



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-23-11 / 425 North Boylan

General Location: Southwest corner of the intersection of North Boylan Avenue and Tucker Street

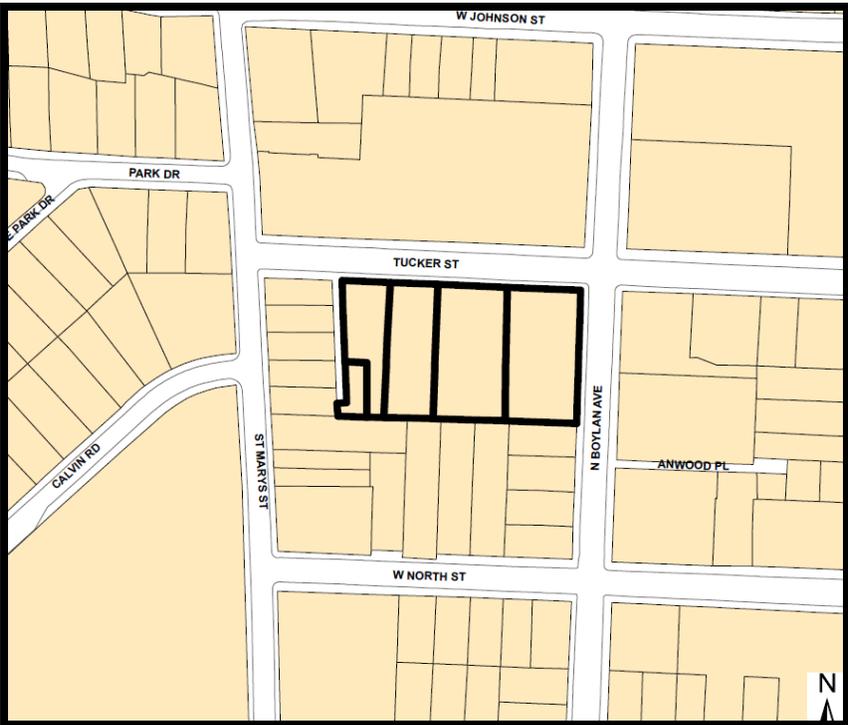
Owner:
Designer: Southern Land Company

CAC: Hillsborough

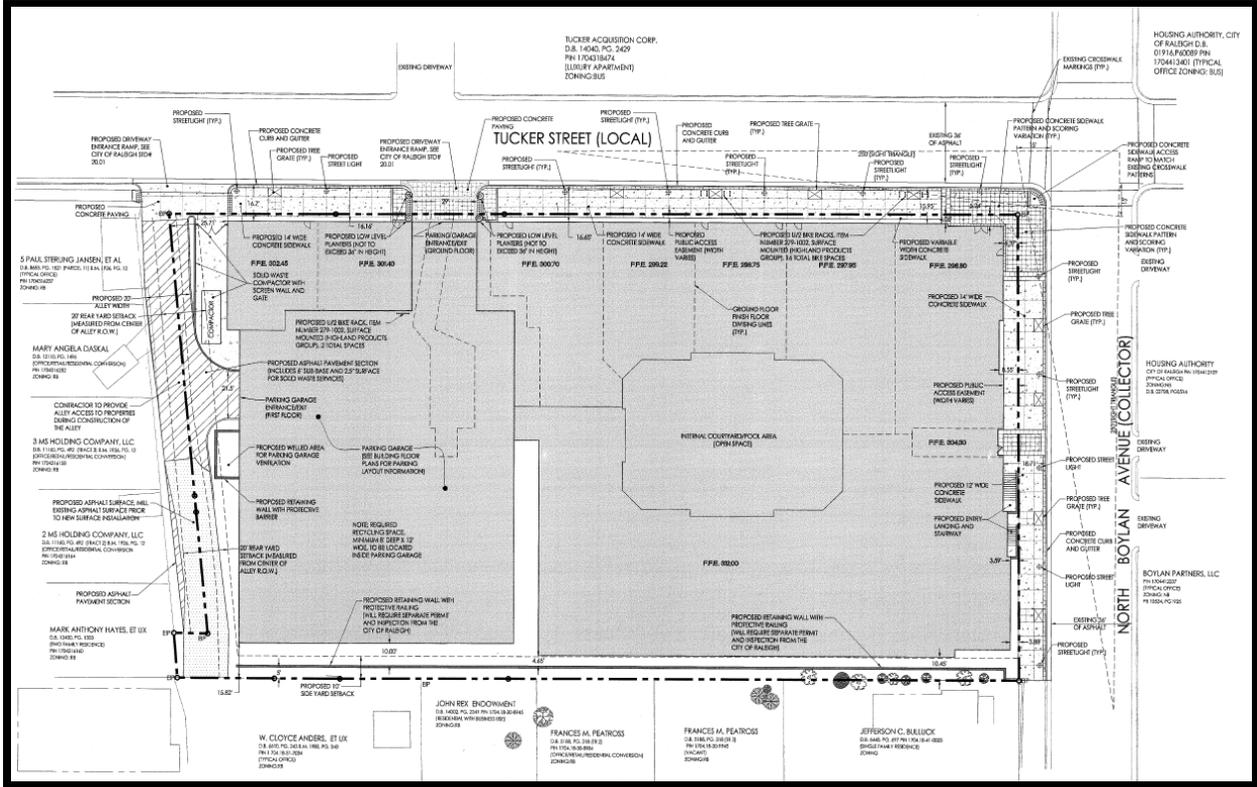
Nature of Case: A seven story (80' tall) mixed-use building on a 1.77 acre site zoned Office and Institutional-1 and Pedestrian Business Overlay District. The proposed building would be comprised of 250 dwelling units (a density of 182 units per acre), 13,100 square feet of commercial space and a six level parking deck containing 328 parking spaces. This proposal requires Planning Commission approval because it includes a residential density over 40 units per acre in the Pedestrian Business Overlay District.

Key Issues: Increase in residential density above 40 units per acre; proposed alternate for providing a 14' wide sidewalk along portions of Boylan Avenue.

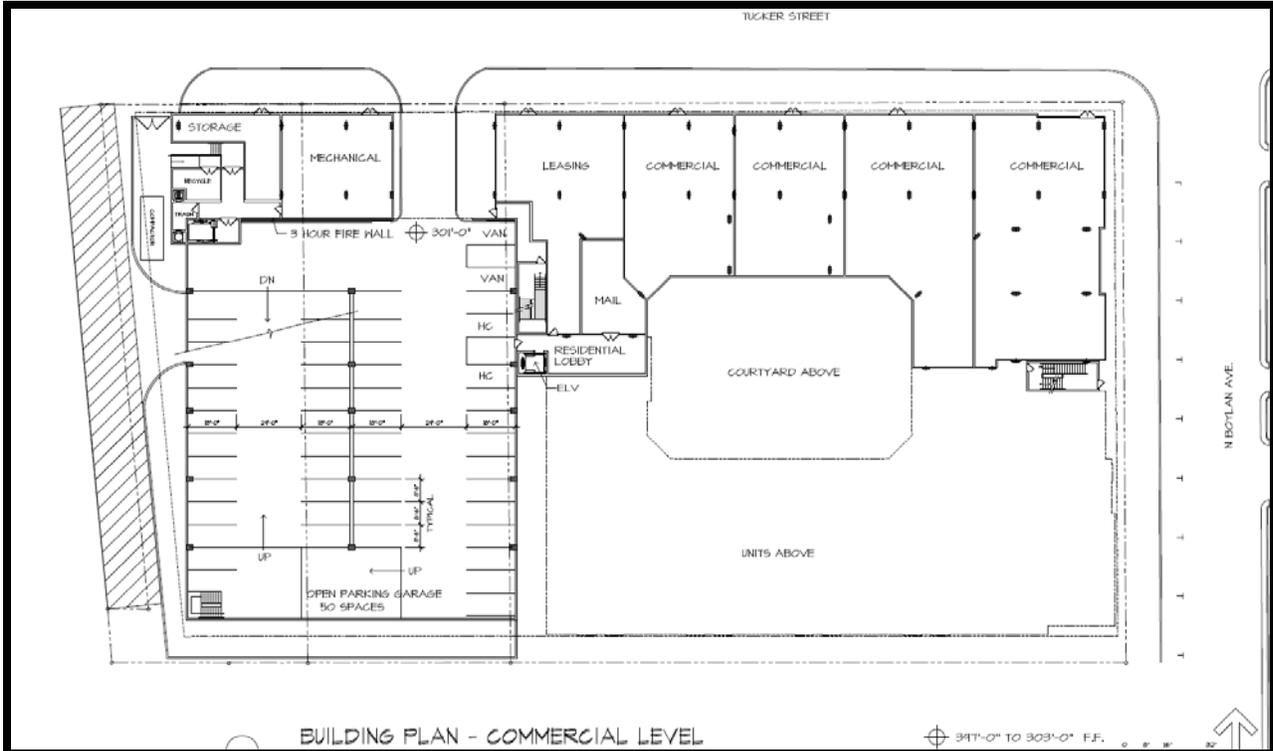
Contact: Matt Dowdle, SLC North Carolina Professional Services PLLC



SP-23-11 / 425 North Boylan – Location Map



SP-23-11 / 425 North Boylan – Site Plan



SP-23-11 / 425 North Boylan – Site Plan Commercial Level Layout

SUBJECT: SP-23-11 / 425 North Boylan

**CROSS-
REFERENCE:** NA

LOCATION: This site is located on the west side of North Boylan Avenue, south of its intersection with Tucker Street, comprised of 4 lots inside the City Limits.

REQUEST: This request is to approve a 279,208 square foot mixed use building on a 1.77 acre site, zoned Office and Institutional-1 and Pedestrian Business Overlay District. The proposed building would be comprised of 250 dwelling units (a density of 182 units per acre), 13,100 square feet of commercial space and a six level parking deck containing 328 parking spaces. The existing buildings on the site would be demolished to allow for this development. 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 10-2035, 10-2055 and 10-2132.2, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 7-6-11, owned by Southern Land Company, submitted by SLC North Carolina Professional Services PLLC.

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

**VARIANCES /
ALTERNATES:** The applicants are seeking an open space alternate to allow for stoop encroachments into portions of the required 14' wide sidewalks along Boylan Avenue.

To PC: 7/26/11

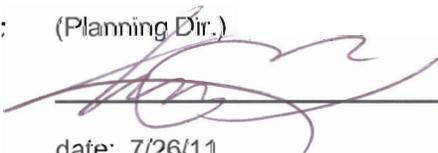
Case History:

Staff Coordinator: Eric Hodge, AICP

Motion: Haq
Second: Anderson
In Favor: Anderson, Butler, Fleming, Harris Edmisten, Haq, Lyle, Mattox, Schuster, Sterling Lewis
Opposed: Batchelor
Excused:

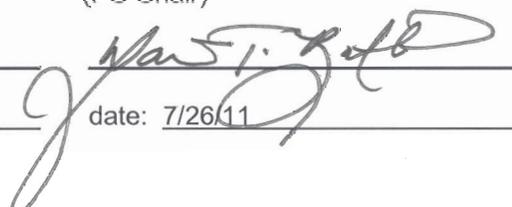
This document is a true and accurate statement of the findings and recommendations of the Planning Commission. Approval of this document incorporates all of the findings of the Staff Report attached.

Signatures: (Planning Dir.)



date: 7/26/11

(PC Chair)



date: 7/26/11



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 preliminary site plan, Code Section 10-2132.2(d);
- (2) That the Planning Commission finds that this site plan meets the standards for approval of a residential development in the Pedestrian Business Overlay District in accordance with Code Section 10-2051(d)(1) subsections b and c , providing sufficient open space, parking, minimum net lot area, and minimum yard setbacks;
- (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 Pedestrian Business Overlay District in accordance with Code Section 10-2051-(d)(1)c site plan, providing parking in a deck which meets the standards of 10-2051-(d)(1)c3. (tier 2), and service and retail facilities which meets the standards of 10-2051-(d)(1)c4 (tier 2) and the architectural style and site development meets the standards of 10-2051-d)(1)c7 (tier 3);
- (4) That in accordance with Code Section 10-2055(d) (4),last paragraph, the Planning Commission approves a reduction to the 14' wide sidewalk along portions of North Boylan Avenue to allow for the encroachment of stoops and stairs serving the residential units;

Administrative Actions:

Prior to issuance of a grading permit for the site:

- (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 prior to grading or the approval of construction drawings, whichever event comes first;
- (6) 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 easements shall tie to a public right of way;
- (7) 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;

Prior to issuance of building permits in the Inspections Department:

- (8) That demolition permits for the existing structures on site be issued by the City;

- (9) That a recombination map creating a single lot on the site is approved by the Planning Department and recorded at the Wake County Register of Deeds;
- (10) 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 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 developer;
- (11) That a landscape permit is obtained from the urban forester in the Parks and Recreation Department for landscaping in the public right-of-way;
- (12) That the City Attorney approves a sidewalk easement for the portion of the proposed pedestrian ways on private property adjacent to public right of way along both Tucker Street and N. Boylan Avenue and over the proposed planter area south of the southernmost stoop on Boylan Avenue in the event that redevelopment occurs to the south so the City may install the full complement of the 14' wide sidewalk section;
- (13) That a vehicular and pedestrian access easement is provided to all adjoining lots adjacent to alley on the western boundary of the site and to the public for that portion of the improved alley that lies outside the existing recorded 15' public alleyway. That the City Attorney approve this access easement, and the a recorded copy of the easement is provided to the City Planning Department within 14 days of recording the recombination plat;
- (14) That within the operations and maintenance manual, and budget required by condition of approval number 5 above, the engineer is to provide the total construction costs of the stormwater BMP for this site. The amount equaling 24% of the total construction costs, as shown in the manual, is to be paid to the City of Raleigh prior to approval of any building permits;
- (15) That in addition to site drainage improvements, stormwater improvements to the existing stormwater drainage systems within Tucker Street and Boylan Avenue are required. Construction Drawings shall be approved by the City's stormwater division for said street drainage improvements prior to building permit issuance;
- (16) That the existing 6" water main in Boylan must be tapped with a 6" or smaller service in the right of way. The proposed 6" service may be increased to 8" behind the meter since no couplings are allowed in the right of way;

ZONING:

ZONING DISTRICTS: Office and Institutional -1 and Pedestrian Business Overlay District.

SETBACKS / HEIGHT: This plan conforms to all minimum setback standards. Front yard (Boylan) = 3.5', rear yard (West property line) = 20' (including 7.5' of the existing public alley as allowed by 10-2075(c)(5), front / rear aggregate = 23.5', side yard (South property line) = 10', side yard aggregate = 13'. This plan conforms to maximum height standards in this zoning district. Proposed height of the building is 80' and complies with the Peace Street Streetscape and Parking Plan which allows buildings that are at least 65% residential to be 80' in height. This property is not within 100' of St. Mary's street therefore there is no 50' height maximum required by the Peace Streetscape and Parking Plan.

PARKING: Off-street parking conforms to minimum requirements: 267 spaces required, based on one parking space per unit with the PBOD exempting the first 16 units and one parking space per 400 square feet of office uses; 328 spaces are provided. Requisite bicycle parking (14 spaces) required by 10-2055(e) (6) has been provided in the parking deck (2 spaces) and along the Tucker Street public sidewalk (16 spaces).

LANDSCAPING: Street yard landscaping in conformity with Section 10-2082.5 is shown. This is a high density use under Section 10-2082.9. Transitional protective yards are shown in compliance with City standards in the following locations:

<u>Location</u>	<u>Yard type required</u>	<u>Width proposed</u>
Eastern end of Southern Property line	10' Type D	10'

TREE CONSERVATION: As this site is less than 2 acres in size and there are no wooded areas with a basal area of 30 along the thoroughfare, no tree conservation areas were required.

DEVELOPMENT INTENSITY: Proposed floor area ratio (FAR) of .17 and lot coverage of 17% conform to the maximum zoning district standards for the Office and Institutional-1 district: maximum FAR of .75 and maximum 25% lot coverage standards applicable for office, agency, and studios of professional or business agent or political labor or service association.

DEVELOPMENT INTENSITY: A density of 182 units per acre is proposed. The applicants are allowed increases in residential densities in excess of 40 units per acre through the Pedestrian Business Overlay District. For each standard articulated in the Pedestrian Business Overlay District that the Planning Commission finds the plan compliant with, an increase in density of 60 units per acre is allowed for each standard found in Tiers 1 and 2 and an increase in density of 40 units per acre is allowed for standards found within Tier 3. At the proposed density of 182 units per acre, the plan would have to meet two Tier 2 standards and one Tier 3 standard to achieve the desired density. The applicants purport that their plan meets three of these standards. These standards are stated below:

Parking Deck (Tier 1/ 60 units per acre): At least eighty (80) per cent of the off-street parking spaces provided are contained in a multilevel parking structure. Parking decks shall be visually integrated into the principle building.

Parking decks *shall* be 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. However, parking decks located within the interior of the *property* and not visible from any public *street*, private *street*, common open space area or adjacent *property* shall be exempt from this provision. No more than seventy-five (75) feet total of the ground level of the sides of the *building* or parking deck (measured twenty (20) feet deep from the facade of the *building*) located on the sides of the *lot fronting* a public *street*, private *street* or common open space area *shall* be devoted to parking, driveways and/or *loading areas*. The proposed parking deck has been evaluated by staff and was found to be compliant with these standards.

Service and retail facility (Tier 2 / 60 units per acre): The development contains on-site a minimum of fifty (50) square feet per unit for the total number of units within the development of service or retail facilities to serve the *residents*. Such facilities may include *retail sales - convenience, retail sales - personal services, eating establishment, food store-retail, movie theater-indoor, recreational indoor use - commercial* and medical and dental offices. No service or retail facility *may* be located on the site unless it is permitted by the underlying zoning district and unless otherwise approved by the *City Council* in accordance with §10-2051(d)(1)a.5. Based on the number of units proposed, 12,500 square feet of service and/or retail facilities are required. The applicants plan shows 13,100 square feet of commercial space dedicated to the qualifying uses allowed by the underlying zoning district.

Architectural Style & Site Development (Tier 3 / 40 units per acre); The development contains innovative architectural elements and design such as atriums, innovative roof lines, building step-backs, pedestrian-oriented and publicly visible squares, courtyards, plazas and walks and building materials which are both compatible to the site and its setting and which enhance the appearance of the project and the visual image of the City, and features pedestrian friendly elements such as a distinct base, middle and top cornices, and ground level architectural detail. The building has a significant connection to the public realm, through the use of elements such as commercial storefronts, multiple entrances, and stoops, and minimizes street frontage used for service functions and parking. The Planning Commission will need to evaluate the proposal to determine if it meets this finding.

OPEN SPACE: The Pedestrian Business 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 property's acreage of 1.77 acres, the base minimum amount of open space required for the tract is 3,852 square feet. The applicant's plan for a minimum of 8% or 6,630 square feet of qualifying open space to be provided through 14' wide sidewalks (with the exception of where 2 encroaching stoops on Boylan Avenue reduce the width down to 12' for an approximately 40' length of

sidewalk section) and a qualifying elevated courtyard in the center of the proposed building that meets the configuration provisions of the code. The proposed open space exceeds the minimum 5% requirement by 2,778 square feet.

The applicants are seeking an alternate approval, in accordance with Code Section 10-2055(d)(4), to allow stoops and stairs to encroach into the 14' wide sidewalk (and right-of-way) along Boylan Avenue. The effect of the encroachments reduces the required 14 foot wide sidewalk width by 2' in some places thereby rendering the sidewalk down to a width of 12' for an approximately 94' long sidewalk section. Approximately 40' of the 94' long section is devoted to stoops and 54' is devoted to foundation plantings. The applicants are proposing this alternate because they have a desire for their residential tenants to have a slight separation between their outdoor porches and windows and the public sidewalk. They also feel that this alternate helps transition to the narrower sidewalk existing along Boylan Avenue to the south of the property. The approving body is allowed to make this reduction if it finds that the reduction is in accordance with the general plans for the physical development of the City as embodied in the Comprehensive Plan.

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:

No dedication of right-of-way or construction of any streets was required by the Thoroughfare and Collector Street Plan.

TRANSIT: No transit-oriented features are incorporated into the proposed plan. Transit service is available in the vicinity of the site along St. Mary's Street, Peace Street and Glenwood Avenue.

URBAN FORM: This site is located in the Hillsborough Citizen Advisory Council and within the boundaries of the Downtown Element of the 2030 Comprehensive Plan and the Peace Street PBOD, with guidance given in the Downtown Element and Urban Design Elements of the comprehensive plan, as well as the Peace Street Streetscape and Parking Plan. These elements call for pedestrian-oriented buildings and sites, and transitions to adjacent neighborhoods. The site plan addresses these goals through the use of the following: wide sidewalks, street trees, ground floor commercial space, durable building materials, multiple connections to the street, and screening and wrapping of structured parking.

HISTORIC / DISTRICTS: The existing buildings are not designated Historic Structures. 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
<p>1. The committee recommends that, regarding the parking deck, further measures be employed to provide adequate visual transition from the single-story residential buildings immediately west and south of the site to the abrupt rise of the west and south deck elevations. Options might include "green screen" trellises (fronting at least the first several stories of the deck) and stronger horizontal elements. Additionally, the same articulation/ materials should wrap both sides of the deck's southwest corner [commensurate with Code Sec. 10-2132.2(d)(3)&(4)].</p>	<p>Following the meeting on June 7th, SLC revised the architectural drawings to respond to the comments we received regarding the parking structure elevations (façade). We included those revisions with the 2nd submittal review set on June 9th to show further screening on the west and south elevations that proposes a mix of perforated mesh screen panels and solid or limited perforation panels. The panels will be installed into vertically oriented metal frames hung off the side of the garage to provide screening of the structure and vehicles within, but also must maintain the proper ventilation requirements. The same façade elements that are shown on the west face of the structure have been shown applied to the south face. Also, stronger horizontal elements have been included in the arrangement of these panels as well as applied to the northwest corner of the residential building to better visually integrate the building and parking structure.</p>
<p>2. To eliminate glare off-site, position lighting fixtures within the parking deck such that no light sources will be visible beyond the subject property [commensurate with Code Sec. 10-2132.2(3)].</p>	<p>SLC understands the visibility concerns of the light sources within the parking structure and will make every effort to eliminate their direct visibility from beyond our development site. With a concrete parking structure, SLC will design the light fixtures to be installed in locations that recess into the structure so glare off-site does not become an issue. This in combination with the façade treatment we are proposing should significantly reduce or eliminate any off-site glare concerns.</p>
<p>3. For consistency of form, reconfigure the upper edge of the rectangular, frame-like projections in the middle of the north and east elevations to echo the cornices of the corner towers [commensurate with Code Sec. 10-2132.2(d)(6)].</p>	<p>The cornices we have shown on the corners were enhanced to draw attention to the corners where we feel the building will be most visible from the approaches. SLC feels providing the projections in the middle of the elevations will detract from the attention we are creating at the corners. Respectfully, we have chosen not to provide the projections suggested by the committee for these reasons and believe that the proposed building elevations do represent the requirements within Code Sec. 102132.2(d)(6).</p>

4. To enhance the functional and visual transition between the subject site, which is within the Peace Street Pedestrian Business Overlay District, and abutting properties to the south, which are not, the commission supports the concept of incrementally reducing the sidewalk width along North Boylan Avenue from the full width of the proposed building setback at the corner (with Tucker Street), down to the width of the existing sidewalk to the south, utilizing the balance of the resulting unpaved area for a swale installed per low impact design principles [commensurate with Code Sec. 10-2132.2(d)(5)&(6)].

SLC appreciates the committees support to request a proposed Open Space Alternate along North Boylan Avenue. For the same reasons mentioned by the committee regarding functional and visual transitions, SLC has proposed a 12 foot minimum sidewalk that transitions to more than the standard 14 feet towards the corner of North Boylan Avenue and Tucker Street where the service and retail services are proposed. The 2 foot encroachment will allow for proposed stoops to residential units that face on to North Boylan Avenue in two locations. There are no doors to any of the service and retail uses along this facade. The existing sidewalk along North Boylan Avenue south of our street frontage is approximately 6 to 8 feet wide (plus an open planting strip) and the properties within that district are no longer within the Peace Street Pedestrian Business Overlay District. While the majority of uses along this corridor are business related, the existing streetscape reflects more of a residential/green feel as opposed to the feel of a commercial width sidewalk where 14' would be appropriate. With regard to low impact design principles, SLC and the City of Raleigh professional staff had a collaborative effort during the Preliminary Site Plan review process to come up with a design that would provide for bio-retention along this frontage and ideas within the 2030 City of Raleigh Comprehensive Plan for a 'Green Street' on North Boylan Avenue. While the City of Raleigh staff were supportive of our initiative and would like to see some of these techniques used in the future, they were not prepared at this time to approve a design proposing low impact design principles. Therefore, no bio-retention swales are proposed and with the exception of the 2 foot encroachment for stoops, the standard concrete sidewalk with trees in grates has been proposed.

**SUBDIVISION
STANDARDS:**

BLOCK LAYOUT: The existing 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, Sidewalks and Driveway Access Handbook. No dead end street in this development exceeds 800 feet in length.

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: Service to be provided by private contractor.

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

PEDESTRIAN: A 14' sidewalk is required along the property's frontage on both Tucker St. and Boylan Avenue. Proposed sidewalk locations conform to City regulations with the exception of an approximately 94' long section of Boylan Avenue where the proposed stoops and stairs encroach 2' into the 14' wide sidewalk. The effect of the encroachments reduces the width of the sidewalk down to 12' in some places. Portions of the sidewalks will be located on private property and will be subject to a public sidewalk easement.

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

**STORMWATER
MANAGEMENT:**

This site is subject to stormwater management nitrogen reduction and stormwater runoff control requirements of Part 10 Chapter 9. The stormwater runoff control is exempt under code section 10-9023(b) (1). The developer is proposing compliance with nitrogen reduction requirements through the use of an underground sand filter.

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.