# Certified Recommendation
## 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-40-07 The Hillsborough

**General Location:** Intersection of Hillsborough St. and Dawson St.

**Planning District / CAC:** Central / Central

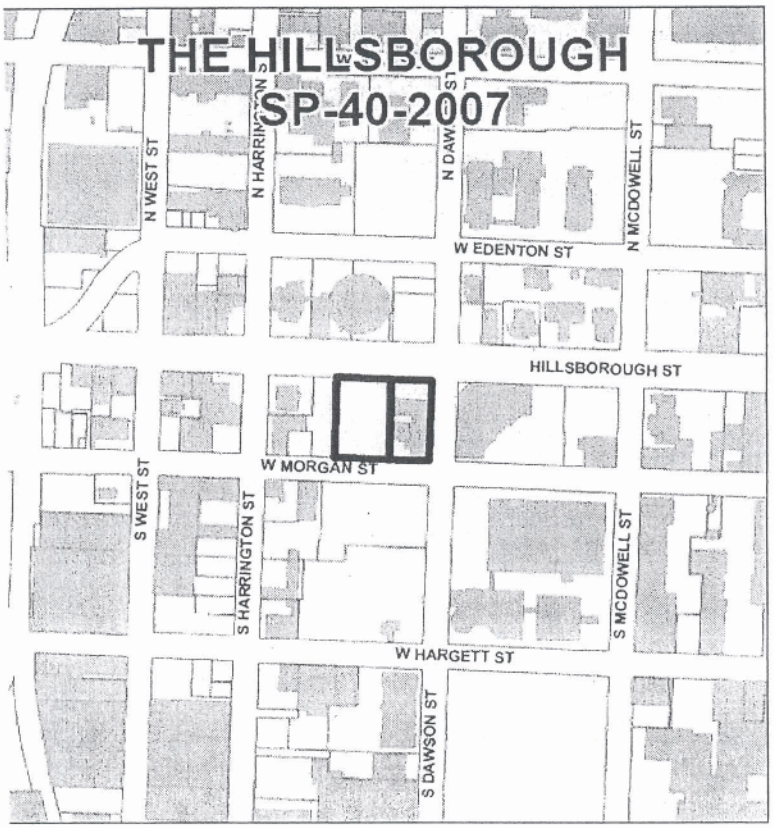
**Nature of Case:** This request is to approve a mixed use 24 story (339'), 267,900 square foot building plus a 4 story parking deck on a 1.18 acre site, zoned Business with Downtown Overlay District. The proposed residential density is 22 units per acre, with a FAR of 5.21.

**The building composition includes:**

135,600 s.f. hotel with 136 rooms
89,200 residential with 26 residential condominium units
17,500 s.f. ground floor retail
25,600 Mechanical
4- story parking deck
267,900 square feet

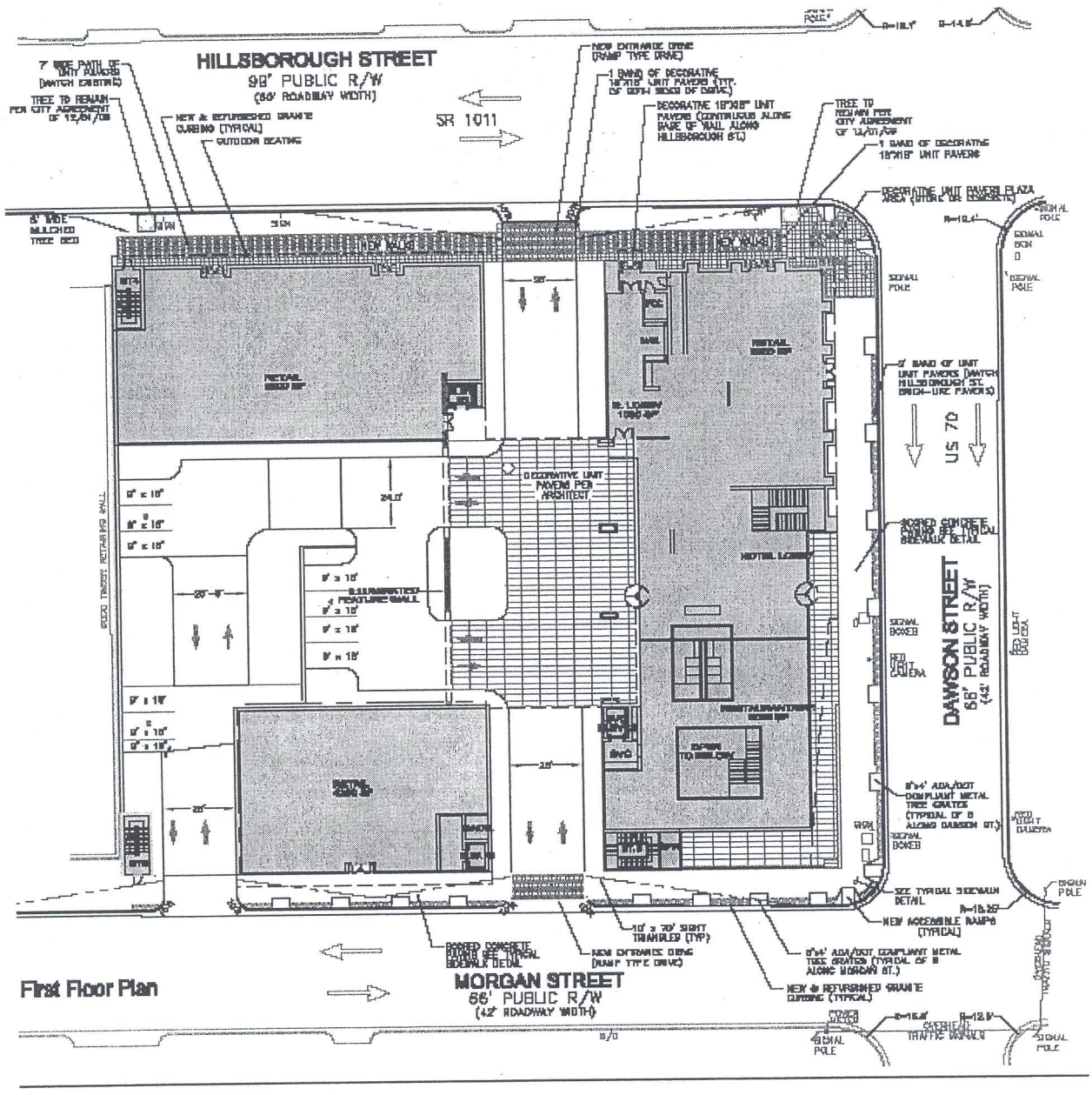
**Key Issues** In accordance with the Urban Design Guide, in the Union Square district, Building heights at the street face should not exceed 60' within the first 25' of horizontal distance from the street face property line. The building may be as high as twice the width of the adjacent right-of-way by right if outside the Historic District. Buildings over 150' tall should have features such as landscaping, step backs, and articulated faces to mitigate wind effects. The floor area ratio (FAR) for new buildings should not exceed 12.

The proposed building is 339' tall. The Planning Commission and City Council may consider the use of landscaping, step backs and articulated faces to mitigate wind effects. The proposed FAR is 5.21.

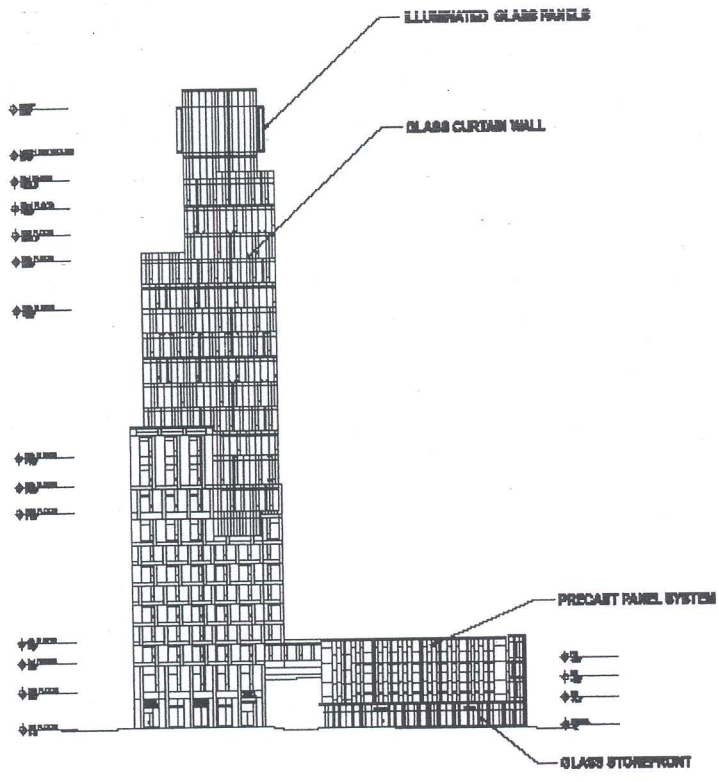



**SP-40-2007 THE HILLSBOROUGH, 1.18 ACRES, 278,460 SQ FT**
**ZONED BUSINESS DOD, CENTRAL PLANNING DISTRICT**
**CENTRAL CAC, PLANNER: J. MARAPOTI (919) 516-2642**
**APPLICANT CONTACT: STEWART ENGINEERING**
**(919) 866-4802, ROCKY BRANCH DRAINAGE BASIN**

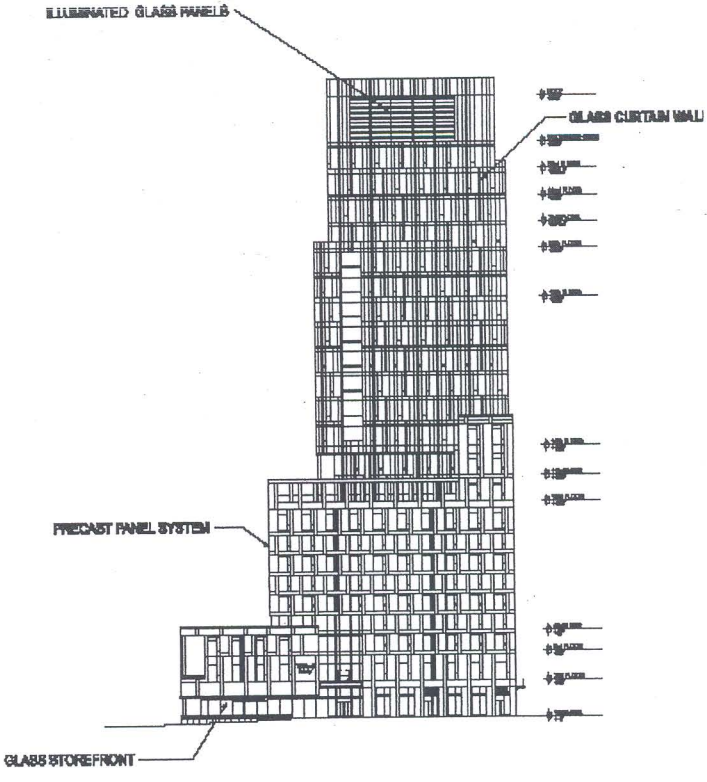
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SITE PLAN FOR THE HILLSBOROUGH




HILLSBOROUGH STREET ELEVATION




DAWSON STREET ELEVATION

## ELEVATIONS OF THE HILLSBOROUGH

**SUBJECT:** SP-40-07 / The Hillsborough

**CROSS-REFERENCE:** N/A

**LOCATION:** This site is located at the intersection of Hillsborough St. and Dawson Street, inside the City Limits.

**REQUEST:** This request is to approve a mixed use 24 story (339'), 267,900 square foot building plus a 4 story parking deck on a 1.18 acre site, zoned Business with Downtown Overlay District. The proposed residential density is 22 units per acre. **The mix of uses includes:**

135,600 s.f. hotel with 136 rooms
89,200 residential with 26 residential condominium units)
17,500 s.f. ground floor retail

This proposal requires City Council approval for the following reasons: The site plan is for a building over 80 feet in height [section 10-2132.2(b)(3)]; the site plan is for a building over 10,000 square feet in the Downtown Overlay District section [10-2132.2(b)(10]; density is being increased above 10 units per acre allowed in the underlying Business District [section 10-2051(d)(1)], and the site plan is for a building which exceeds the maximum allowable building height in the underlying zoning district[section 10-2051(d)(4)b]

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**OFFICIAL ACTION:** **Approval with conditions**

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

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**FINDINGS:** The Planning Commission finds that this request, with the conditions of approval below being met, conforms to Chapter 2, Part 10, Sections 10-2043, 10-2051, 10-2107 and 10-2132.2, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 9/6/07, owned by The Reynolds Company LLC, submitted by Stewart Engineering.

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**ADDITIONAL NOTES:** This site is subject to the Downtown Urban Design Guidelines which recommend step backs for building heights greater than 60', where a step back of 25' should be provided. The tower portion of the proposed building is 339' in height with no step back.

A previous site plan for this property, SP-92-06, Reynolds's Tower was approved with a building height of 428' and no step back. A finding was made by the City Council that the site plan met the eight site plan approval standards in accordance with 10-2132.2(d).

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**To PC:** October 9, 2007

**Case History:**
**To CC:** October 16, 2007
**City Council Status:**
**Staff Coordinator:** James Marapoti

**Motion:** Chambliss
**Second:** Haq
**In Favor:** Anderson, Bartholomew, Chambliss, Davis, Gaylord, Harris Edmisten, Haq, Holt, Mullins, Smith

**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.) _____ date: _____

(PC Chair) _____ date: 10/11/07

# Staff Report

**RECOMMENDED ACTION:** **Approval with Conditions**

**CONDITIONS OF APPROVAL:**

**City Council Actions:**

(1) That this site plan requires approval by the City Council pursuant to section 10-2051(d) (1) [density increases in excess of the underlying zoning district, but not more than 40 dwelling units per acre], section 10-2132.2(b)(3) [buildings 80 feet or more in height] and section 10-2132.2(b)(10) [site plans in the Downtown Overlay District in excess of 10,000 square feet]section 102051(d)(4)b [building which exceed the maximum allowable height in the underlying zoning district];

(2) The City Council finds that this site plan meets the standards for approval of a preliminary site plan, Section 10-2132.2(d);

(3) That the City Council finds that this site plan meets the standards for approving a residential development exceeding the ten dwelling unit per acre residential density allowed in the underlying Business District but not exceeding 40 dwelling units per acre in accordance with section 10-2051(d)(1)c.

(4) That the City Council finds that the height of this building (339 feet) ) is in accordance with the general plans for the physical development of the City as embodied in the Raleigh Downtown Urban Design Guidelines and the site plan meets standards of 10-2132.2(d);

**Administrative Actions:**

***Prior to issuance of a grading permit for the site:***

(5) That an active tree preservation plan for the 2-18" diameter oak trees within the public right-of-way along Hillsborough Street be approved by the Forestry Specialist in the Inspections Department and the Urban Forester in the Parks and Recreation Department and that tree protection measures are in place on site prior to any grading or construction activity;

(6) That as the developer has chosen to offset a portion of nitrogen export load limitation by paying monies to the North Carolina Ecosystem Enhancement Program (NCEEP) in accordance with Nitrogen reduction requirements of Section 10-9022, this payment shall be made to NCEEP and verification of the amount of payment shall be provided to the City of Raleigh Stormwater Engineer;

(7) That a stormwater control plan with a stormwater operations and maintenance manual and budget shall be approved by the Stormwater Engineer in compliance with Part 10 Chapter 9, including the designation of buffer areas and open space areas for stormwater purposes prior to

grading or the approval of construction drawings, whichever event comes first;

(8) That 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 Stormwater Engineer in the Public Works Department (before land disturbance or lot recording, whichever comes first) that shows the increase in peak stormwater runoff between pre-development and post-development conditions for the two-year storm is ten percent 10% or less at each point of discharge,

***Prior to issuance of building permits in the Inspections Department:***

(9) That a tree removal permit is obtained from the Parks and Recreation Forester for the street trees in the public right of way.

(10) That construction plans for sidewalk improvements along Hillsborough St. Dawson St. and Morgan St. be approved by the Public Works Department.

(11) That an encroachment agreement for any stoops, steps, plantings, planters 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 Inspections 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 Inspections Department, and that the encroachment agreement is to be recorded with the Wake County Register of Deeds. Maintenance of the encroachment shall be the responsibility of the condominium association and the developer;

(12) That condominium documents are prepared in accordance with G.S.-47C, and that certification is made to the Chief Zoning Inspector that the legal documents contain the language required by 10-2108(g), and 10-2122(e) and that common expenses include all expenditures required by the encroachment agreement, maintenance and replacement of the private sewer collection system required in condition numbers (12) and (14) and for maintenance and replacement any stormwater quality control measures;

(13) That a recombination map be recorded prior to or in conjunction with the recording of lots, recombining the existing lot into a single tract;

(14) That a demolition permit be issued by the Inspections Department and this building permit number be shown on the recombination map for recording;

(15) That construction approval will be required for the private sewer collection system with Public Utilities Department;

**ZONING:**

**ZONING DISTRICTS:** Business Zone with Downtown Overlay District.

**SETBACKS / HEIGHT:** This plan conforms to all minimum setback standards. Front yard = 0', rear yard = 0', front / rear aggregate = 0', side yard = 0', side yard aggregate = 0'.

Business District limits maximum height to 50 without adding additional yard setback areas'; however, in accordance with section 10-2051(d)(4)b of the Downtown Overlay District, the City Council may approve increases in height above the requirements of the underlying district 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 current Raleigh Downtown Urban Design Guidelines and the site plan meets the standards of 10-2132.2(d) . The proposed height of this building is 339' or 24 stories which includes mechanical on the top floor.

**PARKING:** This site plan is required 163 off-street parking spaces, 216 spaces provided.

Required parking is based on recent TC-2(A.2)-07, Ordinance N0 (2007) 262 TC 302, Section 9 subsections b, c, e and g.

1. **b** Projects with 17 or more dwelling units per building shall not be required to provide parking for the first 16 units, but shall be required to provide at least 1 parking space per unit in excess of 16 unit .
2. **c.** Projects with "retail facilities" located on the street level(s) shall not be required to provide off-street parking for "retail facilities" up to a maximum of 30,000 square feet. Projects with "retail facilities" located on non-street levels shall also not be required to provide off-street parking for "retail facilities" up to a maximum of 30,000 square feet, when at least 25% of the total street level(s) floor area gross is devoted to retail, as defined in section 10-8002.
3. **e.** Hotels and motels shall be required to provide the minimum number of parking spaces set forth in 10-2081(a).
4. **g.** All other nonresidential uses shall provide a minimum of 1 parking space per 400 square feet, or fraction thereof, unless an exception is otherwise approved by the Planning Commission or City Council as part of a site plan approved in accordance with 10-2132.2.

- No spaces required for retail in the tower as 6,500 s.f. street level floor are for retail uses.
- No spaces required for retail in the parking deck portion as 11,000 s.f. street level floor is for retail uses. Total retail square feet = 17,500 s.f.
- Residential – 26 units proposed, however the first 16 units are exempted leaving a requirement of 10 spaces.
- Hotel - 1 space per room at 136 rooms = 136 spaces
- Meeting rooms/ballroom - 1 space per 400 square feet at 6,580 sf = 17 spaces

Total required: 10 + 136 + 17 = 163 spaces required
Total provided: 216 or 53 parking spaces surplus

**LANDSCAPING:** Street yard landscaping in conformity with Section 10-2082.5 is shown in accordance with the required street tree type for each street. All proposed street trees and associated sidewalk improvements will require an encroachment agreement. Two oak trees along Hillsborough St. will tree protection and active

tree protection through out the construction project pursuant to Parks and Recreation guidelines. This is a medium impact use under Section 10-2082.9 and adjacent uses preclude the requirement of transitional protective yards.

**TREE CONSERVATION:** This site is less than two acres in size so no Tree Conservation Areas are required; however, a tree removal permit must be obtained by the Parks and Recreation Department's Forester for the street trees in the public right of way.

**DEVELOPMENT INTENSITY:** This building has a 5.21 FAR (within Downtown Urban Design Guidelines FAR of 12 is the maximum) with a 22 unit per acre density.

**DENSITY:** The underlying Business zoning district allows a density of 10 units, however within the Downtown Overlay District this project is required to provide open space and off-street parking requirements for the residential component up to 40 units per acre pursuant to 10-2051 (d)1. This project is proposing 22 units per acre within the 40 unit allowances. All required off-street parking for the units is fulfilled, through the first 16 unit exemption from code while providing 10 parking spaces and open space information provided below.

**OPEN SPACE:** The Downtown Overlay District, section 10-2051(d)((1)b requires a minimum of 15% of the total land area of the development be set aside as "open space". Pursuant to section 10-2051(d)(5), "open space" may include greenways and any common outdoor landscaped and recreation spaces; outdoor balconies, decks and roof gardens; indoor recreational areas, central lobbies, meeting rooms, and other similar indoor community space accessible to and available for use by the residents. Based on the property's acreage (1.18 acres) 7,710, SF of open space is the minimum amount required. The applicant's plan contains a minimum of 10,335 square feet of open space that will be provided through a mix of open space types as allowed by Code. The plan provides open space through 5,691 SF of balconies/terraces, 944 SF of residential lobby, and a 3,700 SF amenity floor (ball rooms, health club, spa, and meeting rooms). At least 10% of the total land area of the development (5,140 SF in this case), must be devoted to common outdoor open space accessible to all residents. The preliminary plan meets that requirement as 8,300 SF of amenity floor terrace and wine bar terrace open space is proposed.

**PHASING:** N/A

**UNITY OF DEVELOPMENT:** N/A

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**COMPREHENSIVE PLAN:**

**GREENWAY:** There is no greenway on this site.

**THOROUGHFARE / COLLECTOR PLAN:** No additional right of way or street construction is required.

**TRANSIT:** Not required to provide transit easement.

**URBAN FORM:** The site is located in the Central Planning District with specific recommendations made in the Downtown Urban Design Guide which encourages higher density, pedestrian scale development with an orientation to Hillsborough Street, retail storefronts, and step backs with articulated faces to mitigate wind effects. Those guidelines also call for high quality streetscape treatments and providing additional focus areas for pedestrians. The following is a list of design guidelines found in the Union Square district and how this project adheres.

**Down Town Urban Design Guideline:**
The site is in the Union Square district of the Urban Design Guidelines. Raleigh Downtown Urban Design Guide p.20 (Union Square design district) states:

**Materials/Façade styles:**
*Building materials should be of stone, brick, or similar compatible materials".*

- Building materials are of a high quality, such as stone pre-cast panel system with a glass curtain wall and the parking deck has been screened in a way so as to read as part of the larger development through the use of materials and scale.

**Pedestrian scale and detail:**
*Buildings should have areas or elements on the street level that attract pedestrians. Building should not have long sections of blank walls and should have elements that foster the interrelationship of the building and walkway.*
**Site Design/Building Frontage:**
*There should be emphasis on continuity of block face on all sides of the building with pedestrian oriented elements at the sidewalk level of the building. The intent is to provide maximum feasible pedestrian interest and activity at the street level.*

- The plan proposes streetscape materials and larger than required sidewalks which range from 12-18', and 3 street frontages with pedestrian oriented retail with easily accessible entrances to the hotel, retail and residential portions of the development. The proposed building breaks up walls effectively with an articulated activated treatment of architecture on all street frontages.

**Retail storefronts:**
*Retail uses are encouraged on the street front, sidewalk level portion of the building façade in this district. These uses should present large areas of glass and many entrances to the pedestrian.*

- This project is proposing 10 street level entrances to the project with large areas of glass on all fronts.

**Heights/ Upper floor step backs/FAR:**
*Building heights at the street face should not exceed 60' within the first 25' of horizontal distance from the street face property line. The building may be as high as twice the width of the adjacent right-of-way by right if outside the Historic District. Buildings over 150' tall should have features such as landscaping, stepbacks, and articulated faces to mitigate wind effects. The floor area ratio (FAR) for new building should not exceed 12.*

- This plan is greater than 150' (339') and is meeting this requirement with landscaping, and articulated faces to mitigate wind effects. This project is proposing a 5.21 FAR. For setback guidelines see additional notes above.
- The design guidelines also encourage the use of distinctive roof forms. This building meets the intent of that recommendation through the use of illuminated glass panels on the rooftop as well as the use of an extended illuminated glass panel parapet for a nighttime lighting feature.

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

| Comment | Response |
|---|---|
| Install vegetative screening material (i.e., "green screen") on west wall of parking deck. | Applicant installed a mixture of vegetative screening materials on the west wall of the parking deck. |
| Expand sheltering for pedestrians while strengthening the design identity of the ground floor retail space by extending the Dawson Street-side canopy across the Hillsborough Street façade. | Applicant has incorporated a 5'6" canopy over the retail spaces alone Dawson and Hillsborough Streets. |
| Explore options for better delineating a visual "base" for the building; for example, reducing the number of ground floor columns/ pilasters, and extending those remaining to the top of the second floor, ending in an entablature or other horizontal banding. | Applicant has added horizontal banding on the second floor at the base of the main tower. |

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**SUBDIVISION STANDARDS:**

**BLOCK LAYOUT:** No new streets are required with this proposal.

**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 to also include a private sewer collection system.

**SOLID WASTE:** Individual lot service will comply conform to the Solid Waste Manual standards for size, location, and access.

**CIRCULATION:** Proposed street improvements shall conform to normal City construction standards.
That the red light cameras remain operational through out the construction process along Morgan and Dawson St. and that the applicant coordinates with City of Raleigh Transportation Operations Division if there are any service conflicts.

**PEDESTRIAN:** Proposed sidewalk locations conform to City regulations within the Raleigh Downtown Urban Design Guidelines. Wider sidewalks ranging from 12-18' are proposed and shown along Hillsborough, Dawson and Morgan Streets.

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

**STORMWATER MANAGEMENT:** The preliminary site plan meets the provisions of Part 10, Chapter 9 of the Raleigh City Code.

Stormwater quality control will be met through the use of an underground sand filter and offset fees paid to the NCEEP. The site will comply with stormwater quantity control provisions under 10-9023(b)(1) because the increase in peak stormwater runoff from pre- to post- development conditions for the two and ten-year storm will be less than 10%. All discharge into public streets will be less than 3 cfs if not discharged into a piped system. There are no riparian buffers or floodplain located on the property.

**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.