



Administrative Approval Action

Case File / Name: ASR-0007-2021
865 Morgan

City of Raleigh
Development Services Department
One Exchange Plaza
Raleigh, NC 27602
(919) 996-2492
currentplanning@raleighnc.gov
www.raleighnc.gov

LOCATION: The site is generally located at the southwest corner of W Morgan Street and Tryon Hill Drive, with common street addresses of 0, 857, 861 and 865 W Morgan Street and 905 Tryon Hill Drive.

REQUEST: This is a revision to a previously approved plan.

ORIGINAL APPROVED PLAN: Development of a mixed use building and parking structure containing approximately 202 dwelling units and 9,089 square feet of commercial space on the east side of the site, and an apartment building containing approximately 199 dwelling units on the west side of the site, for a combined 401 dwelling units proposed. The total proposed building space is 438,856 square feet. The site is approximately 3.5 acres with portions zoned CX-7-UG, CX-7-UL-CU (Z-25-21), NX-4-UL, and OX-5-UL. Proposed recombination to create two lots of 2.25 acres (containing the mixed-use building) and 1.15 acres (Containing the apartment building). Project as proposed is dependent on City Council decision regarding right-of-way closure.

Administrative Adjustment (AAD-9-21) approved to allow a portion of the required build-to to be met with amenity area at the corner of W Morgan Street and Tryon Hill Drive.

Variances (BOA-25-21) approved granting relief from the minimum ground floor elevation requirement set forth in UDO Section 3.2.4.F for the apartment building; and granting a 2 foot variance from the maximum building foundation wall height requirement set forth in UDO Section 7.2.8.D.3 to allow up to 7 foot tall building foundation wall.

REVISION to the approved ASR (revised approved plans last dated 2/9/22): revised scope of work includes development of a mixed use building and parking structure containing approximately 199 dwelling units and 8,864 square feet of commercial space on the east side of the site, and an apartment building containing approximately 201 dwelling units on the west side of the site, for a combined 400 dwelling units proposed.

**DESIGN
ADJUSTMENT(S)/
ALTERNATES, ETC:** N/A

FINDINGS: City Administration finds that this request, with the below conditions of approval being met, conforms to the Unified Development Ordinance. This approval is based on a preliminary plan dated February 9, 2022 by J DAVIS ARCHITECTS.

CONDITIONS OF APPROVAL and NEXT STEPS:

This document must be applied to the second sheet of all future submittals except for final plats. This is a preliminary plan and as such no permits have been issued with this approval. To obtain permits and/or completion of the project, the following steps are required:

☒ **SITE PERMITTING REVIEW** - For land disturbance of 12,000 square feet or greater, public or private infrastructure, shared stormwater devices, etc. Site Permitting Review may be submitted upon receipt of this signed approval document.



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The following items are required prior to approval of Site Permitting Review plans:

General

1. That a final design of the intersection at Tryon Hill Drive and Morgan Street is shown on the plans and evaluated by Transportation Operations and Planning.
2. Right-of-way closure, which is subject to City Council approval, is required prior to SPR approval.
3. Plans shall be revised to be consistent with the enhancements (benches, planters, landscaping, etc.) at Morgan Street and Tryon Hill Drive shown per the approved Administrative Alternate (AAD-9-21).

Engineering

4. A Traffic Control and Pedestrian (TCPED) Plan must be approved and a right-of-way occupancy permit must be obtained from Right-of-way Services for any construction activities within the right-of-way.
5. An encroachment submittal for balconies that are encroaching within the public right-of-way shall be approved by City Council. The executed encroachment agreement shall be filed with the Development Services Department for the approval by City and returned to the Owner. The Owner is responsible to record the executed encroachment agreement with the Wake County Register of Deeds. A recorded copy of these documents must be provided to the Development Services Department.

Public Utilities

6. A Downstream Sewer Capacity Study in compliance with the City of Raleigh Public Utilities Department Handbook shall be submitted by the Project Engineer for review and approval.

Stormwater

7. A surety equal to of the cost of clearing, grubbing and reseeding a site, shall be paid to the City (UDO 9.4.4).
8. A nitrogen offset payment must be made to a qualifying mitigation bank (UDO 9.2.2.B).
9. A stormwater control plan with a stormwater operations and maintenance manual and budget shall be approved (UDO 9.2).

☒ **LEGAL DOCUMENTS** - Email to legaldocumentreview@raleighnc.gov. Legal documents must be approved, executed, and recorded prior to or in conjunction with the recorded plat on which the associated easements are shown. Copies of recorded documents must be returned to the City within one business day of recording to avoid withholding of further permit issuance.

<input checked="" type="checkbox"/>	Public Access Easement Required
<input checked="" type="checkbox"/>	Shared Parking Agreement Required

<input checked="" type="checkbox"/>	Sidewalk Easement Required
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☒ **RECORDED MAP(S)** - Submit plat to record new property lines, easements, tree conservation areas, etc.). Plats may be submitted for review when the Site Permitting Review plans, if required, have been deemed ready for mylar signature.

The following items must be approved prior to recording the plat:

Engineering

1. That the existing right-of-way of the former Harrison Avenue is abandoned and a resolution number shown on all plats.

Public Utilities

2. Infrastructure Construction Plans (spr submittal) must be approved by the City of Raleigh Public Utilities Department for all public water, public sewer and/or private sewer extensions.

Stormwater

3. 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 (UDO 9.2).

☒ **BUILDING PERMITS** - For buildings and structures shown on the approved plans. Commercial building permit plans must include the signed, approved Site Permitting Review plans attached, if applicable. Permit sets may be reviewed prior to the recordation of required plats, but cannot be approved.

The following items must be approved prior to the issuance of building permits:

General

1. A recombination map as proposed shall be recorded prior to issuance of building permits.

Engineering

2. A public infrastructure surety for 25 street trees shall be provided to the City of Raleigh Development Services – Development Engineering (UDO 8.1.3).
3. The required right of way for proposed and/or existing streets shall be dedicated to the City of Raleigh and is shown on a plat approved for recordation.
4. A sidewalk deed of easement for any public sidewalk on private property shall be approved by City staff, and the location of the easement shall be shown on the map approved for recordation. The deed of easement shall be recorded at Wake County Register of Deeds within one day of recordation of the plat. A recorded copy of this document shall be provided to the Development Services Department within one day from authorization of lot recordation. If a recorded copy of the document is not provided, further recordings and building permit issuance will be withheld.



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5. A Pedestrian and Bicycle Access deed of easement for any public sidewalk on private property shall be approved by City staff, and the location of the easement shall be shown on the map approved for recordation. The deed of easement shall be recorded at Wake County Register of Deeds within one day of recordation of the plat. A recorded copy of this document shall be provided to the Development Services Department within one day from authorization of lot recordation. If a recorded copy of this document is not provided, further recordings and building permit issuance will be withheld.
6. A public infrastructure surety shall be provided to the City of Raleigh Development Services – Development Engineering (UDO 8.1.3).

Public Utilities

7. A plat must be recorded at the Wake County Register of Deeds office for all utility easement dedications.
8. Utility re-alignment construction shall be substantially complete (to eliminate conflict with new building).
9. Initiation of the easement exchange process is required (via dedication of new easement on record plat, ending with abandonment of old easement on subsequent deed).

Stormwater

10. A surety equal to 125% of the cost of the construction of a stormwater device shall be paid to the Engineering Services Department (UDO 9.2.2.D.1.d).
11. A payment equal to twenty-four percent (24%) of the estimated cost of constructing all stormwater control facilities shown on the development plans shall be paid by the developer to the City stormwater facility replacement fund (UDO 9.2.2.G.3).

Urban Forestry

12. A tree impact permit must be obtained for the approved streetscape tree installation in the right of way. This development proposes 11 street trees along W Morgan Street, 14 street trees along Tryon Hill Drive, and 5 street trees along Wakefield Avenue.

The following are required prior to issuance of building occupancy permit:

General

1. All Water, Sanitary Sewer and Reuse facilities shall be installed, inspected, tested and accepted by the City of Raleigh Public Utilities Department for operations and maintenance.
2. Final inspection of all right of way street trees by Urban Forestry Staff.

Stormwater



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3. As-built drawings and associated forms for all Stormwater devices are accepted by the Engineering Services Department (UDO 9.2.2.D.3).

EXPIRATION DATES: The expiration provisions of UDO Section 10.2.8 E, including the ability to request extensions in the expiration date, apply to this site plan. If significant construction has not taken place on a project after administrative site review approval, that approval may expire and be declared void, requiring re-approval before permits may be issued. To avoid allowing this plan approval to expire the following must take place by the following dates:

3-Year Expiration Date: December 6, 2024

Obtain a valid building permit for the total area of the project, or a phase of the project.

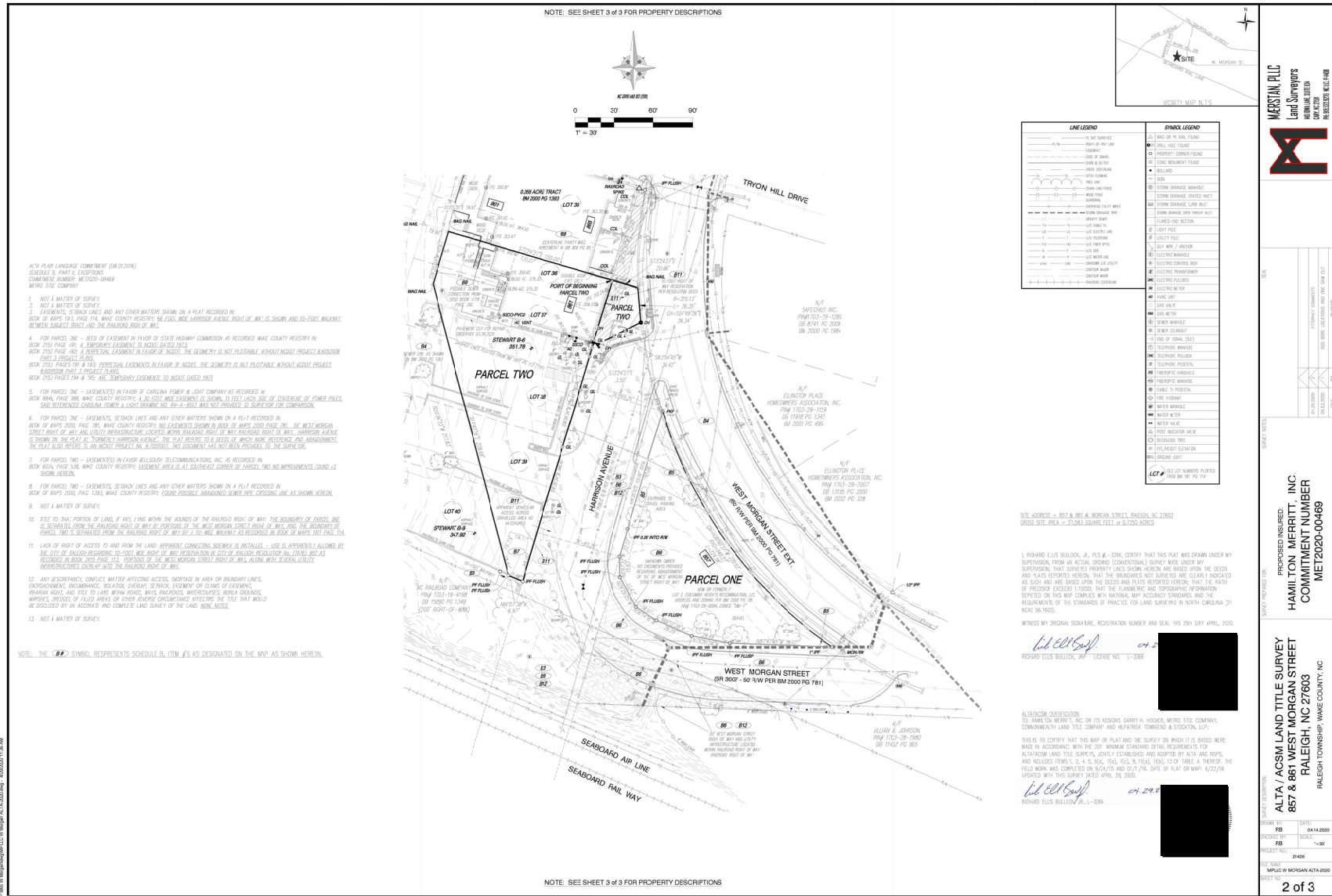
4-Year Completion Date:

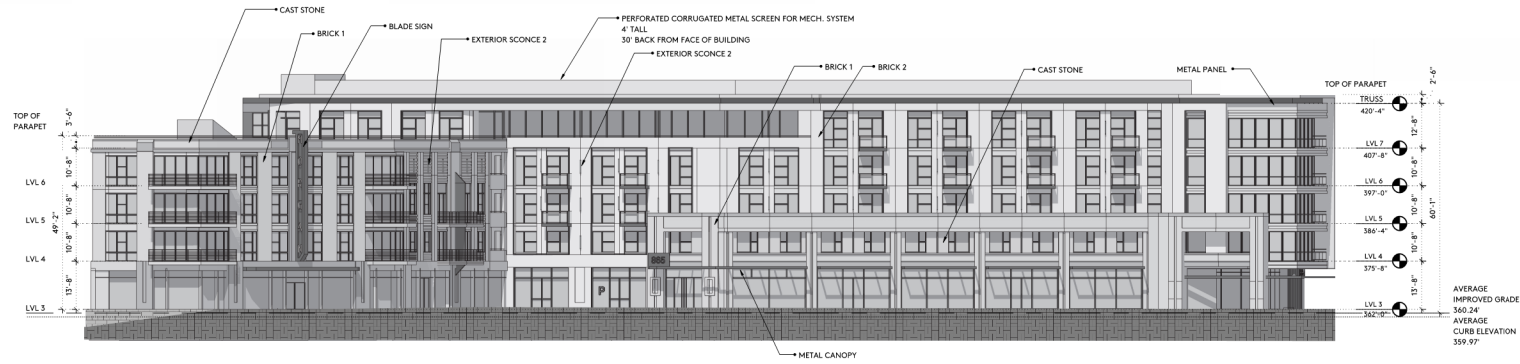
Within four years after issuance of the first building permit for the site plan, the construction of the entire site plan must be completed unless an applicant has been granted vested rights. Failure to complete construction within this specified time frame shall automatically void the approved site plan for which no building permits have been issued.

I hereby certify this administrative decision.

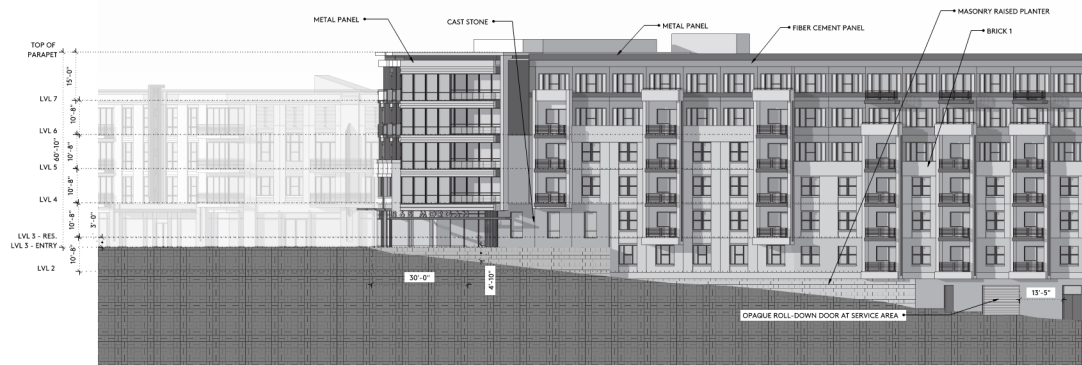
Signed: Alycia Bailey Taylor Date: 03/16/2022
Development Services Dir/Designee
Staff Coordinator: Kasey Evans





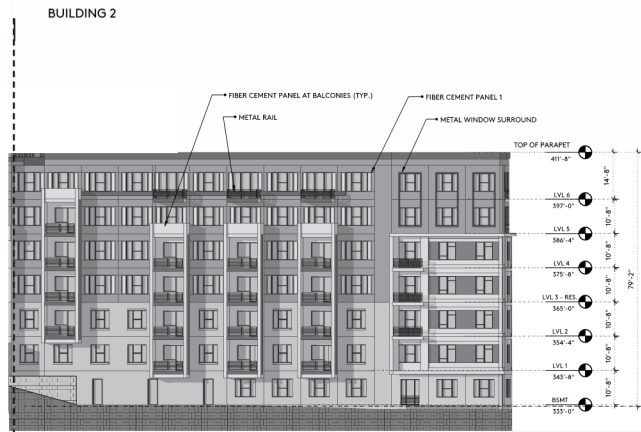


EAST ELEVATION (MORGAN STREET) 1
NT.S



BUILDING 1

NORTH ELEVATION BUILDING 1 (TRYON HILL DRIVE) 2
NT.S



NORTH ELEVATION BUILDING 2 (TRYON HILL DRIVE) 3
NT.S

BUILDING ELEVATIONS				
BUILDING	PRIMARY STREET FRONT	IMPROVED GRADE		
		LOW	HIGH	AVG
BUILDING 1	West Morgan Street	358.50	361.97	360.24
BUILDING 2*	West Morgan Street	336.22	337.13	336.68

*Tryon Hill is address Street

Per section 1.5.7.A.2 (TC-4-30) of the UDO, building height is measured from the average improved grade to the top of the highest point of a pitched or flat roof excluding the parapet.

Average grade is considered to be the average post-development grade along the building elevation most parallel and closest to the primary street setback. Where a site or lot is determined to have more than one primary street, average grade shall be determined along each elevation most parallel and closest to each primary street. Maximum building height must be met from the average grade of each primary street independently. Where property slope increases to the rear, building height is measured from the average post development grade of the front and rear wall plane.

CURBLINE ELEVATIONS				
BUILDING	CURBLINE ELEVATION			PROPOSED FINISH FLOOR
	LOW	HIGH	AVG.	
1	358.05	361.88	359.97	362.00
2	327.10	336.12	331.61	333.00

7.1.3.C.4 No vehicle parking is required for the first 10,000 square feet of ground story gross floor area that meets the ground story height and ground story transparency requirements for a mixed use building (see Sec. 3.2.6.).

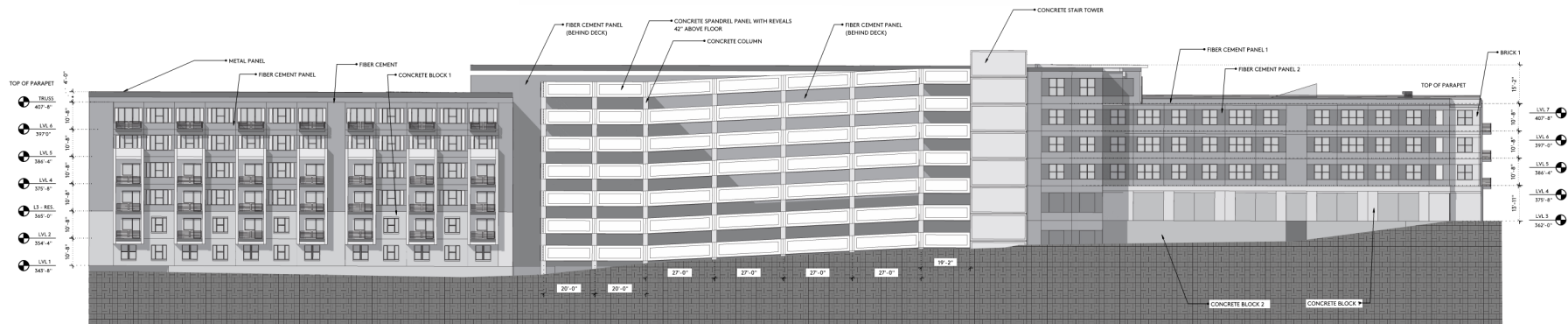
7.1.3.C.4.E Floor Heights
E2 Ground story height, floor to floor (min) 13'. Provided: 13'-0".

AVERAGE IMPROVED GRADE
360.24'
AVERAGE CURB ELEVATION
359.97'

BLDG HEIGHT TABLE 3
NT.S



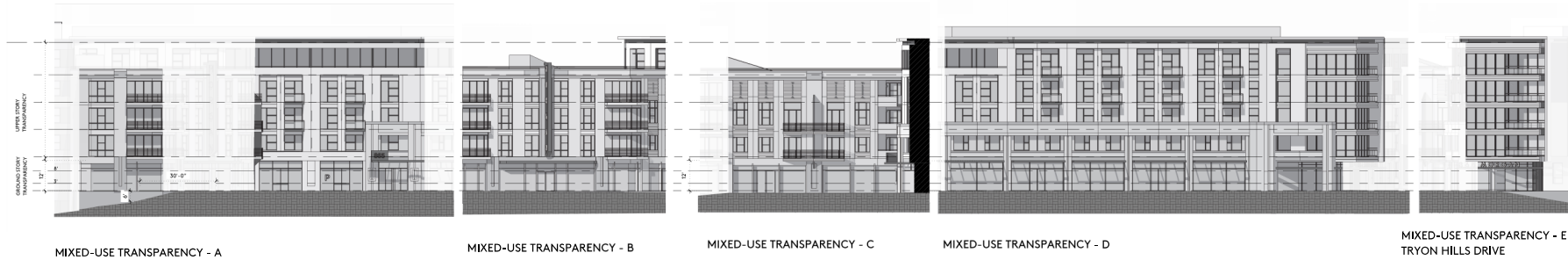
WEST ELEVATION BUILDING 2 (WAKEFIELD AVE.) 2



SOUTH ELEVATION (FACING RAILROAD) 3

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PROJECT:	DATE
ISSUE:	02.08.22
REVISIONS:	
CONTENT:	
EXTERIOR ELEVATIONS	



MIXED-USE TRANSPARENCY ELEVATIONS 1

REQUIRED TRANSPARENCY = 50% (of 5,357)
 2,679 SF
 PROVIDED TRANSPARENCY = 71.04% (of 5,357)
 3,807 SF

Transparency of 0'-12', within 3'-8':

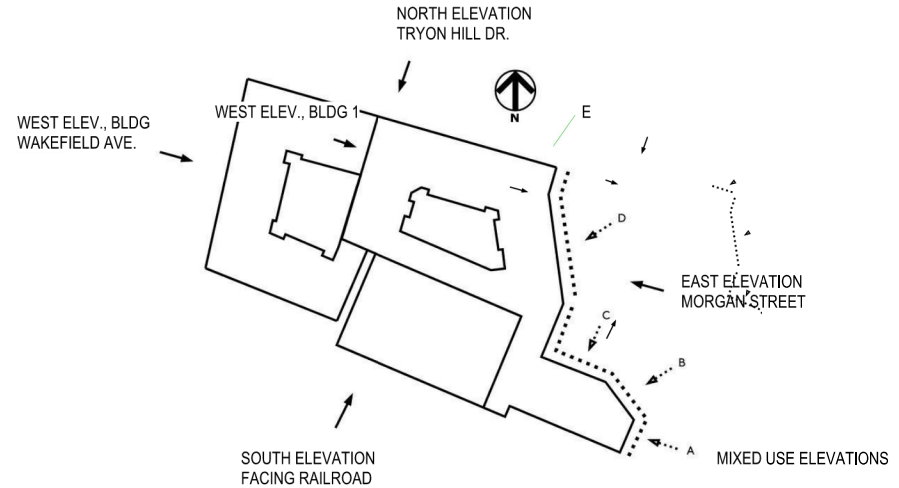
REQUIRED TRANSPARENCY = 50% (of 2,679)
 1,340 SF
 PROVIDED TRANSPARENCY = 72% (of 2,679)
 1,922 SF

MIXED-USE UPPER FLOORS

TOTAL AREA = 16,787 SF

Transparency (UDO Section 4.5.9, Section 3.2.6.F)

W. Morgan St. - Mixed-Use Ground Floor			
Ground story façade (measured btwn 0'-12')			
Min. Transparency Req.	5360.0 x 50% =	2680.0 SF	
Transparency Provided	5360.0 x 75% =	4002.0 SF	
Transparency Provided btwn 3'-8' (min 50% of Req.)	2680.0 x 70% =	1870.0 SF	
W. Morgan St. - Mixed-Use Upper Story			
Upper story façade			
Min. Transparency Req.	17159.0 x 20% =	3431.8 SF	
Transparency Provided	17159.0 x 44% =	7628.0 SF	



TRANSPARENCY CALCULATIONS 2

ELEVATION KEY 3