



Certified Action Of the City of Raleigh Planning Commission

City of Raleigh
Development Plans Review Center
One Exchange Plaza
Raleigh, NC 27602
(919) 996-2626
www.raleighnc.gov

Case File / Name: S-27-13 / The 10 at South Person

General Location: Located on the northwest quadrant of South Person Street and East Lenoir Street.

CAC: Central

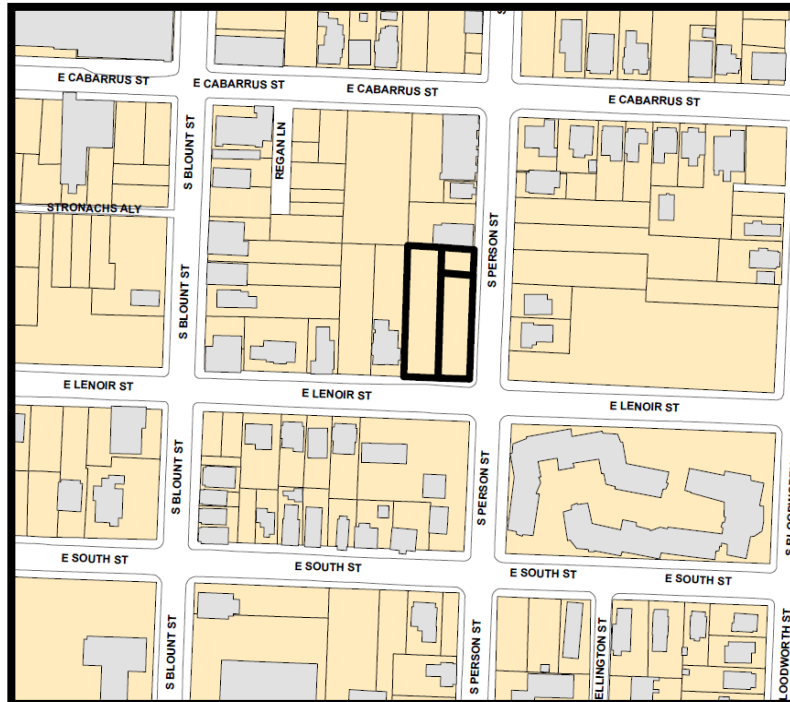
Nature of Case: The subdivision of 0.51 acres into 10 townhome lots and 1 open space lot, zoned Residential Business with Downtown Overlay District located inside the city limits. This is a subdivision in the Prince Hall Historic Overlay District. Code Section 10-3013(2)(a)(2) requires subdivisions of property located within an Historic Overlay District to be approved by the Planning Commission. This case was submitted prior to September 1, 2013.

Contact: Chris Tingler, Cline Design Associates, PA

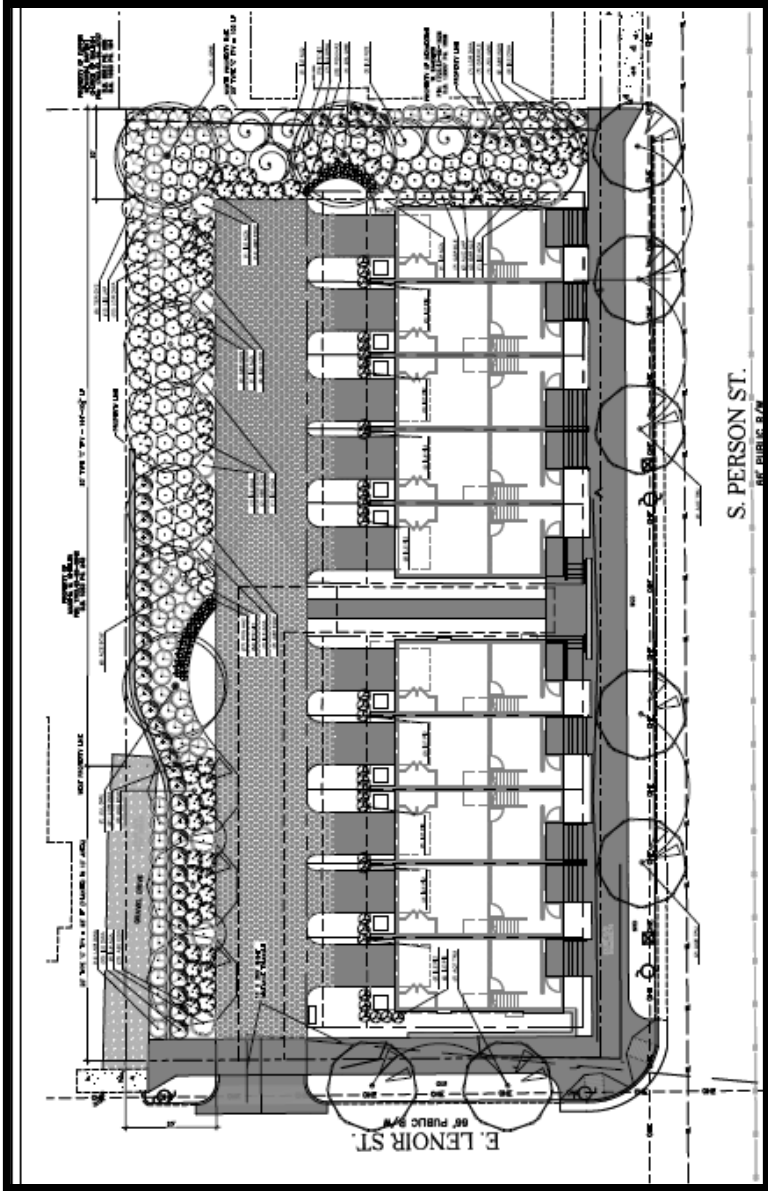
Key Issues: Requested alternate for provision of the required 20' Type C transitional protective yard along portions of the western property line.

Requested alternate to provision of the required 30' separation between buildings that are greater than 28' in height with windows on the affected side.

Requested open space alternate to provide less than 14' width sidewalks on East Lenoir Street and South Person Street.



S-27-13 / The 10 at South Person



S-27-13 / Subdivision Layout

SUBJECT: S-27-13 / The 10 at South Person

**CROSS-
REFERENCE:** Z-63-2000

LOCATION: This site is located on the northwest quadrant of South Person Street and East Lenoir Street, inside the City Limits.

PIN: 1703861502, 1703861551, 1703861650

REQUEST: The subdivision of 0.51 acres into 10 townhome lots and 1 open space lot, zoned Residential Business with Downtown Overlay District located inside the city limits. This is a subdivision in the Prince Hall Historic Overlay District. Code Section 10-3013(2)(a)(2) requires subdivisions of property located within an Historic Overlay District to be approved by the Planning Commission.

The applicant is requesting the following alternates:

Code Section 10-2082.9 – Requires a 20' Type C transitional protective yard along the western property line. The request is to provide a 13' width yard along 65' of the western property. The remainder of the western property line would meet the 20' width requirement. Shrubs will be planted at 24" at installation (18" required by code section 10-2082.6(b)(5)). Trees will be installed at 12' in height (8' required by Code Section 10-2082.6(c)(2)).

Code Section 10-2103 subsections (b)(2) and (h) - Not providing 30' separation between buildings that are greater than 28' in height with windows on the affected side. Code Section 10-2103(h) allows the Planning Commission to approve a different building to building separation. The request is to provide a 13' 2" distance between the buildings on Lot 5 and Lot 6. Additional shrubs will be planted adjacent to the buildings installed at a height of 24".

Code Section 10-2051 (d) (5) - Not providing 14' sidewalks on East Lenoir Street, South Person Street; applicant is requesting an open space alternate. The request is to provide an 8' sidewalk with a 6' tree lawn along East Lenoir Street and South Person Street. This request was approved by the Historic Development Commission.

OFFICIAL ACTION: Approval with conditions

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

FINDINGS: The Planning Commission finds that this request conforms to Chapter 2, Part 10, Sections 10-2051, 10-2103, 10-2032, 10-2132.2, Chapter 3, Part 10, Sections 10-3001-3059 and 10-3072-3074. This approval is based on a preliminary plan dated 10/23/13, owned by DHIC, submitted by Cline Design Associates, PA.

ADDITIONAL

NOTES:

This case was submitted prior to September 1, 2013 and is not subject to the Unified Development Ordinance.

This project was approved on September 9, 2013 by the Raleigh Historic Development Commission.

**VARIANCES /
ALTERNATES:**

On September 17, 2013 the City Council approved a variance from the requirement to dedicate:

- ½ of an 80' right-of-way along East Lenoir Street
- ½ of an 90' right-of-way along South Person Street

Given the existing context of East Lenoir Street and South Person Street, the existing right-of-way width was found to be adequate.

This proposal includes a request for three alternates:

Alternate Means of Compliance to Code Section 10-2082.9 – reducing the required 20' Type C transitional protective yard to 13' (65' linear length) along the western transitional protective yard. Shrubs will be planted at 24" at installation (18" required by code section 10-2082.6(b)(5)). Trees will be installed at 12' in height (8' required by Code Section 10-2082.6(c)(2)).

Alternate Design to Code Section 10-2103(b)(2) – Dwelling to dwelling separation of 13' 2" and not the required 30' when building heights are greater than 28' with windows on the affected sides of the end units. Additional shrubs will be planted adjacent to the buildings installed at a height of 24".

Alternate Design to Code Section 10-2051(d)(5)(a) – Construction of an 8' sidewalk with a 6' planting strip along South Person Street and East Lenoir Street and not the required 14' sidewalk construction for projects in the Downtown Overlay District.

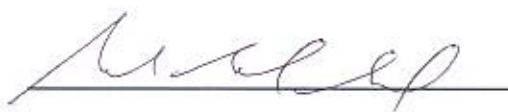
To PC: November 12, 2013
Case History: N/A
Staff Coordinator: Meade Bradshaw

Motion: Schuster
Second: Buxton
In Favor: Braun, Buxton, Fluhrer, Lyle, Mattox, Schuster, Swink and Terando
Opposed: xxxxx
Excused: xxxxx

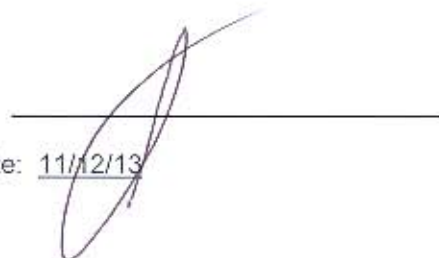
This document is a true and accurate statement of the findings and recommendations of the Planning Commission. Approval of this document incorporates all of the findings of the Staff Report attached.

Signatures: (Planning Dir.)

(PC Chair)



date: 11/12/13



date: 11/12/13



Staff Report

**RECOMMENDED
ACTION:** Approval with Conditions

**CONDITIONS OF
APPROVAL:**

Planning Commission Actions:

- (1) That the Planning Commission approve an Alternate Means of Compliance to Code Section 10-2082.9 – reducing the required 20' Type C transitional protective yard to 13' (65' linear length) along the western transitional protective yard. The Commission in accordance with Code Section 10-2082.4 (a) finds that the alternate transitional protective yard is equivalent as that prescribed by Code Section 10-2082.9;
- (2) That the Planning Commission approve an alternate design to Code Section 10-2103(b) (2) dwelling to dwelling separation of 13' 2". The Commission in accordance with Code Section 10-203 (h). finds that the alternate provides equivalent privacy ;
- (3) That the Planning Commission approve an alternate design to Code Section 10-2051(d)(5) sidewalk construction of 8' with a 6' tree lawn. The Commission in accordance with Code Section 10-2051(d) (5) finds that the sidewalk pavement width reduction is in accordance with the general plan for the physical development of the City as embodied in the Raleigh Comprehensive Plan;
- (4) That the Planning Commission finds that site plan for this development meets the standards of 10-2132.2 (d)

Administrative Actions:

Prior to issuance of a site review permit:

- (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, 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;
- (6) That a complete design of pervious paver system that meets all requirements set forth in Chapter 18 of the NC BMP Design Manual for permeable pavement;
- (7) That a complete detention system design is approved by the Public Works Department;

Prior to Planning Department authorization to record lots:

- (8) That Infrastructure Construction Plans are approved by the Public Works Department and Public Utilities Department;
- (9) That the City form document entitled Declaration of City of Raleigh City Code Provisions for Developments with Common Elements and Common Expenses (the "City Code Covenant") Facilitates shall be prepared and submitted to the Planning Department and then recorded with the county register of deeds office where the property is located prior to any recordation of a subdivision or recombination plat and a copy of the recorded documents be provided to the Planning Department within the 14-day period, further recordings and building permits authorization will be withheld if the recorded document is not provided to the Planning Department;
- (10) That townhouse declaration complying with G.S. 47 F shall be prepared and submitted to the Planning Department and then recorded with the county register of deeds office where the property is located prior to any recordation of a subdivision or recombination plat and a copy of the recorded documents be provided to the Planning Department within the 14-day period, further recordings and building permits authorization will be withheld if the recorded document is not provided to the Planning Department;
- (11) That the developer shall pay to the City a stormwater facility replacement fund payment equal to twenty-four percent (24%) of the estimated cost of construction all stormwater control facilities shown on the development plans;
- (12) That the City Attorney approve a public sidewalk easement for any portion of the public sidewalk along East Lenoir Street and South Person Street located within private property;

Prior to issuance of building permits:

- (13) 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 of East Lenoir Street and South Person Street 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 owner;

Prior to issuance of an occupancy permit:

- (9) Stormwater devices/BMP's must be certified and the certification accepted by Stormwater Utility staff.

ZONING:

**ZONING
DISTRICTS:**

Residential Business District. Ordinance 862 ZC 485; effective: 9/5/00.

LANDSCAPING:

Street yard landscaping in conformity with Section 10-2082.5 and 10-2082.6 is shown. This is a High Residential Density under Section 10-2082.9.

<u>Location</u>	<u>Yard type required</u>	<u>Width proposed</u>
Western Property Line	Type C	20**

An alternate reducing the required 20' Type C transitional protective yard to 13' (65' linear length) is requested along the western transitional protective yard. Shrubs will be planted at 24" at installation (18" required by code section 10-2082.6(b)(5)). Trees will be installed at 12' in height (8' required by Code Section 10-2082.6(c)(2)).

**TREE
CONSERVATION:**

No tree conservation areas are required because the site is less than 2 acres and no stands of trees on the site located within 50' of a Thoroughfare that meet the requisite standards of code section 10-2082.14.

**UNITY OF
DEVELOPMENT:**

Unity of development criteria is not required in this subdivision.

**SETBACK /
HEIGHT:**

Setbacks from public streets and property lines conform to Section 10-2103(b). The minimum setback from public streets is shown to be 8'. Private outdoor living areas maintain a min. 40' separation if parallel to each other or oriented at less than a 45-degree angle. Vehicular surface areas other than individual driveways are no less than 5' to a building wall.

An alternate is being requested from Code Section 10-2103(b)(2) to reduce the dwelling to dwelling separation of Lot 5 and lot 6 from 30' to 13' 2". Additional trees and shrubs will be planted adjacent to the buildings installed at a height of 24". Windows between buildings are offset.

OPEN SPACE:

Open space conforms to minimum requirements in Raleigh City Code Section 10-2103(d). 5% or 1,100 square feet required, 24% or 5,375 square feet provided.

PARKING:

Code Section 10-2051 does not require off street parking for projects with sixteen or fewer dwelling units per building. Each unit will have a garage and an 18' driveway which provides 2 spaces per unit, equaling to 20 parking spaces.

PHASING:

There is one phase in this development.

**COMPREHENSIVE
PLAN:**

GREENWAY: There is no greenway on this site.

**THOROUGHFARE
/ COLLECTOR
PLAN:**

The applicants have received a variance from the requirements from right-of-way dedication on East Lenoir Street and South Person Street. Both streets have an existing right-of-way is 66' wide and the existing roadway width is built to a +/- 40' back to back road section. Given the existing context of the downtown area within the original Christmas Plan for the City of Raleigh, the existing 66' right-of-way width has been found to be adequate by the Development Plans Review Group. The right-of-way variance was approved by an action of City Council on 9/17/13.

TRANSIT: This site is presently served by the existing transit system; however the site is within 3 blocks of the Moore Square Transit Station. A transit easement is not required.

URBAN FORM: This site is located in the Central Planning District, in an area designated as the central Business District.

LU 2.2 – Compact Development
LU 4.9 – Corridor Development
LU 5.6 – Buffering Requirements
LU 8.1 – Housing Variety
LU 8.2 – Neighborhood Revitalization
LU 8.10 – Infill Development
T 5.5 – Sidewalk Requirements
T 5.10 – Building Orientation
UD 1.4 – Maintaining Façade Lines
UD 3.7 – Parking Lot Placement
UD 3.8 – Screening of Unsightly Uses
UD 3.9 – Parking Lot Design
UD 6.1 – Encouraging Pedestrian-Oriented Uses
UD 6.2 – Ensuring Pedestrian Comfort and Convenience
DT 1.11 – Downtown Edges
DT 1.13 – Downtown Transition Areas
DT 1.17 – Auto-Oriented Uses
DT 7.3 – Street walls
DT 7.4 – Building Entries
DT 7.9 – Street Trees

**HISTORIC /
DISTRICTS:**

This site is located in the Prince Hall Historic District. This project was approved with a 4-0 vote at the September 9, 2013 COA Committee Meeting. Ms. David moved that that the proposed subdivision will not result in the creation of lots that

would result in the construction of buildings incongruous with the historic district. Ms. Caliendo seconded; motion passed 4/0.

**SUBDIVISION
STANDARDS:**

- LOT LAYOUT:** There is no minimum lot size in townhouse developments.
- BLOCK LAYOUT:** The proposed street layout conforms to City Code, providing for efficient circulation of traffic within the entire neighborhood area.
- PUBLIC UTILITIES:** City water and sewer services are available. The subdivider is responsible for installation of all lines necessary to provide service to this site.
- SOLID WASTE:** Individual lot service by the City is to be provided.
- CIRCULATION:** Proposed street improvements shall conform to normal City construction standards. There are no private streets in this townhome development.
- PEDESTRIAN:** Sidewalks are proposed along both East Lenoir Street and South Person Street. Code Section 10-2051 (d) (5) requires sidewalks to be constructed at a 14' width. The proposed sidewalk widths are 8' of sidewalk with a 6' tree lawn between the sidewalk and street. The applicant is seeking a reduction in sidewalk pavement width of six feet in compliance with Code Section 10-2051(d) (5). Portions of the sidewalk are located on private property, and sidewalks easements will be approved by the City Attorney for those sidewalk portions.
- FLOOD HAZARD:** There are no flood hazard areas on this site.
- STORMWATER
MANAGEMENT:** This site is subject to stormwater management controls in accordance with Chapter 9 of Part 10 of the Raleigh City Code. Stormwater quality regulations are being met through the installation of pervious pavers as a BMP for the driveway. Stormwater quantity regulations are being met through the use of an underground storage pipe which is collecting the roof runoff.
- WETLANDS
/ RIPARIAN
BUFFERS:** No wetland areas or Neuse River riparian buffers are required on this site.
- STREET NAMES:** No new street names are required for this development.
- 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.