



Certified Action of the City of Raleigh Planning Commission

City of Raleigh
Development Plans Review Center
One Exchange Plaza
Raleigh, NC 27601
(919) 996-2626
www.raleighnc.gov

Case File / Name: SP-19-14 / 1301 Hillsborough

General Location: Located at the intersection of Hillsborough Street and Ashe Avenue.

Owner: FMW at Hillsborough and Morgan, LLC – Jim Zanoni
Designer: Baker Engineering, Inc. – Rick Baker
New City Design Group – Ted Van Dyke

CAC: Hillsborough

Nature of Case: A 4-story multi-family mixed use development comprised of 38 dwelling units (70 units per acre) and 3,737 square feet of retail space on 0.54 acres zoned Industrial-2, Pedestrian Business Overlay District, and Special Residential Parking Overlay District.

This proposal requires Planning Commission approval for the following reasons: (A) The proposal includes residential units in an Industrial District with additional residential density over 40 units per acre within the Pedestrian Business Overlay District and (B) The proposal includes retail uses within 400' of a lot line containing a dwelling;

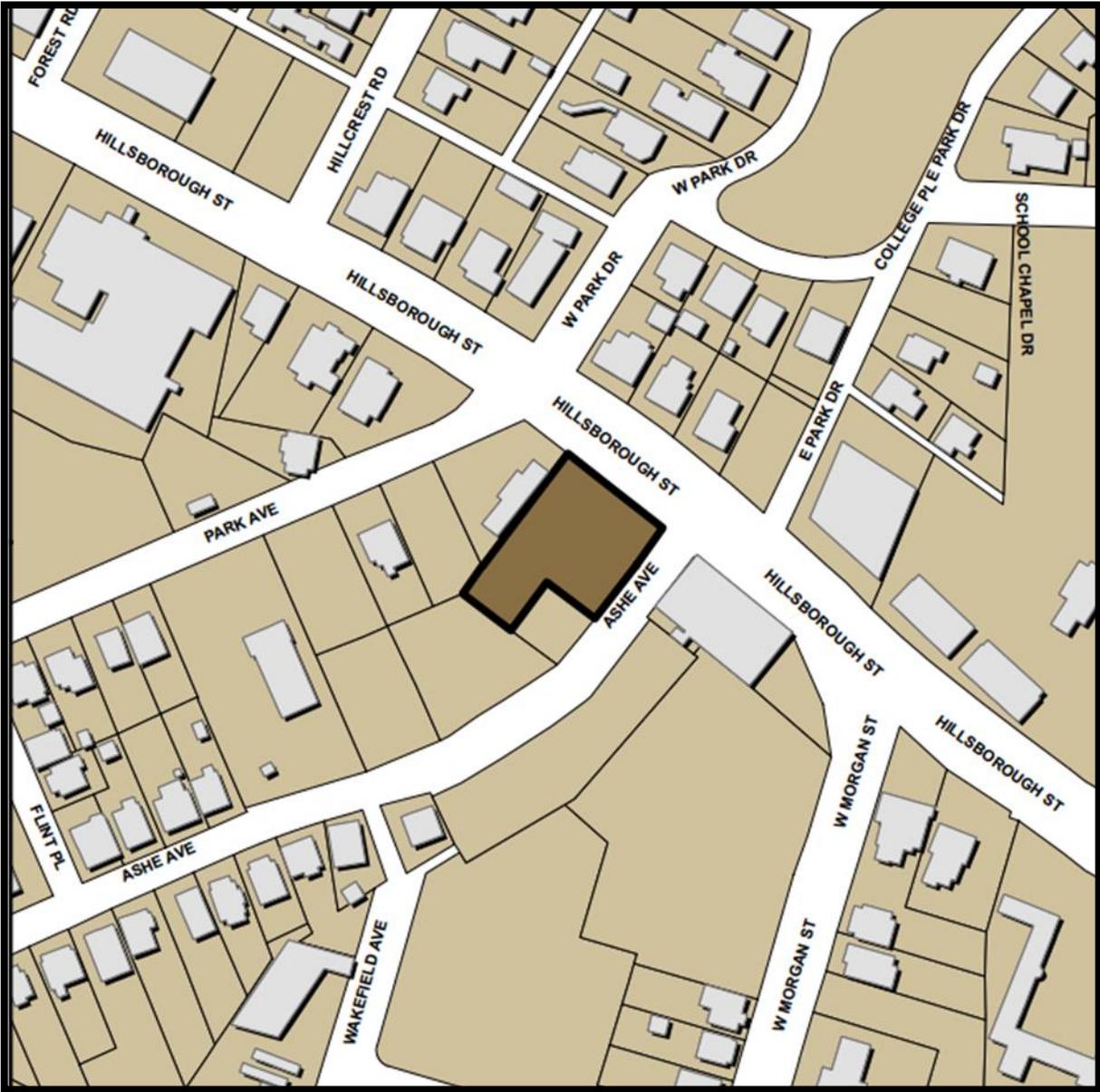
Key Issues: The proposal includes residential units in an Industrial District with additional residential density over 40 units per acre within the Pedestrian Business Overlay District.

Contact: Rick Baker - Baker Engineering, Inc.

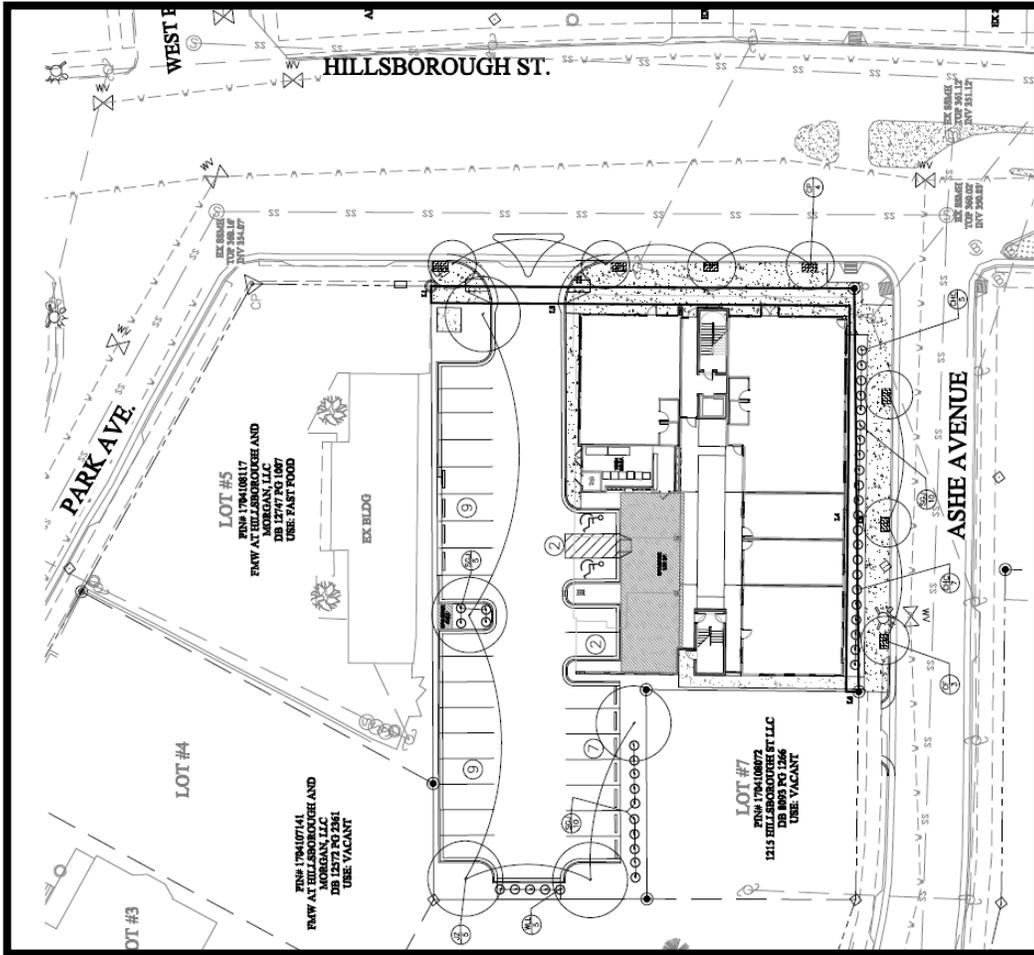
Design Adjustment: Two Design Adjustments have been approved by the Public Works Director for this project, noted below.

1. Raleigh Street Design manual section 5.8.1 from relief of 2' of right-of-way dedication on Hillsborough Street.
2. Raleigh Street Design manual section 5.8.1 from relief of 5'-8' right-of-way dedication on Ashe Avenue.
3. A Design Adjustment for driveway spacing on a Hillsborough Street.

Administrative Alternate: N/A



SP-19-14 – Location Map



SP-19-14 – Site Plan

SUBJECT: SP-19-14 / Hillsborough Apartments

**CROSS-
REFERENCE:** Z-34-12

LOCATION: This site is located on the south side of Hillsborough Street, east of its intersection with Ashe Avenue, inside the City Limits.

PIN: 1704109162, 1704109027, & 1704108049

REQUEST: Requested approval of a 4-story multi-family mixed use building totaling 32,231 square feet (3,737 square feet of retail and 38 multifamily units) on 0.54 acres with a residential density of 70 units per acre in the Industrial-2 District, the Pedestrian Business Overlay District, and the Special Residential Parking Overlay District.

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 Part 10, Chapter 2, Sections 10-2047, 10-2055, 10-2107 and 10-2132.2, Part 10A (Unified Development Ordinance) Articles 8, and 9. This approval is based on a preliminary plan dated 7/24/14, owned by FMW Hillsborough & Morgan, LLC. Submitted by Baker Engineering, Inc.

**ADDITIONAL
NOTES:** This was submitted after September 1, 2013.

**VARIANCES /
ALTERNATES:** The following design adjustments were approved by the Public Works Director:

1. Raleigh Street Design manual section 5.8.1 from relief of 2' of right-of-way dedication on Hillsborough Street.
2. Raleigh Street Design manual section 5.8.1 from relief of 5'-8' right-of-way dedication on Ashe Avenue.
3. A Design Adjustment for driveway spacing on a Hillsborough Street and the construction of a right in/right out traffic control device.

To PC: August 12, 2014

Case History: N/A

Staff Coordinator: Meade Bradshaw

Motion: Buxton

Second: Fleming

In Favor: Braun, Buxton, Fleming, Fluhrer, Lyle, Schuster, Sterling Lewis, Swink and Whitsett

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.)



date: 8/12/14

(PC Chair)



date: 8/12/14



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 an Industrial-2 District located in a Pedestrian Business Overlay District in accordance with Code Sections 10-2055, 10-2107, 10-2132.2(d) and 10-2055, providing sufficient open space, parking, minimum net lot area, and minimum yard setbacks;
- (2) 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 a Pedestrian Business Overlay District in accordance with code Section 10-2051(d)(1)c by containing adequate amounts of service or retail facilities (at least 50 SF per unit), Tier II subsection 4; all of which are consistent with 10-2051(d)(1)c.4;
- (3) That the Planning Commission finds that this site plan meets the standards of section 10-2132.2(d);

Administrative Actions:

Prior to approval of a concurrent review of Final Site Review and Infrastructure construction plans, or whichever occurs first:

- (4) That in accordance with Part 10A Section 9.4.4, a surety for clearing, grubbing and reseeding a site shall be paid to the City prior to grading permit issuance;

Prior to issuance of building permits:

- (5) 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;
- (6) That Infrastructure Construction Plans are approved by the Public Works and Utility Departments;
- (7) 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 Hillsborough Street, and this easement deed be recorded within 1 day following recordation of the plat;
- (8) That an encroachment agreement for bicycle racks or any other structures 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 property owner. The encroachment shall be recorded prior to approval of construction drawings;

- (9) That a Tree Impact Permit is obtained from the urban forester in the Parks and Recreation Department for landscaping in the public right-of-way;
- (10) That in accordance with Part 10A Section 8.1.3, a surety equal to 125% of the cost of development related improvements which remain incomplete;.

Prior to issuance of certificate of occupancy permits:

- (11) That in the event a use is proposed in the commercial/retail portion of the building that triggers additional parking in accordance Code Section 10-2055(e)(1)(c), verification be provided to the city that additional parking has been provided;
- (12) That the streetscape improvements are in accordance with the Hillsborough Morgan Streetscape and Parking Plan; and
- (13) That the impervious surfaces not exceed 21,105 square feet.

ZONING:

**ZONING
DISTRICTS:**

Z-34-12 (SSP-6-12). Ordinance (2012)119 ZC 679; effective November 6, 2012. Park Avenue and Ashe Avenue Conditional Use - located Southwest of Hillsborough Street, between Ashe Avenue and Park Avenue, being Wake County PIN(s), 1704106180, 1704108072, 1704106017, 1703196982, 1703197985, and 1704107141.. Approximately 1.61 acre(s) is rezoned from Residential-20 and Industrial-2 Conditional Use District with Pedestrian Business Overlay District to Industrial Conditional use District with Pedestrian Business Overlay District and amend the associated Hillsborough Morgan Streetscape and Parking Plan.

Conditions Dated: 10/26/12

Narrative of conditions being requested:

Prohibited Uses

(a) The following uses, as listed in the Schedule of Permitted Land Uses in Zoning Districts in section 10- 2071 of the Raleigh City Code, shall be prohibited on the Property:

- mini warehouse storage facility
- airfield landing strip
- heliport
- cemetery
- correctional/penal facility - governmental and non-governmental
- crematory
- funeral home
- adult establishment
- carwash facility
- kennel/cattery
- vehicle sales/rental
- automotive service and repair facility
- pawn shop
- rifle range - all kinds
- bottling plant;
- bulk products (storing, sorting and breaking)
- bulk storage of flammable and combustible liquids
- incinerator
- machine shop
- manufacturing - restricted and general
- mining and quarrying
- outdoor storage - all kinds
- scrap materials - indoor storage
- solid waste - indoor and outdoor reclamation and landfill
- terminal, facility, railroad, roundhouse and depot
- gas plant
- power plants - other power plants
- warehousing/distribution center
- wholesale laundry, dyeing and dry cleaning
- camp
- outdoor stadium/theater/amphitheatre/racetrack
- riding stable
- fraternity/sorority house
- convention center/assembly hall
- exterminating service
- railroad freight station or stop

Proposed use is not a prohibited use

(b) No more than 30% of the total number of dwelling units located within any single "group housing development" or "multi-family dwelling development" as defined by the Raleigh City Code shall contain more than two bedrooms.

11 of the 38 units are greater than 2 bedrooms (28%)

(c) No special use permit allowing outdoor amplified entertainment alter 11:00 p.m. shall be issued for any use developed on the Property.

A special use permit is not being requested

Mixed-Use Development & Pedestrian Orientation

(d) Upon redevelopment, building elevations fronting along Ashe Avenue and Park Avenue shall have active uses along at least 50% of their frontage at sidewalk level and on upper floors. For the purposes of this condition (d), active uses are defined as residential (including units accessed by stoops), commercial (other than parking facilities listed in the Schedule of Permitted Land Uses in Zoning Districts), office, restaurant and/or retail sales (other than retail sales-highway) that front the right of way and have at grade access, except for upper floors, where any use listed in the Schedule of Permitted Land Uses in Zoning Districts (other than parking facilities listed in the Schedule of Permitted Land Uses in Zoning Districts) that is not otherwise prohibited by the City Code or this rezoning ordinance is allowed.

Total Ashe Avenue frontage – 121'. 60'6" of the linear length is a commercial use with an entrance on Ashe Avenue. 50% of the frontage requirement being an active use is met.

(e) Parking below buildings and/or surface parking shall conform to Hillsborough Morgan Streetscape and Parking Plan. No parking lot lights, or lights within parking structures shall cast glare outside of the property per City of Raleigh lighting ordinance. (parking screening is handled in the Hillsborough Morgan Streetscape and Parking Plan). Any development on the subject Property shall be parked on the development site per the Hillsborough Morgan Streetscape and Parking Plan.

15' light poles that meet Code Section 10-2089

(f) Building facades fronting public rights-of-way will have no more than 50 feet of unbroken plane. Balconies, bays or building steps of at least two feet may be used to relieve facades.

Facades are broken up through the use of coordinating cladding materials and punched openings at the residential units and commercial retail space. Upper level bays of 30' and 46' provide relief and articulation along Ashe Avenue while 36' wide building bays along Hillsborough Street are separated by Open walkways and a central tower housing vertical circulation.

(g) Upon redevelopment, development on those properties located west of Ashe Avenue and rezoned as part of Z-11 10 and this rezoning ordinance (collectively "Properties West of Ashe Avenue") shall consist of no less than two buildings. The building footprint of any single building located on the Properties West of Ashe Avenue shall not exceed sixty-five percent (65%) of the total site area of the Properties West of Ashe Avenue.

This is the first of several parcels being developed

(h) Upon redevelopment, residential density on the Properties West of Ashe Avenue shall not exceed 175 dwelling units. Upon redevelopment, the Properties West of Ashe Avenue shall have a minimum of 4,000 square feet floor area gross of street level retail sales/commercial uses (other than parking facilities listed in the Schedule of Permitted Land Uses in Zoning Districts), Upon redevelopment, no single retail tenant space may exceed 20,000 square feet floor area gross. Retail uses on the Properties West of Ashe Avenue shall be restricted to ground level.

This project proposes 38 units and proposes 3,737 square feet of retail. Another parcel fronts on Hillsborough Street which will meet the retail sales/commercial square footage requirement.

(i) There shall be no drive-through window located on the subject properties.

No drive-thru is proposed

Open Space

(J) Upon redevelopment, a minimum of 5% of the area of the Properties West of Ashe Avenue will be private open space for use by residents, such as balconies, courtyards, roof decks and pool areas. In addition to the 5% of private open space provided by the first sentence of this rezoning condition (j), an additional 5% of the area of the Properties West of Ashe Avenue will be open space accessible by the general public, including at a minimum lawns, greens, play areas, planted areas, pathways, plazas or other similar areas.

2,429 square feet of open space is proposed (10.2%). This is being met by the construction of the 14' sidewalk (1,208 square feet) and a recreation space under the building (1,221 square feet).

Public Improvements

(k) Mitigation requirements for any traffic impacts associated with a traffic impact analysis completed for any development on the subject properties cannot include the widening of Ashe Avenue. The prohibition on any such widening does not include driveways or turn lanes required by the City of Raleigh and North Carolina Department of Transportation. The foregoing condition shall not eliminate the need to mitigate traffic conditions required by the City Code or by traffic safety.

No widening of Hillsborough Street or Ashe Avenue is being proposed.

(l) Upon redevelopment of the Properties West of Ashe Avenue, Park Drive will be realigned to meet Hillsborough Street at a 90 degree angle (known as the 'prewar alignment'), subject to approval by the North Carolina Department of Transportation and the City of Raleigh.

This parcel does not front on Parke Avenue. Realignment of Park Avenue will be addressed with development of the adjacent parcel at the intersection of Hillsborough Street and Park Avenue.

SETBACKS / HEIGHT:

This plan conforms to all minimum setback standards. Front yard = 7', rear yard = 72', front / rear aggregate = 79', side yard = 2' & 49', side yard aggregate = 51'. This plan conforms to maximum height standards in this zoning district. Proposed height of the building is 45'.

PARKING: Off-street parking conforms to minimum requirements: 22 spaces required, based on 1 parking space per unit with the PBOD exempting the first 16 units and 0 spaces required for retail uses due to the retail square footage not exceeding 10,000 square feet or proposing any establishment open past 11:00 pm; 29 spaces are provided. Code Section 10-2055(e)(6) requires one bicycle rack for every 20 parking spaces. One bicycle rack which provides 2 bicycle parking spaces.

LANDSCAPING: Street yard landscaping is in conformity with the Hillsborough Morgan Streetscape Plan. Trees are planted 40' on center. Vehicular surface area landscaping in conformity with Section 10-2082.6 is shown. This is a high density residential impact use under Section 10-2082.9. The adjacent parcels are vacant parcels with Industrial-2 District zoning; therefore, no transitional protective yards are required.

TREE CONSERVATION: The site is less than 2 acres in size and is not a residential zoning district therefore the site is exempt from Code Section 10-2082.14.

OPEN SPACE: The Pedestrian Business Overlay District requires that a minimum of 5% of the total land area of the development 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 gross acreage of 0.54 acres, the base minimum amount of open space required by the Pedestrian Business Overlay District and required by Z-34-12(J) is 2,387 square feet, 10%. The applicant's plan provides a minimum of 2,429 square feet of qualifying open space is to be provided through 14' wide sidewalks (1,166 square feet) and a recreation area (1,221 square feet).

DEVELOPMENT INTENSITY: The applicants are allowed increases in residential densities in excess of 40 units per acre through the Pedestrian Business Overlay District and compliance with the tiered standards for additional density. For Tier 2 standard specified in the Downtown Overlay District (as a cross reference) that the Planning Commission finds the plan compliant with, an increase in density of 60 units per acre is allowed. The project's proposed density is 70.3 dwelling units per acre. In order to achieve this density, the project would have to meet at least one standard of the tiered density standards. The applicants purport that the plan meets the service retail facility standard of the Tier 2 standards. The standard is listed below:

- 2. 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 38 dwelling units proposed, 1,900 square feet of retail and/or service facilities are required. The proposal includes 3,737 square feet of retail and/or service facilities within the project.

**MULTI-FAMILY
DWELLING
DEVELOPMENT:**

The development complies with the standards of City Code Section 10-2107 which govern multi-family dwelling developments.

PHASING:

There is one phase in this 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.

**STREET
TYPOLOGY MAP:**

Design Adjustments were approved by the Public Works Director from additional right-of-way dedication and street construction requirements.

Ashe Avenue is classified as Avenue 2-lane undivided. Hillsborough Street is classified as Avenue 3-lane divided with parallel parking

A surety for the required improvements shall be provided in accordance with 8.1 of the UDO.

TRANSIT:

This site is presently served by Capital Area Transit Route 4. A stop currently exists on this parcel's frontage of Hillsborough Street.

**COMPREHENSIVE
PLAN:**

This site is located in the Hillsborough Citizen Advisory Council, in an area designated a Community Mixed Use on the Future Land Use Map. The Community mixed use category applies to medium-sized shopping centers and larger pedestrian oriented retail districts. Typical commercial uses include large-format supermarkets, larger drug stores, department stores and variety stores, clothing stores, banks, offices, restaurants, movie theaters, hotels, and similar uses that draw from multiple neighborhoods. Development intensities could be higher than in Neighborhood Center areas, with mid-rise buildings as well as low rise buildings. Where residential development occurs, ground floor retail would be encouraged and minimum building heights might be applied in transit-rich areas. Heights would generally be in the three to five story range, although additional height up to 12 stories would be appropriate in TOD areas and at the core of mixed-use centers. Appropriate urban form standards for frontage should be applied, recognizing that some of the designated areas are established neighborhood "main streets" and others are suburban auto oriented shopping plazas or strip centers fronting on high-volume arterial roadways. Greater height is allowed when appropriate transitions are provided and accompanied by a pedestrian-friendly relationship to the public realm.

Staff has reviewed the site plan and finds this plan in compliance with the Comprehensive Plan and the following policies:

- LU 4.5 Connectivity
- LU 6.1 Composition of Mixed Use Centers
- LU 10.6 Retail Nodes
- T 5.5 Sidewalk Requirements
- UD 1.2 Architectural Features
- UD 2.1 Building Orientation
- UD 2.3 Activating the Street
- UD 2.6 Parking Location and Design
- UD 6.1 Encouraging Pedestrian

**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:

Comment	Response
The Commission suggests the addition of a bench, art element, or other pedestrian feature on the Hillsborough Street sidewalk, placed in a manner that doesn't preclude the addition of café seating for retail tenants	Revised site plan for added bench at the existing transit stop on the property to the west of this site.
The Commission suggests that a shallower canopy be used to turn the corner above the retail windows on the side elevations.	Please see included elevations for canopy return on east and west sides of building.
The Commission recommends the use of a cementitious material at the base of the building for durability and to address maintenance concerns.	A hard-coat stucco system is proposed at the base for its durability and ease of maintenance.
The Commission suggests the addition of a screen or fencing to delineate the handicap parking and the common open space.	Please see revised first floor plan for inclusion of privacy screen/fence at tenant courtyard.
The Commission suggests the addition of a crosswalk across Ashe to acknowledge the increased number of pedestrians and unique intersection configuration.	A striped crosswalk exists across Ashe Avenue at the intersection of Hillsborough Street. It has been added to the plans for clarity.
The Commission commends the applicant's effort to incorporate the trash and recycling room into this building and to mitigate the adverse effects of trash collection.	Comment noted.
The Commission supports the addition of nanowalls or additional porosity for the retail facades.	The support is noted and will be relayed to potential tenants for inclusion on build-out plans as may be appropriate.

**SUBDIVISION
STANDARDS:**

- LOT LAYOUT:** The minimum lot size in Industrial-2 zoning district is 5,000 square feet. The minimum lot depth in this zoning district is 70 feet. The minimum lot width of an interior lot in this zoning district is 45 feet. The minimum corner lot width is 60 feet. Lots in this development conform to these minimum standards.
- 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. The site will use the existing driveway on Hillsborough Street, but limit access by using a right in/right out traffic device with a width of 24' which is in compliance with Code Section 10-2055(e)(8).
- BLOCKS / LOTS / ACCESS:** Block perimeters, lot arrangement and access conform to Chapter 8 of the UDO.
- STREETSCAPE TYPE:** Per Article 8.5.1.F this site is governed by the Hillsborough Morgan Streetscape Plan which was adopted November 6, 2012. The plan requires the construction of a 14' sidewalk which is proposed on Hillsborough Street and an 8' sidewalk with a 6' landscape area is proposed on Ashe Avenue.
- PEDESTRIAN:** Proposed sidewalk locations conform to City regulations. A 14' sidewalk is required along Hillsborough Street and an 8' sidewalk is required along Ashe Avenue with a 6' landscape area in accordance with the Hillsborough Morgan Streetscape Plan (SSP-6-12). Portions of the proposed sidewalks are located on private property adjacent to public right-of-way on Hillsborough Street; therefore, the City Attorney shall approve sidewalk easement deed ranging from 7'-10' for those portions of sidewalk on Hillsborough Street.
- FLOOD HAZARD:** There are no flood hazard areas on this site.
- STORMWATER MANAGEMENT:** Stormwater compliance is shown through the exemption notes in UDO Sec. 9.2.2. (A) (4). The site is reducing impervious surfaces in the post-developed condition from what exists currently. The impervious surface of 21,105 square feet exists prior to development.
- WETLANDS / RIPARIAN BUFFERS:** No wetland areas or Neuse River riparian buffers are required on this site.
- OTHER REGULATIONS:** Developer shall meet all other applicable City requirements of Code Part 10 and 10A (Unified Development Ordinance).