



# 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-14-11 / 600 St. Marys

**General Location:** The north side of Johnson Street, between Gaston Street and St. Mary's Street

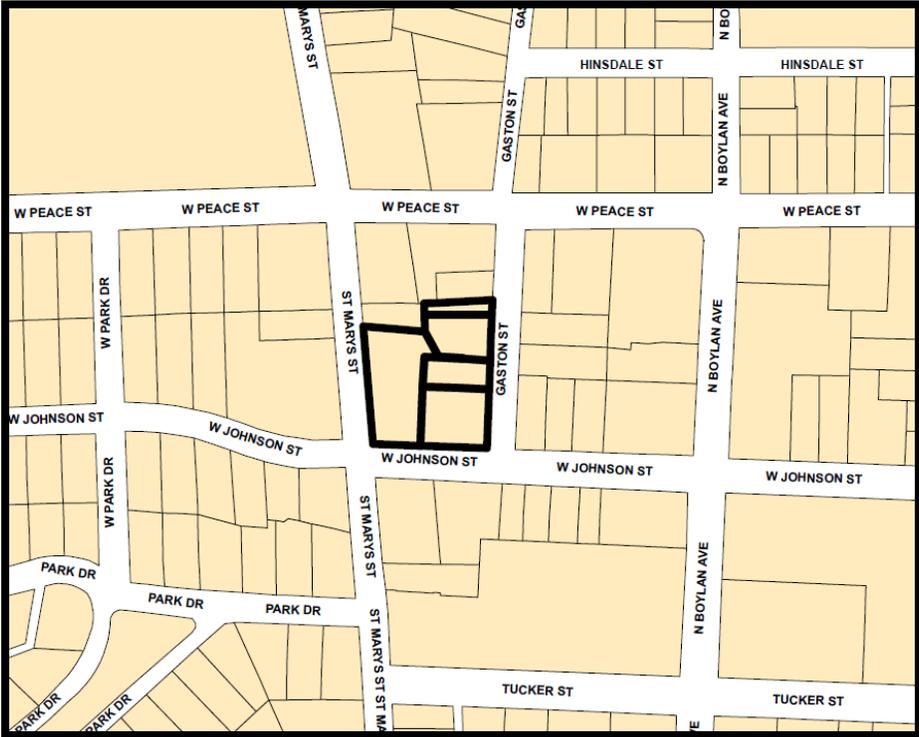
**Owner:** RP, LLC (Developer)  
**Designer:** JDavis Architects, PLLC, The Housing Studio, John A. Edwards & Co., EDR Engineering

**CAC:** Hillsborough

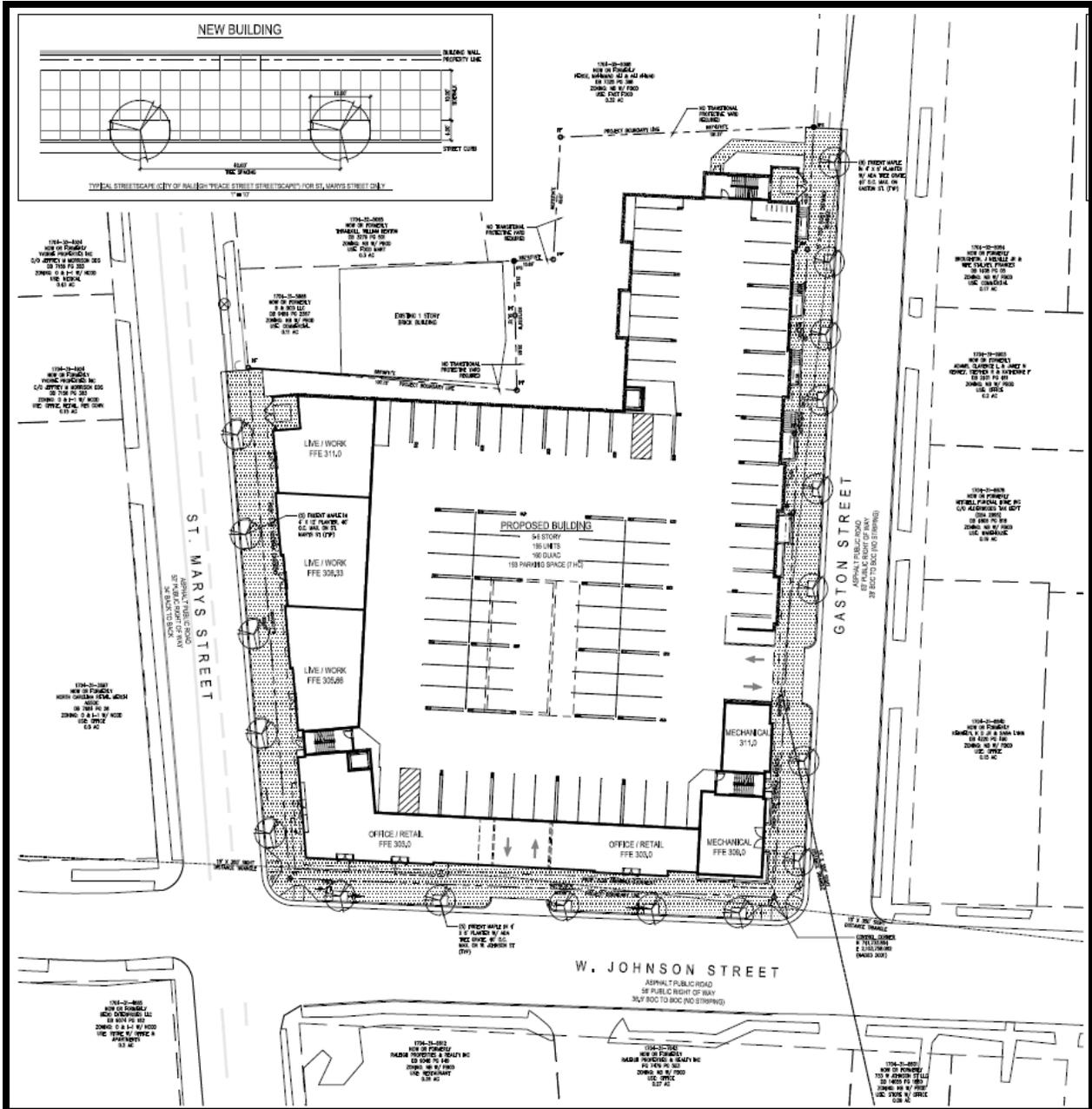
**Nature of Case:** This request is to approve a 119,922 square foot mixed-use building comprised of 145 dwelling units, 7,296 square feet of service and retail facilities, 4,225 square feet office and a two level parking deck containing 143 parking spaces on a 1.22 acre site zoned Neighborhood Business and Pedestrian Business Overlay District. The existing structures on the site (including the former Mitchell's Funeral Home) will be demolished. As this request in the Pedestrian Business Overlay District is to allow increased residential density above 40 units per acre (119 units per acre proposed), also included in this request is open space alternate for the 14' sidewalks along Gaston Street and St. Mary's street, Planning Commission approval is required.

**Key Issues:** Increase in residential density above 40 units per acre; proposed alternate for providing a 14' wide sidewalk along portions of Gaston Street and St. Mary's.

**Contact:** Ken Thompson, JDavis Architects, PLLC



**SP-14-11 / 600 St. Marys Street – Site Location Map**



SP-14-11 / 600 St. Marys Street – Preliminary Site Plan (Ground floor)

**SUBJECT:** SP-14-11 / 600 St. Marys

**CROSS-  
REFERENCE:** N/A

**LOCATION:** This site is located on the north side of Johnson Street, between its intersections with St. Mary's Street and Gaston Street, inside the City Limits.

**REQUEST:** This request is to approve a 119,922 square foot mixed-use building comprised of 145 dwelling units, 7,296 square feet of service and retail facilities, 4,225 square feet office and a two level parking deck containing 143 parking spaces on a 1.22 acre site zoned Neighborhood Business and Pedestrian Business Overlay District. As this request is in the Pedestrian Business Overlay District and a request to allow increased residential density in the Business District is being made (density of 119 units per acre), also included in this request is open space alternate for the 14' sidewalks along Gaston Street and St. Mary's street, Planning Commission approval is required.

---

**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 4-7-11, owned by RP, LLC, submitted by JDavis Architects, PLLC.

---

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

**VARIANCES /  
ALTERNATES:**

**A:** On May 3, 2011, the City Council approved a variance from the requirement that St. Marys Street be widened and constructed to a divided multi-lane roadway with an 80' right-of-way along their property's frontage. Given the existing context of the St. Marys Street area, the existing right-of-way width was found to be adequate.

**B:** The applicants are seeking an open space alternate to allow for stoop encroachments into portions of the required 14' wide sidewalks along Gaston Street.

**C:** The applicants are seeking an open space alternate to allow for open space and elongated tree pits (4x12) instead of the standard 4x6 ADA- compliant tree grates.

To PC: 5/10/11

**Case History:**

**Staff Coordinators:** Eric Hodge, AICP & Jacque Baker

**Motion:** Harris Edmisten

**Second:** Batchelor

**In Favor:** Butier, Anderson, Bartholomew, Batchelor, Fleming, Haq, Harris Edmisten, Schuster, Smith and Sterling Lewis

**Opposed:**

**Excused:** Mattox

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: May 10, 2011

date: May 10, 2011



## 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 preliminary site plan, Code Section 10-2132.2(d);
- (2) That the Planning Commission finds that this site plan meets the standards for approval of a residential development in a Neighborhood Business Zone located in the Pedestrian Business Overlay District in accordance with Code Section 10-2051(d)(1) subsections b and c , providing sufficient open space, parking, minimum net lot area, and minimum yard setbacks;
- (3) 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 the Pedestrian Business Overlay District in accordance with Code Section 10-2051-(d)(1)c tier 2, providing parking in a deck which meets the standards of 10-2051-(d)(1)c3. and service and retail facilities which meets the standards of 10-2051-(d)(1)c4;
- (4) That in accordance with Code Section 10-2055(d) (4),last paragraph, the Planning Commission approves a reduction to the 14' wide sidewalk along portions of Gaston Street to allow for the encroachment of stoops and stairs serving the residential units;
- (5) That in accordance with Code Section 10-2055(d) (4),last paragraph, the Planning Commission approves a reduction to the 14' wide sidewalk along portions of St Mary's Street for a 3' deep planter adjacent to the building;

**Administrative Actions:**

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

- (6) That demolition permits for the existing structures on site be issued by the Inspections Department;
- (7) That a recombination map creating a single lot on the site is approved by the Planning Department and recorded at the Wake County Register of Deeds;
- (8) 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

- (9) That a stormwater control plan with a site specific stormwater operations and maintenance manual and budget, shall be approved by the Stormwater Engineer in compliance with Part 10, Chapter 9 prior to permitting. The operations and maintenance manual is to include all construction costs for the proposed stormwater devices used for compliance with Part 10, Chapter 9. Payment in the amount of 24% of the total construction costs for the stormwater devices is to be paid to the City of Raleigh prior to building permit approval. The operations and maintenance manual is to note the amount of the 24% payment;
- (10) That a stormwater control plan with a site specific stormwater operations and maintenance manual and budget, shall be approved by the Stormwater Engineer in compliance with Part 10, Chapter 9 prior to permitting. The operations and maintenance manual is to include all construction costs for the proposed stormwater devices used for compliance with Part 10, Chapter 9. Payment in the amount of 24% of the total construction costs for the stormwater devices is to be paid to the City of Raleigh prior to building permit approval. The operations and maintenance manual is to note the amount of the 24% payment;
- (11) That as the Developer is proposing to increase the storm pipe crossing in Johnson Street from a 24 inch to a 30 inch reinforced concrete pipe an encroachment agreement is required and must be approved by the City Council by separate action. An application for encroachment shall be submitted to the City's Encroachment Coordinator in the Public Works Department for review, and the City Council shall 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 developer;

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

- (12) That at time of permitting, the owner is to show how the sand filter complies with all major design criteria of the NCDENR BMP manual.
- (13) 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 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 developer;
- (14) That a landscape permit is obtained from the urban forester in the Parks and Recreation Department for landscaping in the public right-of-way;
- (15) That a fee-in-lieu for 5' of asphalt along Gaston Street in an amount determined by the City Engineer, is paid in the Public Works Department;

- (16) That a revised preliminary plan be submitted showing (option#3 located in the file) as it relates to the reduction in sidewalk with along St. Mary's Street and the 3' 4x6 ADA compliant tree grates; and
- (17) That the City Attorney approves a sidewalk easement for the portion of the proposed pedestrian ways on private property adjacent to public right of way.

---

**ZONING:**

**ZONING  
DISTRICTS:**

Neighborhood Business and Pedestrian Business Overlay District.

**SETBACKS /  
HEIGHT:**

This plan conforms to all minimum setback standards. Front yard = 7', rear yard = 5', front / rear aggregate = 12', side yard = 4', side yard aggregate = 11'. This plan conforms to maximum height standards in this zoning district. Proposed maximum height is 80', and complies with the Peace Street Streetscape and Parking Plan.

**PARKING:**

Off-street parking conforms to minimum requirements: 140 spaces required, based on one parking space per unit with the PBOD exempting the first 16 units and one parking space per 400 square feet of office uses; 143 spaces are provided. Requisite bicycle parking required by 10-2055(e) (6) has been provided in the parking deck and along the public sidewalks.

**LANDSCAPING:**

Street yard landscaping in conformity with Section 10-2082.5 is shown. Vehicular surface area landscaping is not required as all parking is within a structure. Transitional protective yards are not required for this high residential density use given the adjacent commercial uses.

**TREE  
CONSERVATION:**

As this site is less than 2 acres in size and there are no wooded areas with a basal area of 30 along the thoroughfare, no tree conservation areas were required.

**DEVELOPMENT  
INTENSITY:**

A density of 119 units per acre is proposed. The applicants are allowed increases in residential densities in excess of 40 units per acre through the Pedestrian Business Overlay District. For each standard articulated in the Pedestrian Business Overlay District that the Planning Commission finds the plan compliant with, an increase in density of 60 units per acre is allowed. At the proposed density of 119 units per acre, the plan would have to meet two standards to achieve the desired density. The applicants purport that their plan meets two of these standards. These standards are stated below:

Parking Deck: At least eighty (80) per cent of the off-street parking spaces provided are contained in a multilevel parking structure. Parking decks shall be visually integrated into the *principle building*. Parking decks shall be designed to be compatible with other *buildings* on the site by using compatible *building materials* and architectural designs, as reflected in scale, color, texture, fenestration, width, height, roof lines, and other similar architectural gauges. However, parking decks located within the interior of the *property* and not visible from any public *street*, private *street*, common open space area or adjacent *property* shall be exempt from this provision. No more than seventy-five (75) feet total of the ground level of the sides of the *building* or parking

deck (measured twenty (20) feet deep from the facade of the *building*) located on the sides of the *lot fronting* a public *street*, private *street* or common open space area *shall* be devoted to parking, driveways and/or *loading areas*. The proposed parking deck has been evaluated by staff and was found to be compliant with these standards.

Service and retail facility: The development contains on-site a minimum of fifty (50) square feet per unit for the total number of units within the development of service or retail facilities to serve the *residents*. Such facilities may include *retail sales - convenience, retail sales - personal services, eating establishment, food store-retail, movie theater-indoor, recreational indoor use - commercial* and medical and dental offices. No service or retail facility *may* be located on the site unless it is permitted by the underlying zoning district and unless otherwise approved by the *City Council* in accordance with §10-2051(d)(1)a.5. Based on the number of units proposed, 7,250 square feet of service and/or retail facilities are required. The applicants plan shows 2,933 square feet of retail space and 4,363 square feet of work space in live-work units that will be dedicated to qualifying retail/service uses.

**OPEN SPACE:** The Pedestrian Business 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 ½ 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 1.22 acres, the base minimum amount of open space required for the tract is 2,657 square feet. The applicant's plan for a minimum of 9,208 square feet of qualifying open space is to be provided through 14' wide sidewalks (with some encroaching stoops on Gaston Street) and a qualifying elevated courtyard in the center of the proposed building that meets the configuration provisions of the code. The proposed open space exceeds the minimum 5% requirement by 6551 square feet.

The applicants are seeking an alternate approval, in accordance with Code Section 10-2055(d)(4), to allow stoops and stairs to encroach into the 14' wide sidewalk along Gaston Street. The effect of the encroachments reduces the required 14 foot wide sidewalk width by 3' in some places thereby rendering the sidewalk down to a width of 11' in some portions. The approving body is allowed to make this reduction if it finds that the reduction is in accordance with the general plans for the physical development of the City as embodied in the Comprehensive Plan.

The applicants are also seeking an alternate approval, in accordance with Code Section 10-2055(d)(4), to allow reduction of the 14' sidewalk with along St. Mary's Street down to a 11' sidewalk with 3' 4x6 ADA compliant tree grates;

**PHASING:** This is a one phase development.

**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:**

May 3, 2011, the City Council approved a variance from the requirement that St. Mary's Street be widened and constructed to a divided multi-lane roadway with an 80' right-of-way along their property's frontage. Given the existing context of the St. Mary's Street area, the existing right-of-way width was found to be adequate.

**TRANSIT:** The following transit-oriented features of this site are incorporated into the proposed plan: a leaning rail located in the right-of-way and a canopy on the façade of the St. Mary's Street side of the building to allow for shelter for passengers awaiting a bus. This site is presently served by the existing transit system.

**URBAN FORM:** This site is located within the boundaries of the Downtown Element of the 2030 Comprehensive Plan and the Peace Street PBOD, with guidance given in the Downtown Element and Urban Design Elements of the comprehensive plan, as well as the Peace Street Streetscape and Parking Plan. These elements call for pedestrian-oriented buildings and sites, and transitions to adjacent neighborhoods. The site plan addresses these goals through the use of the following: wide sidewalks, street trees, ground floor commercial space, durable building materials, multiple connections to the street, screening and wrapping of structured parking and transitions in building height.

**Table UD-1  
Design Guideline #2**

**Mixed-use Areas/Transition to Surrounding Neighborhoods**

Within all mixed-use areas, buildings that are adjacent to lower density neighborhoods should transition (height, design, distance, and/or landscaping) to the lower heights or be comparable in height and massing.

**Policy DT 1.11  
Downtown Edges**

Appropriate transitions in height, scale, and design should be provided between Central Business District land uses and adjacent residential districts. (1, 6)

**Key points**

- The site is on the edge of the PBOD- properties on the west side of St Mary's Street are zoned O&I 1 NCOD. Those properties do not have a 14' sidewalk requirement, and will not be permitted to accommodate the amount of density and height as is permitted on the east side of St Marys St (PBOD)
- The site plan includes transitions of height, scale, and streetscape design as called for in UDG 2 and DT 1.11. The small landscaping areas adjacent to the building helps accomplish this transition and is a method to promote compatibility with development across the street, where

buildings are typically not located directly adjacent to the sidewalk, rather they are set back behind a surface parking lot or landscaped front yard.

**HISTORIC /  
DISTRICTS:**

The existing building is not a designated Historic Structure. This site is not located in or adjacent to a designated Historic District.

**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>  |
|---|--|
| 1. The committee recommends that the building's north elevation be detailed and articulated (e.g., battens, color bands, bays, etc.) more consistently with other facades visible from nearby streets [commensurate with Code Sec. 10-2132.2(d)(2), (4) & (6)]. | At the request of the DRC, we have added further architectural detail to the North elevation. Window bays have been added and the fenestrations have been re-spaced to add more architectural articulation to the North Elevation facing Peace Street. The developer has also added accent colors and changed the materials at the north corner of the building on St. Mary's Street for more visual interest. Line work has also been added to graphically represent battens and trim to break down the scale of the facade.  |
| 2. Relocate the mechanical rooms away from the building corner at the intersection of Gaston and Johnson streets, to allow the corner to be actively engaged with usable space [commensurate with Code Sec. 10-2132.2(d)(2) & (4)].                             | The architect and PM&E engineers have reviewed the plans and the only other alternative location to site the mechanical rooms is at the intersection of Johnson and St. Mary's Streets or along Johnson Street. The rooms need to be located as closely as possible to the lowest corner of the building and the design team feels that this is the best location for several reasons. Good planning practices would have the retail on Johnson Street across from the current retail and restaurant uses rather than on Gaston Street. On the eastern side of Gaston Street is an office building that is fenced off to the surrounding community and faces Johnson Street and there are currently no active uses at this intersection. |
| 3. Locate street trees strategically, to frame ground-floor building components (entrances, etc.)   | The developer is willing to relocate the trees as requested, but the standard streetscape planting detail  |

[commensurate with Code Sec. 10-2132.2(d)(2)][Peace Street Streetscape and Parking Plan].

calls for the trees to spaced 40' on center. If the planning commission will grant us an alternate from the standard the developer will be willing to accept the request as a condition of approval and work with city staff prior to issuance of the building permit.

4. Add planters at the base of building walls, especially on St. Mary's Street, as an added means of transitioning to the adjacent neighborhood [commensurate with Code Sec. 10-2132.2(d)(2)] ][ Peace Street Streetscape and Parking].

The developer is willing to provide the additional planting areas as requested, but the standard streetscape planting detail calls for 14' sidewalks. If the planning commission will grant us a reduction from the standard the developer will be willing to accept the request as a condition of approval. The developer proposes a 4' wide planter between the back of curb and sidewalk, a 5' wide sidewalk and a minimum 5' wide planting bed from the back of sidewalk to the building. The final design is to be developed with staff to accommodate the section described above and accommodate the transit stop and building entrances prior to issuance of the building permit.

**SUBDIVISION**  
**STANDARDS:**

**BLOCK LAYOUT:** The existing street layout conforms to City Code, providing for efficient circulation of traffic within the entire neighborhood area. The maximum block length in this development meets the 1500-foot standard as noted in the Streets, Sidewalks and Driveway Access Handbook. No dead end street in this development exceeds 800 feet in length.

**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:** Service to be provided by private contractor.

**CIRCULATION:** Proposed street, sidewalk and driveway improvements shall conform to normal City construction standards.

**PEDESTRIAN:** A sidewalk is required along the property's frontage on St. Marys Street, Johnson Street and Gaston Street. Proposed sidewalk locations conform to City regulations with the exception of portions of Gaston Street and St. Mary's Street. The portions along Gaston Street where proposed stoops and stairs to encroach into the 14' wide sidewalk along Gaston Street and along St. Mary's Street there will be a 3' 4x6 ADA compliant tree grates with landscaping and 11' sidewalk. The effect of the encroachments reduces the width of the sidewalk by 3' in some places thereby rendering the sidewalk down to a width of 11' in some portions. Portions of the sidewalks will be located on private property and will be subject to a public sidewalk easement.

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

**STORMWATER  
MANAGEMENT:**

This site is subject to stormwater management. Stormwater nitrogen reduction and stormwater runoff controls in accordance with Chapter 9 of Part 10 of the Raleigh City Code. Part 10, Chapter 9. Proposed stormwater control measures are shown in accordance with the Raleigh Stormwater Control and Watercourse Buffer Manual. Underground piped detention is being utilized for water quantity requirements. A sand filter and one time buy down to NCEEP are proposed to satisfy water quality requirements;

This project has chosen to offset a portion of nitrogen load limitations by paying monies to the North Carolina Department of Environment and Natural Resources fund. [10-9022(c)].

**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.

Option #3 St. Mary's Street alternate

