One Parking Deck, installed a subsurface parking deck containing approximately 688 parking spaces on the site. The second phase, SP-21-13, consisted of an 11 story mixed use office/retail building.

UNITY OF DEVELOPMENT: Unity of development criteria is not required in this development. Sign criteria are required for any multi-tenant signage for this building.

COMPREHENSIVE PLAN:

GREENWAY: There is no greenway on this site.

STREET PLAN MAP:

Existing streets are classified as shown below by the Street Plan Map of the Comprehensive Plan. No new streets are proposed with this plan. A design adjustment has been approved by the Public Works Director to not require right-of-way dedication on Wilmington and Lenoir Streets. Wilmington Street, as an Avenue 4-Lane with parallel parking would normally require ½ of a 122’ right-of-way. Lenoir Street, a Main Street with parallel parking would normally require ½ of a 73’ right-of-way.

Street Name	Street Type	Existing R/W	Proposed R/W	Existing B to B	Proposed B to B	Slope Easement
Fayetteville Street	Main Street, Parallel Parking	99’	99’	41’	41’	NA
Wilmington Street	Avenue, 4-Lane, Parallel Parking	66’	66’	35’	35’	NA
Lenoir Street	Main Street, Parallel Parking	66’	66’	35’	35’	NA

TRANSIT: No specific transit-oriented features are incorporated into the proposed plan. This site’s pedestrian amenities make accessing the transit system convenient to those using Route 5 Biltmore Hills, Route 11 Avent Ferry, Route 22 State Street and the R-Line as well as all radial routes that pass through Moore Square Transit Station which is within 3 blocks of the subject property.

COMPREHENSIVE PLAN:

The site is located within the Central CAC, and is designated as Central Business District on the Future Land Use map. This category is intended “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-serving, cultural, and entertainment uses.” Regarding height, the Plan states buildings “could reach as high as 40 stories in the core, but would taper down to meet the adjacent neighborhoods at a height of three to four stories.” The Urban Form map shows the site to be at the edge of a Transit Stop Half Mile Buffer.

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

- LU 2.2 – Compact Development
- LU 7.6 – Pedestrian Friendly Development
- LU 10.1 – Mixed-Use Retail
- T 5.2 – Incorporating Bicycle and Pedestrian Improvements
- T 5.10 – Building Orientation
- UD 3.4 – Enhanced Streetwalls

- UD 6.1 – Encouraging Pedestrian-Oriented Uses
- UD 6.4 – Appropriate Street Tree Selection
- DT 1.15 – High Density Development
- DT 1.17 – Auto-Oriented Uses
- DT 2.5 – Widen Sidewalks
- DT 3.1 – Ground Floor Uses on Primary Retail Streets
- DT 4.1 – Encouraging Downtown Housing
- DT 7.2 – Maintaining Consistent Setbacks
- DT 7.3 – Streetwalls
- DT 7.4 – Building Entries

**HISTORIC /
 DISTRICTS:**

The subject site does not contain an individually-designated historic structure, nor is it within a designated historic district. However, it is directly across S. Wilmington Street from the Dr. M.T. Pope house, a Raleigh Historic Landmark, and within 300 feet of the Prince Hall Historic Overlay District. Numerous other Raleigh Historic Landmarks are within 1,000 feet of the site, including the Rogers-Bagley-Daniels-Pegues house, Shaw University’s Estey Hall, the Sir Walter Hotel, (former) Branch Banking & Trust Building, Masonic Temple Building, and Tupper Memorial Baptist Church.

**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 Commission recommends further study to add an additional retail entrance onto Fayetteville Street.	The development team agrees that additional retail entrances would be ideal along Fayetteville Street. Unfortunately, due to the slab elevations of the existing parking structure and sidewalk grades on Fayetteville Street, entries along Fayetteville Street are not possible.
The Commission recommends further effort to add visual prominence to the corner building entrance through the additional vertical elements, or narrowing of the opening in the stone base to further celebrate the primary building entrance.	The northwest corner of the building is articulated with a unique vertical element, unique column treatments, and a generous entry canopy, emphasizing and celebrating the primary entrance to the building. The residential entrance is detailed subtly with a quiet elegance that visually prioritizes building entrances, assisting with wayfinding for visitors.
The Commission suggests further integration of the access ramp into the design of the building.	The parking garage access ramp is owned by the City of Raleigh and is outside of the scope of this project.
The Commission suggests considering the integration of art into the design of the building entry columns, and further study of the entry design to clarify the	The building columns will be carefully detailed and lit in order to give a pleasant appearance both at night and during the day. The development team

entry location and pathway.	agrees that the building needs to have a well-defined and carefully-detailed entry, and will continue to focus on these elements as the project progresses.
The Commission appreciates the mirrored glass and mullion treatment and commends the effort to approach the design of a glass box from a new perspective.	Thank you for your comment.
The Commission suggests further study to add visual interest to the skyline view.	The development team agrees that the building must be perceived as an interesting and cohesive destination with the City, and will continue to focus on making the building interesting from the skyline view.
The Commission supports the design of the northern plaza in a pedestrian friendly and pedestrian scale, and the inclusion of public art, and would appreciate the opportunity to review the plaza design as it is further refined, prior to issuance of building permits.	We would be happy to return at a later date as the design progresses.
The Commission compliments the development team for their continued investment in the area.	Thank you for your comment.
The Commission commends the design for how the building addresses City Plaza.	Thank you for your comment.

SUBDIVISION STANDARDS:

LOT LAYOUT: No new lots are proposed with this development. The site is an existing 1.95 acre tract of land.

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. Any improvements as a result of the capacity study shall be addressed in accordance per the Public Utilities policy for off-site improvements.

SOLID WASTE: Individual service to be provided by private contractor. Service areas of the site face Wilmington Street.

CIRCULATION: Proposed street improvements shall conform to normal City construction standards.

BLOCKS / LOTS / ACCESS: Block perimeters, lot arrangement and access conform to Chapter 8 of the UDO. No new streets are proposed with this development.

STREETSCAPE

TYPE: The applicable streetscapes are Main Streets. Existing streetscapes conform to Chapter 8 of the UDO and the Downtown Streetscape Plan. A portion of the sidewalk on Wilmington Street will be removed and replaced. Two new street trees will be added as well.

PEDESTRIAN: Proposed sidewalk locations conform to City regulations. Existing/proposed public sidewalks range from 14'-29.5'. A portion of the proposed sidewalk on Wilmington Street is located on private property adjacent to public right-of-way (.33'); therefore, the City Attorney shall approve a sidewalk easement deed for this portion of sidewalk.

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

**STORMWATER
MANAGEMENT:**

This site is claiming exemption to active stormwater control requirements as afforded by UDO Sec. 9.2.2.A.4 Substitution of impervious surfaces. The site is currently 100% impervious. No change in drainage characteristics proposed. No increase of peak runoff for the 2 & 10 year storm events at each point of discharge is proposed. No detention or nitrogen reduction required

**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).