



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-22-12 / 2604 Hillsborough Street

General Location: The north side of Hillsborough Street, between its intersections with Pogue Street and Gardner Street

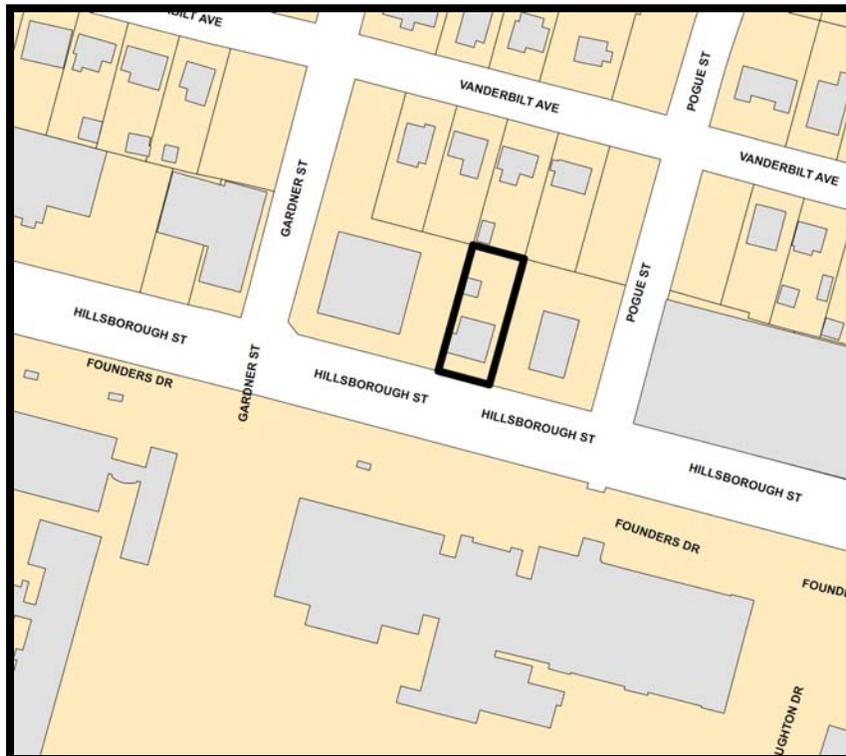
Developer: FMW Real Estate
Designer: Baker Engineering Consultants, Inc. – Rick Baker
New City Design Group – Ted Van Dyk

CAC: Wade

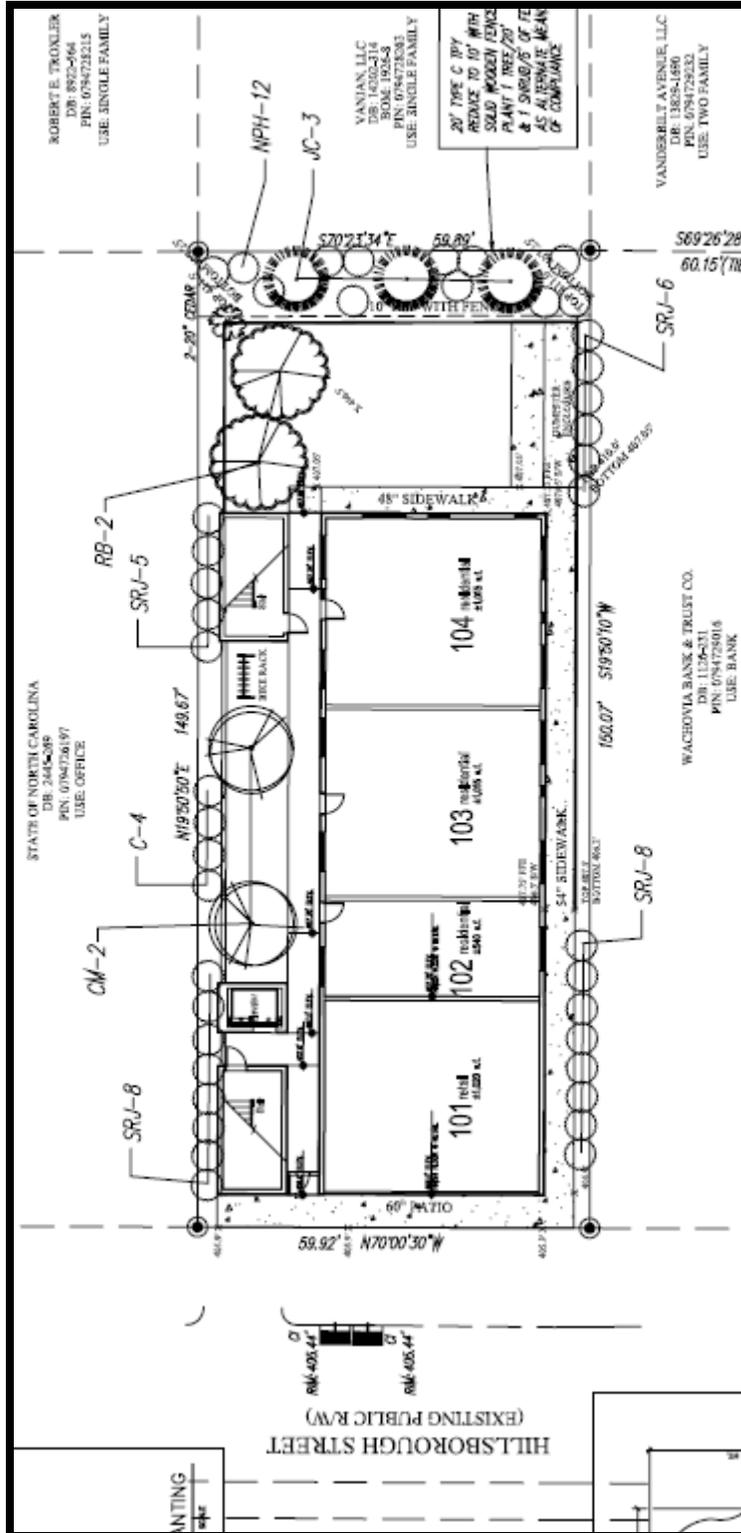
Nature of Case: An 18,500 square foot mixed use development comprised of 15 dwelling units and 1,000 square feet of retail space on a .21 acre tract zoned Neighborhood Business and Pedestrian Business Overlay District. The project's proposed density is 71.4 dwelling units per acre. This proposal requires 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.

Key Issues: As presented, staff finds that this plan conforms to Code standards and adopted land use policies.

Contact: Rick Baker – Baker Engineering Consultants, Inc.



SP-22-12 / 2604 Hillsborough Street – Site Location Map



SP-22-12 / 2604 Hillsborough Street – Preliminary Site Plan

SUBJECT: SP-22-12 / 2604 Hillsborough Street

CROSS-REFERENCE: Streetscape Plan for University Village on Hillsborough Street

LOCATION: This site is located on the north side of Hillsborough Street, between its intersections with Pogue Street and Gardner Street, inside the City Limits and is currently occupied by a structure originally constructed as a single family house but converted to an office use.

REQUEST: This request is to approve an 18,500 square foot mixed use development comprised of 15 dwelling units and 1,000 square feet of retail space on a .21 acre tract zoned Neighborhood Business and Pedestrian Business Overlay District. The project's proposed density is 71.4 dwelling units per acre.

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 10-2042, 10-2055, 10-2132.2, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 7/2/12, owned by FMW Real Estate, submitted by Baker Engineering Consultants, Inc.

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

VARIANCES / ALTERNATES: As allowed by 10-2082.4(a), the applicants are seeking an alternate means of compliance for the Transitional Protective Yard adjacent to the single-family dwelling located at the rear of the site. In lieu of a 20' wide TPY, the applicants are proposing a 10' wide TPY with a 6' closed wooden fence. See Landscaping section of this report for more details.

To PC: 8/14/12

Case History:

Staff Coordinator: Eric Hodge, AICP

Motion: Sterling Lewis

Second: Terando

In Favor: Butler, Buxton, Fleming, Fluhrer, Harris Edmisten, Haq, Mattox, Schuster, Sterling Lewis, Terando

Opposed:

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.)

(PC Chair)

Linda B Edmisten

date: August 14, 2012

date: August 14, 2012



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 residential development in a Neighborhood Business District located in a Pedestrian Business Overlay District in accordance with Code Sections 10-2132.2(d) and 10-2055, providing sufficient open space, parking, minimum net lot area, and minimum yard setbacks;.
- (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 (A) being located within one quarter (1/4) mile of an existing or proposed Triangle Transit Authority rail station platform (determined by straight line from edge of platform to property line)., Tier I subsection iii; and (B) containing adequate amounts of service or retail facilities (at least 50 SF per unit), Tier II subsection 3; all of which are consistent with 10-2051(d)(1)c;
- (3) That as allowed by 10-2082.4(a), the Planning Commission finds that the alternate means of compliance for the Transitional Protective Yard adjacent to the single-family dwelling located at the rear of the site is better or equivalent than the required Code standard in terms of quality effectiveness durability, hardiness and performance. In lieu of a 20' wide TPY, the applicants are proposing a 10' wide TPY with a 6' closed wooden fence and that the plantings will include a minimum of 5 evergreen trees and 12 shrubs consistent with the requirements of Section 10-2082.9.

Administrative Actions:

Prior to issuance of a grading permit upon site review:

- (4) That prior to the issuance of a grading permit, the final tree conservation plan must be approved by the Forestry Specialist in the Inspections Department. The plan must show metes and bounds descriptions of all tree conservation areas, and tree protection fence around all tree conservation areas. Tree protection fence must be located in the field and inspected by the Inspections Department. A copy of the approved plan is placed on file in the Planning Department;
- (5) That the site plan be revised to show proposed storm pipes in the public right of way to be constructed of reinforced concrete;

Prior to issuance of Building Permits:

- (6) That the site plan be revised so that at time of building permit submittal the plan must show any proposed storm pipes in the public right of way to be reinforced concrete;

- (7) 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 (More specifically, the 15' storm pipe that goes out into the Hillsborough Street R-O-W) 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 encroachments shall be the responsibility of the owner;
- (8) That demolition permits be issued by the Inspections Department for all buildings located within the subject property and these demolition permit numbers are shown on all maps for recording;
- (9) 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 Hillsborough Street;
- (10) That recombination maps be recorded, recombining the existing lots into a single tract; The public sidewalk easements required shall be shown on the recombination plat;
- (11) That a landscaping permit is obtained from the urban forester in the Parks and Recreation Department for landscaping in the public right-of-way.

ZONING:

ZONING DISTRICTS: Neighborhood Business and Pedestrian Business Overlay District

SETBACKS / HEIGHT:

This plan conforms to all minimum setback standards including the underlying zoning and Pedestrian Business Overlay District. Front yard = 5' (to allow for 20' sidewalk), rear yard = 40', front / rear aggregate = 45', side yard = 4' and 7', side yard aggregate = 11'. This plan conforms to maximum height standards in this zoning district. Proposed height of the building is 42' 10.5". The Neighborhood Business zoning district allows buildings to be constructed to any height, however buildings greater than 40' in height are required to add 1' of additional yard setback for every foot of height greater than 40' and 2' of additional yard setback when located within 50' of a lot line of a dwelling or residential zoning district. The proposed building's setbacks conform to these requirements. The Streetscape Plan for University Village on Hillsborough Street also carries Solar Access/Building Height requirements designed to prevent buildings fronting on Hillsborough Street from blocking solar access to adjacent residential properties. The proposed development conforms with these requirements.

PARKING: Off-street parking conforms to minimum requirements: Zero spaces required, based on the exemption provided to projects in Pedestrian Business Overlay Districts with 16 or fewer dwelling units per building and to retail facilities less than 10,000 square feet. Zero parking spaces are provided other than one bicycle rack which is proposed to be located on site.

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

<u>Location</u>	<u>Yard type required</u>	<u>Width proposed</u>
North/Rear	20' Type C	10' Type C w/ fence

As allowed by 10-2082.4(a), the applicants are seeking an alternate means of compliance for the Transitional Protective Yard adjacent to the single-family dwelling located at the rear of the site. In lieu of a 20' wide TPY, the applicants are proposing a 10' wide TPY with a 6' closed wooden fence. At the rear of the fence, adjacent to the neighbors property, the applicants propose to plant one tree every 20 linear feet and 1 shrub every 5 linear feet and will conform to the planting requirements of a Type C Transitional Protective Yard. The applicants have agreed to revise the preliminary plan to add two additional trees to the preliminary plan, for a total of 5 trees in the TPY to be consistent with the planting requirements of 10-2082.9 and a condition of approval has been added in regards to this matter.

TREE CONSERVATION: No tree conservation areas are required because the site is less than two acres in size no stands of trees within 50' of the Hillsborough Street thoroughfare meet the requisite standards of code section 10-2082.14.

DEVELOPMENT INTENSITY: DENSITY: 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 each Tier 1 and Tier 2 standard 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 71.4 dwelling units per acre. In order to achieve this density, the project would have to meet at least one standard of the tiered density standards. The applicants purport that the plan meets one Tier 1 and one Tier 2 standards. These standards are listed below:

- 1. Location:** (Tier 1 Standard granting an additional 60 units per acre)
The proposed development is located within one quarter (1/4) mile of an existing or proposed Triangle Transit Authority rail station platform (determined by straight line from edge of platform to property line).
The subject property is within one quarter (1/4) mile of the proposed TTA NCSU Station #11.
- 2. 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 15 dwelling units proposed, 750 square feet of retail and/or service facilities are required. The proposal includes 1,000 square feet of retail and/or service facilities within the project.

PHASING: This is a single phase development.

OPEN SPACE: The Pedestrian Business Overlay District calls for a minimum of 5% of the total land area of the development to be set aside as open space. "Open Space" shall include greenways and any common outdoor landscaped and recreation spaces; outdoor decks, roof gardens and other similar outdoor community space

accessible to and available for use by all residents of the development. Based on the property’s acreage, the base minimum amount of open space required for the tract is 457.38 square feet. The applicants plan exceeds the minimum open space requirements provided through a qualifying open space area at the rear of the site. The proposed 20’ sidewalk widths are also consistent with the open space requirements of 10-2051(d)(5).

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 additional transit-oriented features are incorporated into the proposed plan. This site is presently served by the existing transit system.

COMPREHENSIVE PLAN: This site is located within the Wade CAC limits and currently zoned Neighborhood Business. There is a Pedestrian Overlay District that applies to the property and the associated Streetscape Plan standards apply (University Village). The site is designated for Neighborhood Mixed use on the future land use map. The urban design guidelines of the Comprehensive plan apply and the project has been found to conform to these policies.

The following Comprehensive Plan policies have also been evaluated and the project has been found to conform to them:

- 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 LU 10.6 Retail Nodes
- 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 3.8 Screening of Unsightly Uses
- Policy UD 6.1 Encouraging Pedestrian-Oriented Uses
- Policy UD 7.3 Design Guidelines 1, 6, 7, 21, 23, 24, 25, 26

HISTORIC / DISTRICTS: The existing building is a contributing structure to the West Raleigh National Register Historic District. This site is not located in or adjacent to a locally designated Historic District. The existing building would be demolished as part of this project.

**APPEARANCE
COMMISSION:**

The Appearance Commission has made the following comments on this preliminary plan. Shown below are comments and applicant responses:

Comment	Response
1. The Commission commends the urban nature of the project and that the façade features an abundance of transparency, and the ground floor commercial space connects to the sidewalk through the use of the nano-wall and a generous setback.	The developer sees this as an ideal site for a truly urban infill project and appreciates this acknowledgement from the DRC.
2. Given the pedestrian context and setback, continue the use of ground floor glass commercial storefront on the east façade to provide visibility to the commercial space and to soften the eastern façade. [commensurate with Code Sec. 10-2132.2(d)(6)].	A glass storefront opening will be added to the east side of the first floor retail space consistent in size with openings at the (3) floors directly above.
3. Given the prominence of the site and the nature of student housing, the applicant should use quality, durable materials [commensurate with Code Sec. 10-2132.2(d)(6)].	Quality, durable materials will be utilized, particularly at ground level areas subject to pedestrian contact.
4. Consider keeping the large address numbers as signage should they be permissible under the City’s sign ordinance [commensurate with Code Sec. 10-2132.2(d)(6) and 10-2083.1(c)(2) f.]	The use of large address numbers as the building signage provide identity while aiding with way finding and will be considered pending evaluation and compliance with the City’s sign ordinance.

**SUBDIVISION
STANDARDS:**

BLOCK LAYOUT: No new streets are required or proposed with this plan.

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 to be provided by private contractor. Roll out bins would be housed in a corral at the rear of the site. They would be rolled out to the street for collection.

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

PEDESTRIAN: Proposed sidewalk locations conform to City regulations. A 14' sidewalk is required along Hillsborough Street as part of the Pedestrian Business Overlay District. The proposal includes a 20' wide sidewalk along Hillsborough Street consistent with the open space requirements of 10-2051(d)(5)..

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

STORMWATER MANAGEMENT: This site plan is exempt from the stormwater management regulations of Part 10 Chapter 9 per section 10-9021(2) because the lot is less than ½ acre in size and was platted prior to the application of Stormwater Controls.

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.

2604 HILLSBOROUGH STREET (SP-22-12)

EIGHT FINDINGS FOR PLANNING COMMISSION REVIEW 2012

(1) The site plan protects the public from unsafe or inefficient vehicular circulation, parking, and loading/unloading operations. The site plan considers, among other things:

- a. The physical character of adjacent and surrounding roads;**
A street and sidewalk widening project for Hillsborough Street by the City of Raleigh was recently completed providing efficient vehicular movement.
- b. Nearby median openings or intersections and stub streets;**
A street and sidewalk widening project for Hillsborough Street by the City of Raleigh was recently completed providing efficient vehicular movement.
- c. The classification of streets and plans for future improvements;**
No new streets will be constructed as a result of this development. A street and sidewalk widening project for Hillsborough Street by the City of Raleigh was recently completed providing efficient vehicular movement. The existing sidewalk will be widened to meet the University Village Streetscape Plan.
- d. Proximity to pedestrian generators such as schools, transit stops and facilities, parks and greenways;**
The subject property is located in close proximity to NC State University and transit stops.
- e. The accident experience near the site;**
Applicant is not aware of problems with traffic accidents associated with the street network near the subject property that would be intensified by the proposed project.
- f. Bicycle, pedestrian and transit access and circulation;**
Due to the size and nature of this project there is no internal circulation within the site. However, the sidewalk will be widened, bicycles racks will be provided and the project is within a close distance of transit stops and directly across from NC State University to make bicycle, pedestrian and transit access efficient and easily accessible.
- g. Traffic volumes existing and projected from approved site plans;**
The expected vehicular traffic generation from this development is minimal due to product being provided (no parking spaces) and our target market being those who wish to live directly adjacent to NC State University. The majority of the expected traffic generated will be pedestrian and bicycle.
- h. Interference with any other driveway;**
As there will be no vehicular traffic leaving the site, there is no known interference to other driveways.
- i. Response time of nearby emergency services such as fire and hospital;**
There are no known issues with response time by emergency services.
- j. The character of the traffic to be generated from the site; and**

The expected vehicular traffic generation from this development is minimal due to product being provided (no parking spaces) and our target market being those who wish to live directly adjacent to NC State University. The majority of the expected traffic generated will be pedestrian and bicycle.

k. Opportunities to enhance street, parking lot and sidewalk connectivity.

The proposed plan includes the widening of the Hillsborough Street sidewalk. No drives or parking will not be included as part of this project. A street and sidewalk widening project for Hillsborough Street was recently completed.

(2) The site plan is in accordance with the general plans for the physical development of the City as embodied in the Comprehensive Plan, Redevelopment Plans, Streetscape Plans, manuals, handbooks or other City Council - adopted plans and standards.

The proposed mixed land use of the property is consistent with the above plans and standards to include but not limited to the University Village Streetscape Plan.

(3) The site plan contains adequate measures to protect the development and other properties, including public corridors and facilities, from adverse effects expected from the proposed development or expansions to the existing development, including without limitation those associated with:

- a. Stormwater;** Storm drainage is proposed to meet Code requirements for controlling stormwater runoff.
- b. Air or water pollutant discharges,** No adverse impact anticipated.
- c. Noise, light and odor;** No adverse impacts anticipated.
- d. Access to air and light;** No problems anticipated. Proposed building height and placement to meet the University Streetscape Plan for access to sunshine.
- e. On and off-street parking;** Off street parking is not required per the PBOD and therefore is not provided. Metered on-street parking is provided along Hillsborough Street. The expected vehicular traffic generation from this development is minimal due to product being provided (no parking spaces) and our target market being those who wish to live directly adjacent to NC State University. The majority of the expected traffic generated will be pedestrian and bicycle.
- f. Dust, smoke and vibration;** No problem anticipated.
- g. Hours of operation;** No problem anticipated.
- h. Site conditions that may foster unsafe or unlawful activities.** No problem anticipated.

4) The site plan contains adequate measures to mitigate the impact of the development on nearby residential neighborhoods from incompatible characteristics such as:

- a. **Building scale;** The building height is limited by “Solar Access / Building Height” requirements as outlined in the University Village Streetscape Plan; ensuring adjacent residential properties maintain access to sunshine. The use of retaining walls at the rear of the building also help to minimize its relative height as seen from the adjacent residential uses.
- b. **Architectural character;** The use of “subdued” or relatively neutral colors as outlined in the University Village Streetscape Plan will help accentuate the details of the building façade while more easily blending with the adjacent residential development. Additionally, “punched openings” more consistent with the windows on adjacent residential uses are utilized in place of larger scale expanses of glazing.
- c. **Landscaping;** The proposed project will introduce a privacy fence and attractive landscaping between the proposed development and adjacent residential uses.
- d. **Amount and placement of impervious surfaces;** Amount and placement of impervious surfaces are such that stormwater runoff will be directed away from nearby residential neighborhoods.
- e. **Placement of structures and vehicular surface areas;**
The proposed structure will be located close to Hillsborough Street to maximize area between the structure and the existing residential. The area between the proposed structure and adjacent residential property will include a courtyard, privacy fence and landscaping.
- f. **Orientation of uses and entranceways.**
Entranceways will be focused on the right-of-way of Hillsborough Street.

(5) The site plan coordinates with existing and planned public facilities such as:

- a. **Stormwater drainage structures;** Storm drainage is proposed to meet Code requirements for controlling stormwater runoff.
- b. **Public utilities;** Existing adequate public utilities are in place and adjacent to the subject property.
- c. **Streets, sidewalks and on-street parking;** The property fronts on Hillsborough Street, an existing public street. No widening of Hillsborough Street is required however the existing sidewalk is being widened to meet the University Village Streetscape Plan
- d. **Parks, greenways and recreational facilities;** There are parks/open spaces in close proximity to the subject property (Isabella Cannon Park, Compiegne Park and Pullen Park).
- e. **Fire stations and community service facilities;** Fire and Police stations are in close proximity.

- f. **Schools;** As a mixed use project with a market focus of University students, this property is a modest generator for demand on Wake County Public schools; however, there are schools in proximity to the property. Most importantly, the site is in close proximity to NC State University.
- g. **Trash collection;** Trash collection is by private vendor, no additional demand on public services.
- h. **Transit stops and facilities.** Existing Transit stops are located along Hillsborough Street and near the proposed development.

(6) The site plan provides for a unified development within the site and with adjoining properties when such properties are either:

- a. **Under similar ownership as the site,** No adjoining properties are under similar ownership as the proposed development.
- b. **Are being developed in a coordinated manner with the site,** Adjacent properties are not being developed with the parcel.
- c. **The site shares a common relationship with surrounding properties, where establishing similar architectural elements, landscaping, shared access street connectivity or signage will promote good order, convenience and safety.**
The sidewalk along the property will be widened to meet the University Village Streetscape Plan completing Hillsborough Street and sidewalk widening project increasing pedestrian accessibility.

Situations a, b, and c may consist, among other things, of shared driveways, definitive streetscape character or block face, similar topography, both properties are located within a previously approved concept or master plan or within the same conditional use zoning ordinance.

(7) The site plan complies with all street, sidewalk, open space, drainage, greenway, transit, utility and other public facility dedication and improvement requirements of Part 10, chapter 3 and applicable conditional use zoning ordinances.

To the best of our knowledge, the site is in compliance with the above-stated criteria. The following are provided: widening of sidewalk to meet the University Village Streetscape Plan.

(8) The site plan conforms to previously approved subdivision plans for the site. The site plan meets all applicable Code requirements, and if there are conflicts between Code provisions the more restrictive shall be met.

To the best of our knowledge, the site is in compliance with the above-stated criteria.