



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-16-12 / Skyhouse Apartments

General Location: The south side of Martin Street Wilmington Street and Blount Street.

Owner: Edison Land, LLC
Consultant: JDavis Architects, PLLC

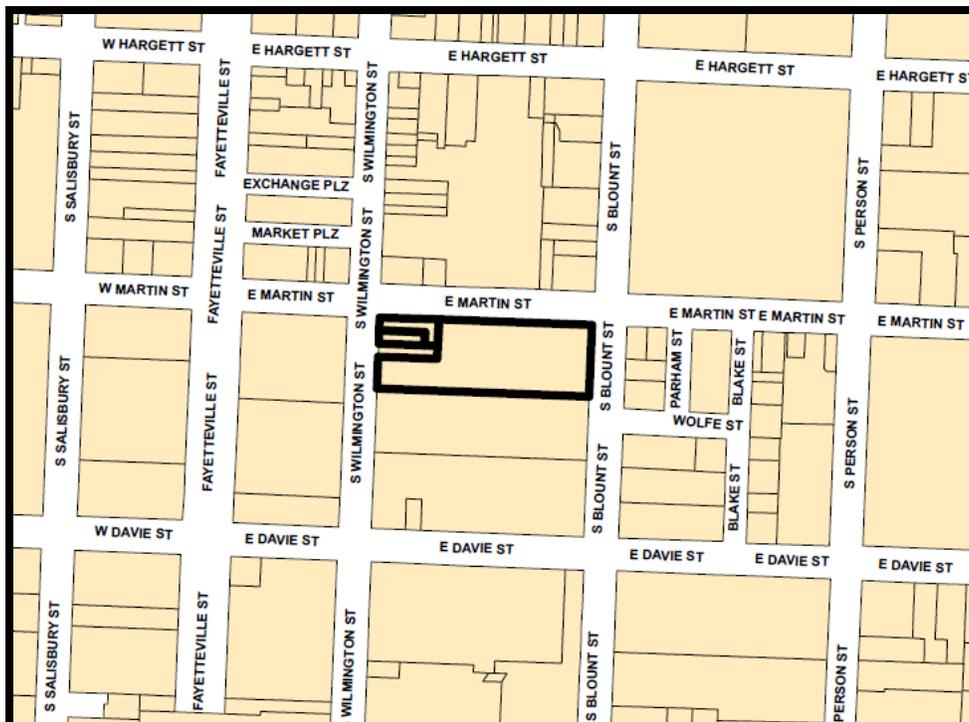
CAC: Central

Nature of Case: The proposal is for a 358,986 square foot 23 story mixed use building comprised of 320 dwelling units (246 dwelling units per acre) and 19,223 square feet of ground-floor retail space (of which 7,159 SF is new and 12,064 is existing proposed to remain on the western site) on a 1.3 acre site zoned Business Zone and Downtown Overlay District. This proposal requires Planning Commission approval for the following reasons: (A.) It is for a building over 10,000 square feet in the Downtown Overlay District; (B.) The proposal includes additional residential density in the Downtown Overlay District; and (C.) The proposal includes retail uses within 400' of a lot line containing a dwelling.

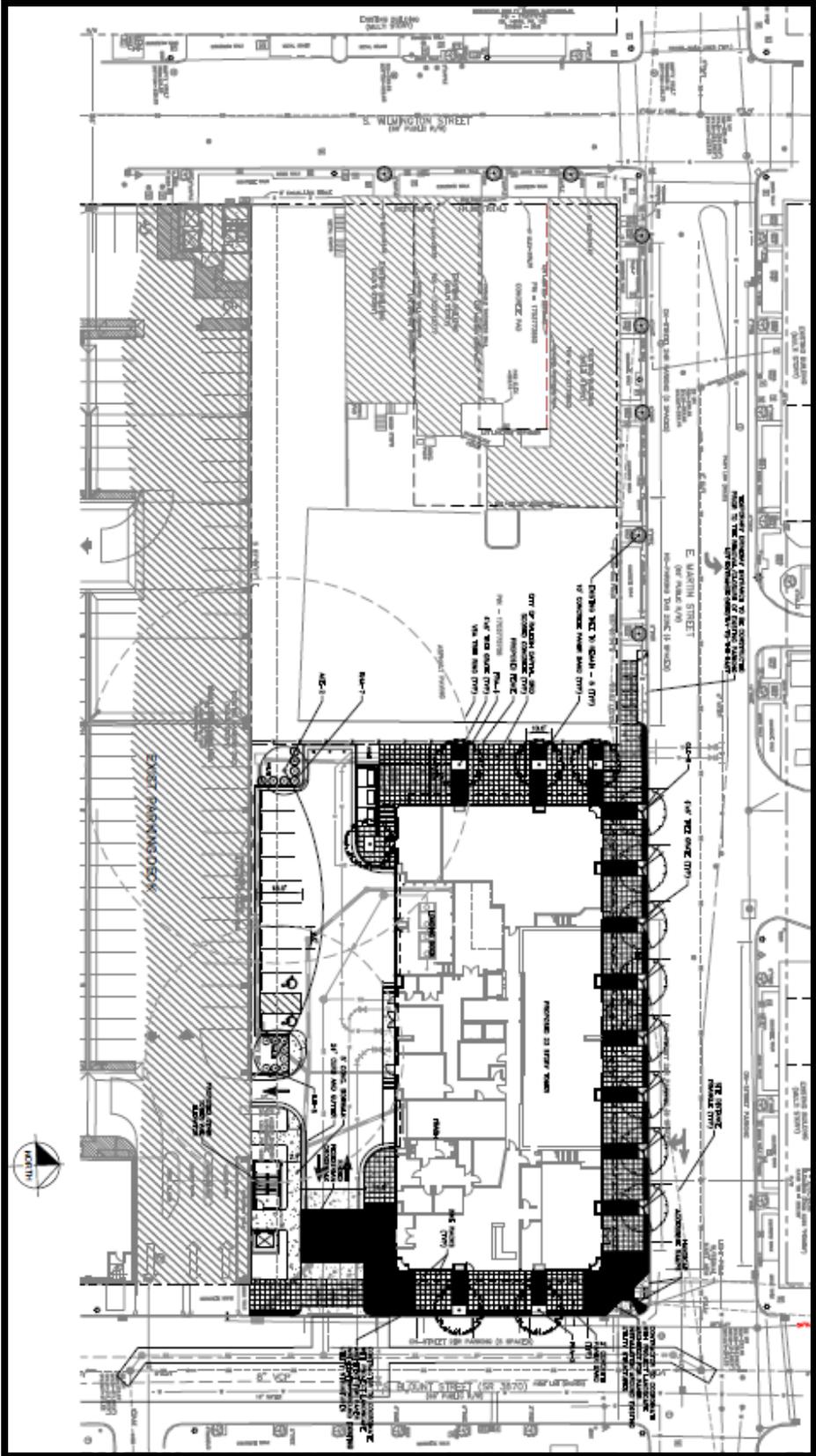
Key Issues:

- Need to provide 14' sidewalk on a portion of Martin St. where feasible.
- Need for landscaping in existing vehicular surface area proposed to remain.
- Adequacy of proposed screening of adjacent parking deck.

Contact: Ken Thompson, JDavis Architects, PLLC



SP-16-12 Skyhouse Apartments – Location Map



SP-16-12 Skyhouse Apartments – Preliminary Site Plan

SUBJECT: SP-16-12 Skyhouse Apartments

CROSS-REFERENCE: SP-37-07 Blount Street Parking Deck, SP-54-08 The Edison, SP-67-11 Edison Apartments

LOCATION: This site is located on the south side of Martin Street, between its intersection with Wilmington Street and Bount Street, inside the City Limits.

REQUEST: The proposal is for a 358,986 square foot 23 story mixed use building comprised of 320 dwelling units (246 dwelling units per acre) and 19,223 square feet of ground-floor retail space (of which 7,159 SF is new and 12,064 is existing proposed to remain on the western end of site) on a 1.3 acre site zoned Business Zone and Downtown Overlay District. This proposal requires Planning Commission approval for the following reasons:
(A.) It is for a building over 10,000 square feet in the Downtown Overlay District;
(B.) The proposal includes additional residential density in the Downtown Overlay District; and
(C.) The proposal includes retail uses within 400' of a lot line containing a dwelling.

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 this request conforms to Chapter 2, Part 10, Sections 10-2043, 10-2051, 10-2132.2, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated June 16, 2012, owned by Edison Land, LLC, submitted by JDavis Architects, PLLC.

ADDITIONAL NOTES: This plan represents a modification to the previously approved plan for the northern third of this block. The previous plan, SP-54-08 The Edison, included a 38 story mixed-use tower and a 29 story mixed-use tower as well as 8 levels of parking deck on this portion of the block.

VARIANCES / ALTERNATES: The applicants have received a variance from the requirements from right of way dedication for Blount Street, Martin Street and Wilmington Street. The existing right-of-way is 66' wide and the existing roadway width is built to a 43' +/- back of curb to back of curb. 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 6/19/12.

To PC: 6/26/12

Case History:

Staff Coordinator: Eric Hodge, AICP

Motion: Haq

Second: Fleming

In Favor: Butler, Fleming, Fluhrer, Harris Edmisten, Haq, Mattox, Schuster, Sterling Lewis, Terando

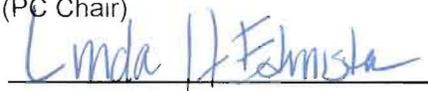
Opposed:

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: 6/26/12

date: 6/26/12



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 residential development in a Business Zone District located in the Downtown Overlay District in accordance with Code Section 10-2051, providing sufficient open space, parking, minimum net lot area, and minimum yard setbacks;
- (2) That the Planning Commission finds that the increase in building height to 264' are in accordance with the general plans for the physical development of the City as embodied in the current Raleigh Downtown Urban Design Guidelines;
- (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 Downtown Overlay District in accordance with code Section 10-2051(d)(1)c by (A) being located in the central downtown area, Tier I subsection ii (B) providing parking in a deck which meets the Code standards, Tier II subsection 3 (C) containing adequate amounts of service or retail facilities (at least 50 SF per unit), Tier II subsection 3 (D) providing public art; all of which are consistent with 10-2051(d)(1)c;
- (4) That the Planning Commission finds that the alternate method of open space proposed regarding maintaining sidewalks less than 14' in width is approved only for those portions of the site where existing buildings proposed to remain preclude the installation of 14' wide sidewalks. In accordance with Code Section 10-2051(d)(5), the applicants shall revise the proposed plan to include a 14' wide sidewalk along the section of Martin Street that lies east of the existing building all the way to Blount Street as there are no pre-existing conditions which preclude its installation;

Administrative Actions:

Prior to issuance of a site review permit or construction drawings, whichever occurs first:

- (5) That as the developer provide measures to requesting an exemption from the stormwater runoff control provisions under 10-9023(b), detailed engineering studies shall be submitted to the Conservation Engineer in the Public Works Department (before land disturbance or lot recording, whichever comes first) that show the increase in peak stormwater runoff between pre-development and post-development conditions for the two and ten year storm is ten percent (10%) or less at each point of discharge. If this cannot be demonstrated, then the runoff control provisions must be provided. The stormwater generated from the site shall not be increased

as a result of this development; additional stormwater measures are to be provided and approved;

- (6) That a nitrogen offset payment must be made to a qualifying mitigation bank;
- (7) Subject to the issuance of an encroachment agreement by NCDOT, the developer shall replace the two twenty four inch vitrified clay storm pipes running along the eastern property line along Blount Street of this property (313 S Wilmington Street) to a point just north of the Blount Street intersection with Martin Street., approximately 195 feet in length. A copy of the approved encroachment agreement is to be provided to the stormwater division of the City prior to issuance of grading permit or approval of the construction drawings. But if NCDOT finds that no action is required with respect to replacement of the storm pipes and refuses to accept an encroachment agreement, the developer shall provide documentation of this refusal to the stormwater division of the City prior to grading permit or construction drawings, whichever occurs first;
- (8) That the plans be revised to include landscaping in full conformance with 10-2082.6 including the installation of a visually modifying screen or barrier of plants, closed fences, walls, earthen berms or any combination thereof that meets the requirements of Section 10-2082.6 between sidewalk and the existing surface parking lot;
- (9) That the plans be revised to include a minimum of a 14' wide sidewalk along Martin Street except for those portions where existing buildings preclude it;
- (10) That the landscape plans be revised per the City's Urban Forester in the Parks & Recreation Department to reflect the following changes:
 - A. Change tree species to match the trees along the corridor. Trees selected for Blount Street shall be Red Oak (either Nuttal, Shumard or Overcup). Trees selected for Martin Street shall be Lacebark elm (*Ulmus parvifolia*, cultivar: Bosque).
 - B. Increase the caliper size of the trees to at least 2.5".
 - C. Reduce the number of trees on Martin Street to be 35' on center. The proposed 20' on center is too close.
- (11) That the developer acknowledge on the plans and submit a written statement for review that the requisite amount of retail and/or service facility associated with the density bonus is to be provided in perpetuity on the site except for a reasonable period of time to allow construction of new buildings on the site that would replace existing retail and/or service space and subsequently provide the required retail and/or service facilities unless the City Code no longer ties density bonuses to the provision of specified amounts of retail and/or service facilities for this site. The owner agrees in writing that it and its successors and assigns that the residential apartments shall be discontinued should the required retail and service facilities located outside the apartment building are no longer provided;

Prior to approval of construction drawings for public or private improvements:

- (12) The proposed sand filter shall meet all design criteria of the NCDENR BMP manual;
- (13) 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;

Prior to issuance of building permits:

- (14) That infrastructure construction drawings are approved by the City;
- (15) That an encroachment agreement for any existing buildings to remain, plantings, planters, awnings or stormwater drainage systems that carry private drainage to be located within the public right-of-way is approved by the City Council and/or NCDOT (if applicable) 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;
- (16) That a landscape permit is obtained from the urban forester in the Parks and Recreation Department for landscaping in the public right-of-way;
- (17) That any work that takes place on adjacent properties owned by others will require notarized permission or temporary construction easements signed by all impacted owners;
- (18) That the City Attorney approve a public sidewalk easement deed for any portion of the proposed pedestrian ways on private property adjacent to public right-of-way on surrounding streets including Martin and Blount;
- (19) That recombination maps be recorded, recombining the existing lots into a single tract; The public sidewalk easements required shall be shown on the recombination plat;
- (20) Within the operations and maintenance manual, the engineer is to provide the total construction costs of the stormwater BMP for this site. The amount equaling 24% of the total construction costs is to be shown in the manual. The 24% payment is to be made to the City of Raleigh prior to approval of any building permits;
- (21) That 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 and the plats shall contain the following note: "All private storm drainage easements & stormwater measures will be maintained by the owner. The private drainage easements shall tie to the public right of way;
- (22) That a downstream sewer study is conducted to show that added flow will

not create a capacity issue;

- (23) 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);

ZONING:

ZONING DISTRICTS: Business Zone with Downtown Overlay District.

SETBACKS / HEIGHT: This plan conforms to all minimum setback standards. Martin Street = -2' – 5', Wilmington Street = -3', Blount Street = 5', Rear Yard = 0'. This plan conforms to maximum height standards in this zoning district. Proposed height of the building is a maximum of 264'.

PARKING: Off-street parking conforms to minimum requirements: 304 spaces required, based on 1 parking space per dwelling unit (exempting the first 16 units and an exemption for up to 30,000 SF of ground floor retail). 304 spaces are being provided within the existing adjacent deck located to the north of the site. The spaces proposed for utilization within the existing deck are not allocated to meet any other development's parking requirements. As such, code allows the off-site spaces to be counted as they are within 800' of the subject property. While the Downtown Overlay District does not require any bicycle parking facilities, 16 bicycle spaces are proposed.

LANDSCAPING: Street yard landscaping in conformity with Section 10-2082.5 is shown. However, the City's Urban Forester in the Parks and Recreation Department has suggested the following changes in the plan:

- A. Change tree species to match the trees along the corridor. Trees selected for Blount Street shall be Red Oak (either Nuttal, Shumard or Overcup). Trees selected for Martin Street shall be Lacebark elm (Ulmus parvifolia, cultivar: Bosque).
- B. Increase the caliper size of the trees to at least 2.5".
- C. Reduce the number of trees on Martin Street to be 35' on center. The proposed 20' on center is too close.

Vehicular surface area landscaping is not shown in conformity with Section 10-2082.6 in the area of the existing parking lot proposed to remain on site. A recommended condition of approval would require the installation of a visually modifying screen or barrier of plants, closed fences, walls, earthen berms or any combination thereof that meets the requirements of Section 10-2082.6 between sidewalk and the existing surface parking lot and the sidewalk.

Transitional Protective Yards: This is a high density residential use under Section 10-2082.9. No transitional protective yards are required given the only adjacent use is a parking deck containing ground-floor retail spaces.

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 meet the requisite standards of code section 10-2082.14.

**DEVELOPMENT
DENSITY:**

The applicants are allowed increases in residential densities in excess of 40 units per acre through the Downtown Overlay District and compliance with the tiered standards for additional density. For each Tier 1 and Tier 2 standard specified in the Downtown Overlay District that the Planning Commission finds the plan compliant with, an increase in density of 60 units per acre is allowed. For each Tier 3 standard spelled out in the Downtown Overlay District that the Planning Commission finds the plan compliant with, an increase in density of 40 units per acre is allowed. The project's proposed density is 246 dwelling units per acre. In order to achieve this density, the project would have to meet at least four of the tiered density standards. The applicants purport that the plan meets one Tier 1 standard, two Tier 2 standards and one Tier 3 standard. These standards are listed below:

1. **Location:** (Tier 1 Standard granting an additional 60 units per acre)
The proposed development is either located within a block immediately adjacent to a public open space greater than one acre or located within the central downtown area described as follows: beginning at the intersection of Harrington Street and Morgan Street, east on Morgan Street, north on McDowell Street, east on Jones Street, south on Blount Street, east on Morgan Street, east on New Bern Avenue, south on Bloodworth Street, west on Davie Street, north on Harrington Street to the point of beginning.
The subject property is within the central downtown area as described.
2. **Parking Deck:** (Tier 2 Standard granting an additional 60 units per acre)
At least 80% of the off-street parking spaces provided are contained in a multilevel parking structure that is visually integrated into the principle building and 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. No more than 75' total of the ground level of the sides of the building or parking deck (measured 20' deep from the façade of the building) located on the sides of the lot fronting a public street shall be devoted to parking driveways and/or loading areas.
All proposed parking is within a parking deck on the adjacent parcel that was designed, in part, with the anticipation that development on this parcel would serve to screen the northern elevation of the deck from view. The applicant's proposal screens only a portion of the northern façade of the deck with the proposed building. The applicants have proposed to clad some portions of the existing parking deck with precast screens with aluminum window frames to improve the appearance of the approximately ½ of the northern elevation of the existing deck.
3. **Service and Retail Facility:** (Tier 2 Standard granting an additional 60 units per acre). The development contains on-site a minimum of 50 square feet per unit of service and retail facilities to serve the residents.
With 320 dwelling units proposed, 16,000 square feet of retail and/or service facilities are required. The proposal includes 19,223 square feet of retail and/or service facilities within the project. 7,159 square feet of new retail/service facility space is being provided within the ground floor of the Skyhouse Apartment building. There is already 12,064 square feet of existing retail on site that would remain within the western half of the site including storefronts along Wilmington Street and along Martin Street.
4. **Public Art:** (Tier 3 standard granting an additional 40 units per acre). The development commits to erecting on site a work(s) of art, fountain(s) or water

display(s) which are located outdoors, visible and equally accessible to the general public. All such works shall be permanently maintained.

The applicants are proposing public art panels to be located above the covered walkway that connects the proposed building to the existing parking deck along Blount Street. The plan also includes the re-introduction of Vollis Simpson whirligigs, once on part of this block, in the proposed pedestrian plaza west of the building.

OPEN SPACE: The Downtown Overlay District calls for a minimum of 5% of the total land area of the development be set aside as open space. "Open Space" shall include greenways and any common outdoor landscaped and recreation spaces; outdoor decks, roof gardens and other similar outdoor community space accessible to and available for use by all residents of the development. Based on the property's acreage, the base minimum amount of open space required for the tract is 2,831 square feet. The applicants plan contains a minimum of 7,849 square feet of open space provided through an outdoor roof-top pool area/amenity deck/common balcony on the 23rd floor that meets the standards of the Downtown Overlay District.

PHASING: While this is being approved as a one-phase development, the applicants have indicated a future desire to redevelop the western portion of the site where the existing retail spaces are located. However, this preliminary plan does not include any plans for that portion of the site at this time.

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:**

The applicants have received a variance from the requirements from right of way dedication for Blount Street, Martin Street and Wilmington Street. The existing right-of-way is 66' wide and the existing roadway width is built to a 43' +/- back of curb to back of curb. 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 6/19/12.

TRANSIT: No additional transit-oriented features of this site are incorporated into the proposed plan. This site is presently served by the existing transit system and is located across Martin Street from the Moore Square Transit Station.

**COMPREHENSIVE
PLAN:**

The site is located within the Central CAC, and is designated as Central Business District on the future land use map. The Central Business District category is intended to enhance Downtown Raleigh as a vibrant mixed use urban center. While the site plan is generally consistent with the 2030 Comprehensive Plan, it is inconsistent with several key Downtown Urban Design Guidelines:

- Downtown Urban Design Guideline #41 states "Buildings downtown and in Pedestrian Business Overlays should have stepbacks and articulated facades to mitigate wind effects and increase light and air. Buildings should step back 10 to

15 feet at the 60-foot point above the ground on a wide street and 15 feet on a narrow street. A wide street is 75 feet in width or more, and a narrow street is less than 75 feet in width.” The proposed building does not contain building setbacks. This is particularly important as the site is bordered by a local historic district to the north and east that features significantly smaller structures. A setback would help the proposed building relate to the adjacent properties as well as mitigate wind effects and increase access to light and air.

- Downtown Urban Design Guideline #3 states “Surface and structured parking should be landscaped, emphasizing interior tree canopies in surface lots, formal borders and street trees to reinforce the streetwall” The existing surface parking lot located mid-block on Martin Street is part of this site plan. As such, it should be improved commensurate with UDG 3.
- Downtown Urban Design Guideline #15 states “Recessed entries are encouraged.” The doors for the ground floor spaces (commercial space and lobbies) should be recessed to avoid pedestrian conflicts.

**HISTORIC
DEVELOPMENT
COMMISSION:**

The site is located within the Moore Square National Register Historic District and is adjacent to the locally-designated Moore Square Historic District which includes the blocks east and north of the site

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

Comment	Applicant Response
The amount of ground floor retail is good Encourage maximizing the efforts towards pedestrian scaled details	Acknowledged The residential entry, along S. Blount has been enhanced by the addition of a fixed metal and wood canopy in the form reflective of the roof top design. The entry stands apart from the remaining store front façade. The entry will be flanked by light fixtures which will occur along E. Martin façade as well. See view # 3 The building corners feature articulated precast columns of varying surface texture and relief. The scale, texture and color of the base material reflects that found on the neighboring buildings. The developer intends to enhance the pedestrian experience by encouraging prospective retailers to customize their retail facades and awnings, install sidewalk level planters, and provide outdoor seating along the street front. See street view # 4 for some illustrative renderings. See street view #1 The north end plaza embraces the urban plaza concept, and it's the developers' intention to market this space to restaurants, which could offer a great opportunity for outdoor

The building looks like one of 17. It is not unique to Raleigh

The materials are a bit cold. There is a lot of old brick nearby. Warmer materials may make a better transition.

dining. The ability to have a sizable covered area and the inclusion of public art will attract the public and create an identity for all the retail along this block. See view # 5

The three story base reflects the scale of the surrounding buildings. The scale and materials of the base are different than the middle and reflect the adjacent buildings. The balcony expression integrates the middle and top and becomes a prominent feature of the top. The illustrations show representations of prospective retainers' street front facades, enhanced with a variety of storefront expressions commonly found in the Raleigh downtown. The design of the building base allows for retailers to create their own signature identity. The facades of the two floors above retail share the same precast characteristics of the first floor base. The second floor punched windows feature a projected sill and operable windows as well. The tower base is separated from the mid section with a pronounced cornice line. The tube/mesh vertical elements function to provide privacy between unit balconies and screen building mechanical elements from view. Since the residences begin on the second floor these elements need to begin here.

APPEARANCE COMMISSION:

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

Comment	Applicant Response
<p>Responsiveness -The commission appreciates design responses to the previous recommendation that greater attention be focused on the residential entrance to the building [commensurate with Code Sec. 10-2132.2(d)(2) & Downtown Urban Design Guidelines 6 & 7].</p>	<p>The residential entry, along S. Blount has been enhanced by the addition of a fixed metal and wood canopy in the form reflective of the roof top design. The entry stands apart from the remaining store front façade. The entry will be flanked by light fixtures which will occur along E. Martin façade as well.</p>
<p>Detailing at base - The commission recommends that a finer grain of detailing be provided on the lower level (for instance—smaller-sized panels, textured materials, etc.) [commensurate with Code Sec. 10-2132.2(d)(2) & Downtown Urban Design Guideline 9].</p>	<p>The building corners feature articulated precast columns of varying surface texture and relief. The scale, texture and color of the base material reflects that found on the neighboring buildings. The developer intends to enhance the pedestrian experience by encouraging prospective retailers to customize their retail facades and awnings, install sidewalk level planters, and provide</p>

Public Art - The commission supports the re-introduction of Vollis Simpson whirligigs once on part of this block on the site in the proposed pedestrian plaza west of the building. The Commission supports alternate landscaping/tree placements to enhance these works if deemed necessary by the design team. It also recommends that the large panels over the driveway between the building and deck reflect Raleigh character and themes [commensurate with Code Sec. 10-2132.2(d)(2) & Downtown Urban Design Guideline 28].

outdoor seating along the street front. Thank you for your comments, we will work with the arts commission with the driveway panels to make them unique to Raleigh

Parking Deck Area - Given the expected internal pedestrian traffic in and around the area between the deck and the south doors of the building, maximize tree and other landscape plantings there [commensurate with Code Sec. 10-2132.2(d)(2) & Downtown Urban Design Guideline 24].

We will work to maximize the landscape as requested, but as we mentioned in the meeting the area is traversed by many underground utilities.

Downtown Urban Design Guidelines referenced by the Appearance Commission:

#6: Building entries should be emphasized with architectural features, changes in roofline, different massing, or unique materials.

#7 The primary pedestrian building entrances should be located along the store front. For buildings that front on three streets, the primary pedestrian entrances should be located on the axial street or the corner if the building is located at an intersection.

#9 The level of architectural detail should be most intense at street level, within view of pedestrians on the sidewalk.

#24 In larger courtyard style spaces visible from the public right-of-way, use groundcovers, shrubs, and flowers to accent and fill blank areas with interest. Minimize the use of bare mulch and rocks. Areas of bare earth are discouraged.

#28 Public art, performance facilities, and/or civic monuments should be an integral part of any building plan.

SUBDIVISION STANDARDS:

BLOCK LAYOUT: No new streets are proposed within this development.

- 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. A downstream sewer study will need to be conducted to show that added flow will not create a capacity issue. This will be required prior to the issuance of a building permit.
- SOLID WASTE:** Refuse collection facilities are located internal to the site behind recessed roll-down gates along the southern side of the building that faces the existing parking deck and shall meet the standards of the Solid Waste Collection Manual. Individual lot service is to be provided by private contractor.
- CIRCULATION:** Proposed street improvements shall conform to normal City construction standards. A Transportation Impact Analysis was prepared by the applicants for the previous proposal for this site, The Edison (SP-54-08), which was a much more intensive development than what is proposed today. The proposed circulation plan associated with that Transportation Impact Analysis was approved by the City's Transportation Services Staff at the time. It was determined that a new Transportation Impact Analysis was not warranted for this development.
- PEDESTRIAN:** Proposed sidewalk locations conform to City regulations. A 14' wide sidewalk is required along the property's Wilmington Street, Martin Street and Blount Street frontages. The proposed sidewalk widths are consistent with the open space requirements of 10-2051(d)(5) with the exception of Wilmington Street and a portion of Martin Street where existing buildings proposed to remain preclude the wider sidewalks. In accordance with Code Section 10-2051(d)(5), the applicants are seeking approval of an alternate in the prioritization of open space types in the Downtown Overlay District. Section 10-2051(d) (5) of the Code calls for 5% of the site to be set aside as open space which is to be met first and foremost by providing a minimum of a 14' wide sidewalk, where possible. As the proposal includes the rehabilitation of an existing building, 14' sidewalks are not feasible along the Wilmington Street and a portion of Martin Street between the curb and the existing building. The Planning Commission can approve this reduction in width for rehabilitation of existing buildings. The request for the alternate/reduced sidewalk width includes 142' of street frontage on Wilmington Street where the buildings preclude any widening beyond the existing 10' +/- sidewalk. The requested alternate/reduced sidewalk width also includes a 210' span along Martin street where the applicants propose to maintain the existing 9' +/- sidewalk section. 92' of that stretch of sidewalk could be widened to meet the 14' sidewalk requirement as there are no existing or proposed buildings along that span and the proposed use is surface parking. Staff does not support the full variance request for the sidewalk narrowing, only in that portion where existing buildings preclude the widening.
- FLOOD HAZARD:** There are no flood hazard areas on this site.
- STORMWATER MANAGEMENT:** This site is subject to stormwater management nitrogen reduction and stormwater runoff control requirements of Part 10 Chapter 9. The stormwater runoff control is exempt under code section 10-9023(b) (1). The developer is proposing compliance with nitrogen reduction requirements through the use of an underground sand filter. There are two twenty four inch vitrified clay storm pipes running along the eastern property line - along Blount Street - of this property (313 S Wilmington Street) to a point just north of the Blount Street intersection with Martin Street. The pipes span a length of approximately 195 feet. The owner had a pipe camera inspection performed within these storm pipes. The inspection revealed several cracks and separations within the length of storm pipe that was inspected. Due to the condition of the vitrified clay storm pipes and the very close proximity to required upgrades and installation of water and

sanitary sewer, there is cause for concern that the existing storm pipes could be significantly damaged to possible point of failure. As such, City staff finds it prudent that the developer discuss what would be required to replace the vitrified clay storm pipes with NCDOT. Blount Street is a NCDOT maintained road and as such, NCDOT will be the authority governing how and if the storm pipes will be replaced and sized. The City will not be the entity to review the potential storm pipe replacement within Blount Street. The owner has agreed to conditions of approval.

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.