



# 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-21-13 / Charter Square

**General Location:** The north side of Lenoir street between its intersections with Fayetteville Street and Wilmington Street.

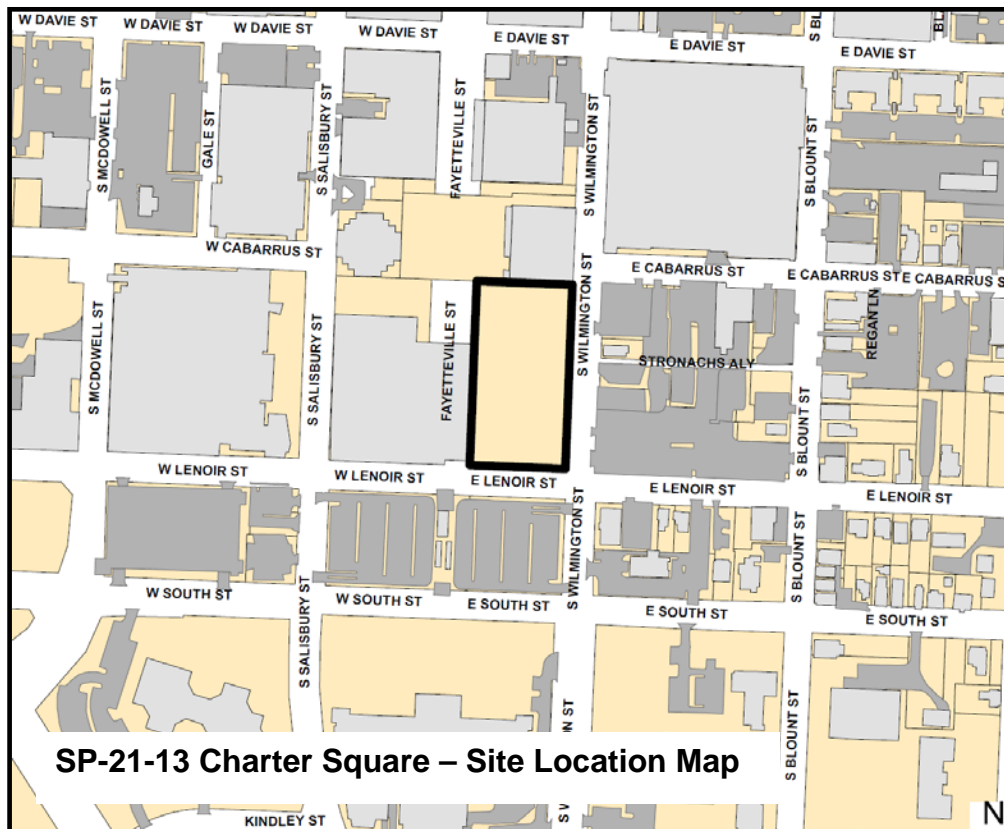
**Owner:** Charter Square, LLC  
**Designer:** JDavis Architects, PLLC

**CAC:** Central

**Nature of Case:** An eleven story mixed use building comprised of 243,379 square foot of office use and 27,875 square foot of retail built upon an existing underground parking facility located on a 1.95 acre parcel zoned Business Zone and Downtown Overlay District. The northern portion of the site is being reserved for future development as part of a land condominium.

**Key Issues:** Increase in building height to 212' without setbacks allowed by City Code Sections 10-2051(d)(4)b and 10-2132,2(d). Necessary redesign of the public connector to the north for the area of future development.

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



**SP-21-13 Charter Square – Site Location Map**



**SUBJECT:** SP-21-13 / Charter Square

**CROSS-REFERENCE:** SP-23-06 / City One Parking Deck

**LOCATION:** This site is located on the east side of Fayetteville Street and the west side of Wilmington Street, north of their intersections with Lenoir Street, within the City Limits.

**REQUEST:** This request is to approve a 271,254 square foot mixed use (office/retail) building on an 1.95 acre site zoned Business Zone and Downtown Overlay District. The northern portion of the site is being reserved for future development.

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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 and 10-2132.2, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 6/13/13, owned by Charter Square, LLC, submitted by JDavis Architects, LLC.

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

**VARIANCES / ALTERNATES:** Separate City Council approval of a right-of-way variance request for Wilmington and Lenoir Streets is required prior to building permit approval.

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To PC: 7/9/13

Case History: xxxxx

Staff Coordinator: Eric S. Hodge, AICP

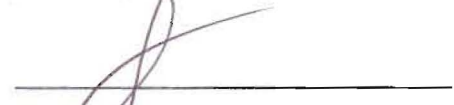
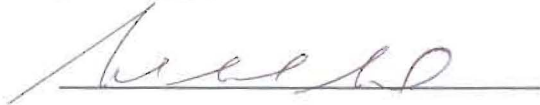
**Motion:** Sterling Lewis  
**Second:** Braun  
**In Favor:** Braun, Buxton, Fleming, Lyle, Mattox, Sterling Lewis, Swink and Terando  
**Opposed:** xxxxx

**Excused:** Fluhrer

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: 7/9/13

date: 7/9/13



## Staff Report

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**RECOMMENDED  
ACTION:** Approval with Conditions

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

- (1) That as allowed by City Code Section 10-2051(d)(4)b and 10-2132.2(d) , the Planning Commission finds that the increase in building height to 212', without setbacks, is in accordance with the general plans for the physical development of the City as embodied in the current Raleigh Downtown Urban Design Guidelines;
- (2) That the Planning Commission finds that this site plan meets the standards of section 10-2132.2(d);
- (3) That prior to building permit issuance, in accordance with Code Section 10-3004 the City Council approves the variance request for reduction of right of way dedication as required in section 3.1 of the *Streets, Sidewalks, and Driveway Access Handbook* to the existing 66' on both Wilmington Street and Lenoir Street;
- (4) That prior to building permit issuance the public connector shown on the preliminary plans as the "Pedestrian Plaza Area" be redesigned to allow the adjacent ground level interior spaces within the "future development" portion of the site to have direct access and utilization of the plaza areas and that in the interim a temporary well-articulated screen be installed and maintained in good condition between the proposed building and the "future development" portion of the site;

**Administrative Actions:**

***Prior to issuance of building permits:***

- (5) That an encroachment agreement for any plantings, planters, awnings, bicycle racks, street furniture 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;
- (6) That any associated legal documents needed to be approved by the City attorney's office and copies provided to the Planning Department;

- (7) 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). In addition the existing master declaration of condominium documents recorded in DB 13662 pg 440 be amended to include a second surface unit;
- (8) That the applicant shall submit with the application for a building permit a description of all off-site parcels used to meet off-street parking requirements, together with either a certificate of ownership of these parcels or an attested copy of the leasing agreement or recorded cross parking easement. All off-site parking areas shall conform to the City Code. The applicant shall also agree in writing that he, or his successors or assigns, shall provide the required off-street parking on these parcels or their equivalent, so long as the principal use shall continue, and shall agree that the principal use shall be discontinued, should the required off-street parking no longer be provided on these off-site parcels or their equivalent;

**ZONING:**

**ZONING DISTRICTS:** Business Zone and Downtown Overlay District

**SETBACKS / HEIGHT:** This plan conforms to all minimum setback standards. All street setbacks are 0' ±. Proposed height of the building is 212' (11 stories). The Business Zone District allows for all setbacks to be 0' and for buildings to be constructed to any height except buildings greater than 50' shall add one foot additional width to each required district yard setback for each foot of height greater than 50 feet high. Proposed height of the existing building is being increased to 212'. The proposed building does not carry all of the setbacks called for in the underlying zoning, but the Planning Commission can approve the increase in height as allowed in the Downtown Overlay District. Raleigh City Code section 10-2051-(d)(4)b., of the Downtown Overlay District, allows the Planning Commission to approve height increases after a finding that such increase in height is in accordance with the general plans for the physical development of the City as embodied in the Raleigh Comprehensive Plan and the site plan meets the standards of City Code Section 10-2132.2(d).

**PARKING:** Off-street parking conforms to minimum requirements: 583 spaces required, based on one parking space per 400 square feet of office use. 583 spaces are being provided both on and off-site. The Downtown Overlay District exempts up to 30,000 square feet of on-site retail and 10,000 square feet of office from any parking requirements.

**LANDSCAPING:** Street yard landscaping in conformity with Section 10-2082.5 is shown within the public right-of-way in keeping with the Downtown streetscape plan. Vehicular surface area is being provided underneath the building so no VSA landscaping is required. This is a medium impact use under Section 10-2082.9 which exempts the site from transitional protective yards by being located in the Business Zone.

**TREE  
CONSERVATION:**

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

**DEVELOPMENT  
INTENSITY:**

Proposed floor area ratio (FAR) is 3.19 and proposed building lot coverage is 34.49%.

**PHASING:**

This is the second phase of development on this site. The first phase, SP-23-06 City One Parking Deck, installed a subsurface parking deck containing approximately 688 parking spaces on the site. A subsequent and final phase shall include an additional building on the northern portion of the site. No plans have been submitted for the future phase at this time.

**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 development's acreage of 1.95 acres, the base minimum amount of open space required for the development is 4,247 square feet. The applicant's plan for a minimum of 11,500 square feet of qualifying open space to be provided through a proposed qualifying courtyard located at the northern end of the proposed building. The configuration of this open space meets the provisions of the code.

**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:**

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

<u>Street</u>	<u>ROW</u>	<u>Construct</u>	<u>Slope Esmt.</u>
Wilmington Street	80'	N/A	N/A
Lenoir Street	80'	N/A	N/A

The applicants are requesting a variance from the requirements for both Wilmington Street and Lenoir Street to be constructed to a minor thoroughfare with an 80' right-of-way. Given the existing context of the Downtown area within the Historic 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 must be approved by a separate action of City Council. A condition of approval has been included to this reflect this requirement.

**TRANSIT:** No specific transit-oriented features are incorporated into the proposed plan. This site’s pedestrian amenities make accessing the transit system convenient to those using Route 5 Biltmore Hills, Route 22 State Street and the R-Line as well as all radial routes that pass through Moore Square Transit Station which is within 3 blocks of the subject property.

**COMPREHENSIVE PLAN:** This site is located in the Central Citizen Advisory Council, in an area designated as Central Business District on the Future Land Use Map. This category is intended to enhance Downtown Raleigh as a vibrant mixed-use urban center supporting a mix of high-intensity office, retail, housing, government, institutional, visitor-serving, cultural and entertainment uses.

**HISTORIC / DISTRICTS:** 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>
<ul style="list-style-type: none"> <li>Consider the use of public art in the location of the metal panel section of the Lenior Street elevation, on the corner column of Fayetteville/Lenoir, in the pedestrian plaza and on existing deck stair wells.</li> </ul>	This will be considered by the Owner, but we cannot commit to it at this time.
<ul style="list-style-type: none"> <li>Increase the visual importance of the retail entrance on Fayetteville &amp; the plaza.</li> </ul>	The door to the restaurant location at has been enlarged and relocated to the plaza.
<ul style="list-style-type: none"> <li>Introduce seating areas and active use on the NE Corner of building and throughout the plaza.</li> </ul>	There is a seating area at the restaurant location at the corner facing Fayetteville Street.
<ul style="list-style-type: none"> <li>Above grade planters and site furnishings should be contemplated as a part of the Lenior streetscape to make it more pedestrian friendly.</li> </ul>	Above grad planters will be considered as the design develops.
<ul style="list-style-type: none"> <li>Active use and aesthetic elements should be examined as the green roof design develops.</li> </ul>	Should the green roof be included in the final design, we will consider its aesthetic arrangement.
<ul style="list-style-type: none"> <li>Pay close attention to the architectural articulation of all building corners.</li> </ul>	Acknowledged.



- The Commission strongly supports the architectural statement made by the proposed roof element and it should remain integral to the project. Acknowledged.
- A higher level of architectural articulation and detailing (similar to the main building) should be brought to the retail building fronting Wilmington (i.e. Canopies, masonry detailing, cornice, corners, etc.) Acknowledged.
- Careful consideration should be given to the courtyard/plaza design, detailing and programmatic elements. Further development is needed commensurate with the quality of the main building design. Acknowledged.

**SUBDIVISION  
STANDARDS:**

**BLOCK LAYOUT:** No new streets are required or proposed with this development plan.

**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. Service areas of the site face south on Lenoir Street.

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

**PEDESTRIAN:** Proposed sidewalk locations conform to City regulations. A 14' sidewalk is required along all three streets that the property fronts on. Existing/proposed public sidewalks range from 18.5'-29.5'.

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

**STORMWATER  
MANAGEMENT:** This site is exempt from stormwater management controls in accordance with Chapter 9 of Part 10 of the Raleigh City Code per Code Section 10-9021(6) as there is no proposed increase in impervious area associated with this preliminary site plan.

**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.