



# 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-1-11 / First Presbyterian Church

**General Location:** The west side of Salisbury Street, between its intersections with Morgan Street and Hargett Street

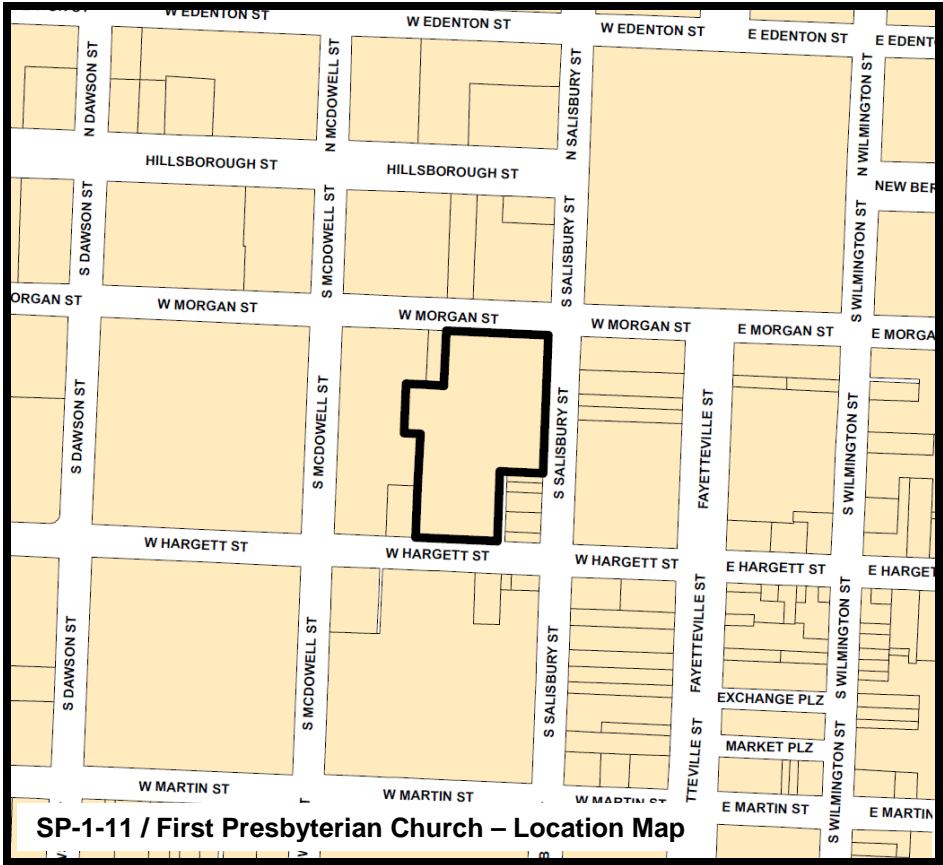
**Owner:** First Presbyterian Church  
**Designer:** Mulkey Engineers & Consultants and Frank Harmon Architect PA

**CAC:** Central

**Nature of Case:** The replacement of the existing 18,720 square foot "Education Building" with a new 26,400 square foot building that will be used for church offices and meeting spaces. The subject property is a 1.79 acre site zoned Business Zone, Historic Overlay District (the Capitol Square Historic Overlay District) and Downtown Overlay District.

**Key Issues:** Approval of alternate open space requirement for 14' wide sidewalks due to existing historic structures and foundation plantings.

**Contact:** Warren Sugg, Mulkey Engineering & John Caliendo, Frank Harmon Architect PA





**SUBJECT:** SP-1-11 / First Presbyterian Church

**CROSS-REFERENCE:** N/A

**LOCATION:** This site is located on the west side of Salisbury Street, between its intersection with Morgan and Hargett Streets, inside the City Limits.

**REQUEST:** This request is to approve a 26,400 square foot religious office and meeting space on a 1.79 acre site, zoned Business Zone, Historic Overlay District (the Capitol Square Historic Overlay District) and Downtown Overlay District. All new buildings greater than 10,000 square feet within the Downtown Overlay District require Planning Commission review.

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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, with the following conditions of approval being met, this request conforms to Chapter 2, Part 10, Sections 10-2043, 10-2051, 10-2052 and 10-2132.2, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 9/13/10, owned by the First Presbyterian Church, submitted by Mulkey Engineering.

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

**VARIANCES / ALTERNATES:** The applicants received a reduction adjustment from the Public Works Director for the required dedication of additional right-of-way (see attached letter). The reduction is based on the existing conditions of the site (the building face already encroaches slightly into the right-of-way on Morgan Street, is located at the property line on Hargett Street and is within a few feet of it on Salisbury Street) and other existing conditions in the vicinity as well as the fact that this street is an extension of a street set forth in the original Christmas Plan of the City and the 66' right-of-way is consistent with that plan.

An alternate method of compliance with the Downtown Overlay District's open space requirement for 14' wide sidewalks is being requested given the existing site constraints where existing buildings, structures and historic foundation plantings are to remain. The Code allows the approving body to approve alternate methods of compliance. The proposed open space exceeds the minimum 5% requirement by 140 square feet.

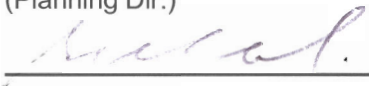
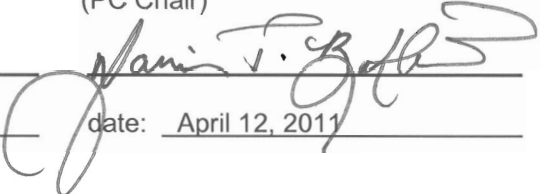
To PC: 4/12/11

**Case History:**

**Staff Coordinator:** Eric Hodge, AICP

**Motion:** Sterling Lewis  
**Second:** Anderson  
**In Favor:** Anderson, Batchelor, Harris Edmisten, Fleming, Haq, Mattox, Smith, Sterling Lewis  
**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)   
date: April 12, 2011 date: April 12, 2011



## Staff Report

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

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**CONDITIONS OF  
APPROVAL:** **Planning Commission Actions:**

- (1) That in accordance with Code Section 10-2051(d) (5), an alternate for providing a 14' wide sidewalk along portions of Salisbury Street and Morgan Street is approved due to existing structures and historic foundation plantings that are to be preserved;

**Administrative Actions:**

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

- (2) The site is exempted from the stormwater regulations of part 10, chapter 9 through a reduction in impervious surfaces based on the following: existing impervious surfaces are 1.64 acres / proposed imperviousness is 1.57 acres. If the impervious surfaces exceed existing conditions, the requirements of Part 10, Chapter 9 of the Raleigh City Code will apply;
- (3) That a demolition permit is obtained for the existing Education Building and that the following conditions of approval from the Raleigh Historic Districts Commission Certificate of Appropriateness (COA) (012-10-CA) are met:
  - (a) Archival photographs and measured drawings as specified by the RHDC;
  - (b) A plan for salvaging usable architectural materials and features;
  - (c) Specifications for ensuring the safety of the adjacent Raleigh Historic Landmark;
  - (d) Tree protection plan created by an arborist certified by the International Society of Arboriculture for protection of trees on and adjacent the site and in the public right-of-way from damage due to compaction of the soil by equipment or materials;
  - (e) That after demolition the site be cleared promptly and thoroughly;
  - (f) That after demolition the site be planted or developed promptly as approved in the proposed site plan;

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

- (4) That the conditions of approval associated with the Raleigh Historic Districts Commission COA (135-10-CA) for the construction of this new building are satisfied and approved by the Raleigh Historic Districts Commission staff;
- (5) That the City Attorney approve a public sidewalk easement deed for any portion of the proposed 14' wide pedestrian ways on private property adjacent to public right of way along Salisbury Street and Hargett Street;

**ZONING:**

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DISTRICTS:**

Business Zone, Historic Overlay District (The building and site are located in the Capitol Square Historic Overlay District.) and Downtown Overlay District.

**SETBACKS /  
HEIGHT:**

This plan conforms to all minimum setback standards. Front yard = 10', rear yard = 170', front / rear aggregate = 180', side yard = 0', side yard aggregate = 0'. This plan conforms to maximum height standards in this zoning district. Proposed height of the building is 48'.

**PARKING:**

Off-street parking conforms to minimum requirements: No spaces required, based on Section 10-2081(c) (1) which exempts parcels of land used for church purposes prior to 1950.

**LANDSCAPING:**

Street yard landscaping in conformity with Section 10-2082.5 is shown. Vehicular surface area landscaping in conformity with Section 10-2082.6 is shown. This is a low impact use under Section 10-2082.9. Transitional protective yards are not required given the adjacent uses.

**TREE  
CONSERVATION:**

As this site is less than 2 acres in size and there are no wooded areas along the thoroughfare, no tree conservation areas were required.

**PHASING:**

This is a one phase development

**OPEN SPACE:**

The Downtown 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 1/2 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 1.79 acres, the base minimum amount of open space required for the tract is 3,899 square feet. The applicant's plan for a minimum of 4,039 square feet of qualifying open space is to be provided through an existing qualifying courtyard near the northwest corner of the site and a new plaza on the west side of the new building. The configuration of these open spaces meets the provisions of the code.

There are areas of the site, along Salisbury and Morgan streets, where existing buildings and structures preclude the installation of the full 14' wide sidewalks and the applicants are seeking an alternate approval, in accordance with Code Section 10-2051(d)(5), to allow these structures to remain. Staff supports the requested alternate. The proposed open space exceeds the minimum 5% requirement by 140 square feet and the alternate open space is available for use by employees and visitors.

**UNITY OF DEVELOPMENT:**

Unity of development and sign criteria are not required in this development. However, the applicants are proposing to use a similar brick on the new building that closely matches that used on the adjacent historic church sanctuary.

**COMPREHENSIVE PLAN:**

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

**THOROUGHFARE / COLLECTOR PLAN:**

Dedication of right-of-way and construction of the following streets are required by the Thoroughfare and Collector Street Plan:

<b>Street</b>	<b>ROW</b>	<b>Construct</b>	<b>Slope Esmt.</b>
Salisbury Street	130'	N/A	N/A
Hargett Street	90'	N/A	N/A
Morgan Street	130'	N/A	N/A

Salisbury Street is a designated as a Principal Arterial in the Comprehensive Plan. The applicant would normally be required to provide ½ of a 130 foot right of way which in this case would necessitate the dedication of an additional 32' of right of way given the existing 66' right-of-way. Hargett Street is a designated as a Minor Thoroughfare in the Comprehensive Plan. The applicant would normally be required to provide ½ of a 90 foot right of way which in this case would necessitate the dedication of an additional 12' of right of way given the existing 66' right-of-way. Morgan Street is a designated as a Secondary Arterial in the Comprehensive Plan. The applicant would normally be required to provide ½ of a 130 foot right of way which in this case would necessitate the dedication of an additional 32' of right of way given the existing 66' right-of-way. In cases where dedicated right of way will result in an existing use to be located in the future right of way, Section 3.1 of the *City of Raleigh Streets, Sidewalk, and Driveway Access Handbook*, grants the Public Works Director the authority to reduce the r/w widths. The applicants received a reduction adjustment from the Public Works Director for the required dedication of additional right-of-way (see attached letter) given the existing conditions of the site (the building face already encroaches slightly into the right-of-way) and other existing conditions in the vicinity as well as the fact that this street is an extension of a street set forth in the original Christmas Plan of the City and the 66' right-of-way is consistent with that plan.

**TRANSIT:** No transit-oriented features are incorporated into the proposed plan. This site is presently served by the existing transit system and a transit stop is already adjacent to the site.

**URBAN FORM:** This site is located in the Central Citizen Advisory Council. Because the site is located within the boundaries of the Downtown Element of the 2030 Comprehensive Plan, the Downtown Urban Design Guidelines, as well as the policies of the Downtown Element and Urban Design Element apply to the site. These elements call for pedestrian-oriented urban buildings, and identify Salisbury Street as a Priority Pedestrian Street and a Secondary Retail Street. The site plan features a multi-story building and parking lot improvements. While the new building does not contain service, retail or professional services, it does feature an at-grade entrance, large ground floor windows, pedestrian-scale

building features, and space that can be used for community gatherings. The site plan also features additional seating and planting areas to help enhance the pedestrian realm along Salisbury Street. In addition, the site plan includes additional parking screening and widening of sidewalks on Hargett Street, and replacement of a portion of the rear parking lot with a hardscape open/gathering space.

**HISTORIC DISTRICTS:**

The existing building is not a designated Historic Landmark, but it is adjacent to a designated Historic Landmark. The building and site are located in the Capitol Square Historic Overlay District and National Register listed Capitol Area Historic District. A Certificate of Appropriateness (COA) (012-10-CA) for the demolition of the Education Building (112 S Salisbury Street) was conditionally approved effective March 1, 2011 following a 365-day demolition delay period. Conditions of approval were met February 24, 2011 at which time the blue placard form of the COA was printed. A separate COA (135-10-CA) for the construction of a new building was conditionally approved November 1, 2010. Materials pertaining to the conditions of approval were submitted April 6, 2011 and are undergoing staff review.

**APPEARANCE COMMISSION:**

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

<b>Comment</b>	<b>Response</b>
The committee recommends that, given the proposal's overall effort to unify site design elements, that the appearance of the parking attendant gatehouse be modified to be of a quality more consistent with that of the new building [commensurate with Code Sec. 10-2132.2(d)(2)].	We are constructing a new brick site wall at Hargett Street similar to the brick walls at the Morgan Street entrance. The gatehouse will be moved from its present location back towards the parking lot and slightly in from the entry drive. We would like the new brick wall to serve as a screen to conceal the gatehouse.

**SUBDIVISION STANDARDS:**

**BLOCK LAYOUT:** No new streets are required or proposed.

**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.

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

**PEDESTRIAN:** Proposed sidewalk locations conform to City regulations. A 14' wide sidewalk is required along the property's frontage on Salisbury Street and Hargett street where construction activity is proposed. In other areas of the site along Hargett, Morgan and Salisbury where there are existing buildings and structures, as well as historic foundation plantings, the applicants are seeking an alternate open



space design that would allow them to remain as shown on the plans. Staff and the Historic Districts Commission support the alternate open space proposal.

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

**STORMWATER ANAGEMENT:** This project is showing compliance with the stormwater regulations of part 10, chapter 9 through a reduction in impervious surfaces. The existing impervious surfaces are 1.64 acres. The proposed imperviousness is 1.57 acres. A decrease in stormwater runoff is shown in the post-developed condition for the 2 and 10 year storms.

**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.