



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-32-2013 / Bell View Hotel

General Location: The north side of Hillsborough Street between Maiden Lane and Enterprise Street

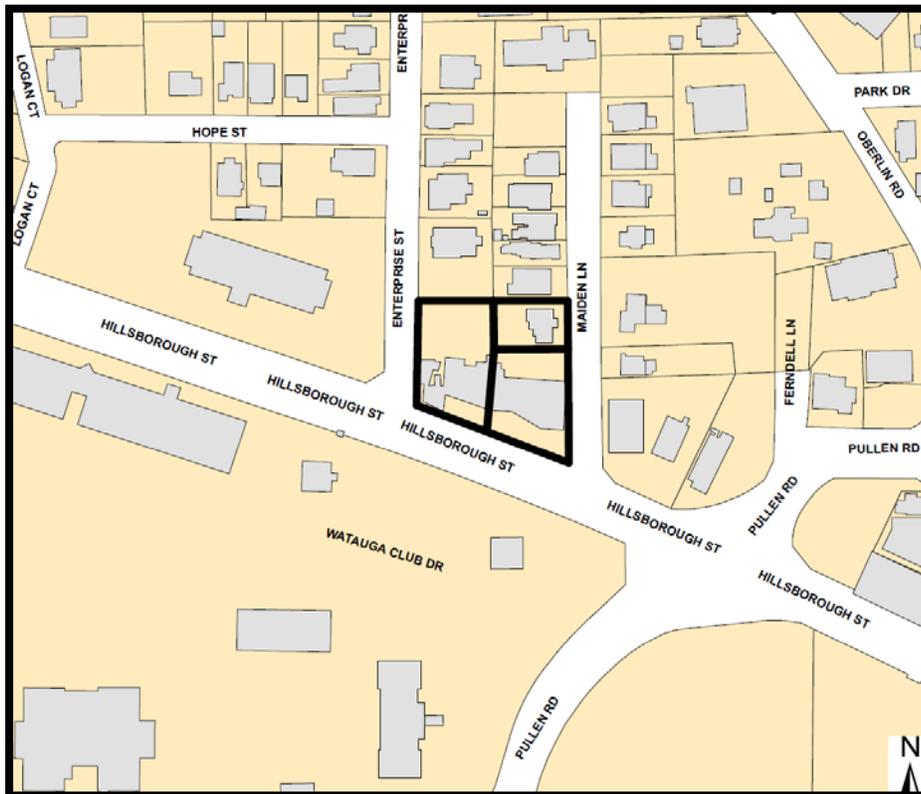
Owner: Bell View Partners
Designer: Jones and Crossen Engineering, PLLC

CAC: Wade

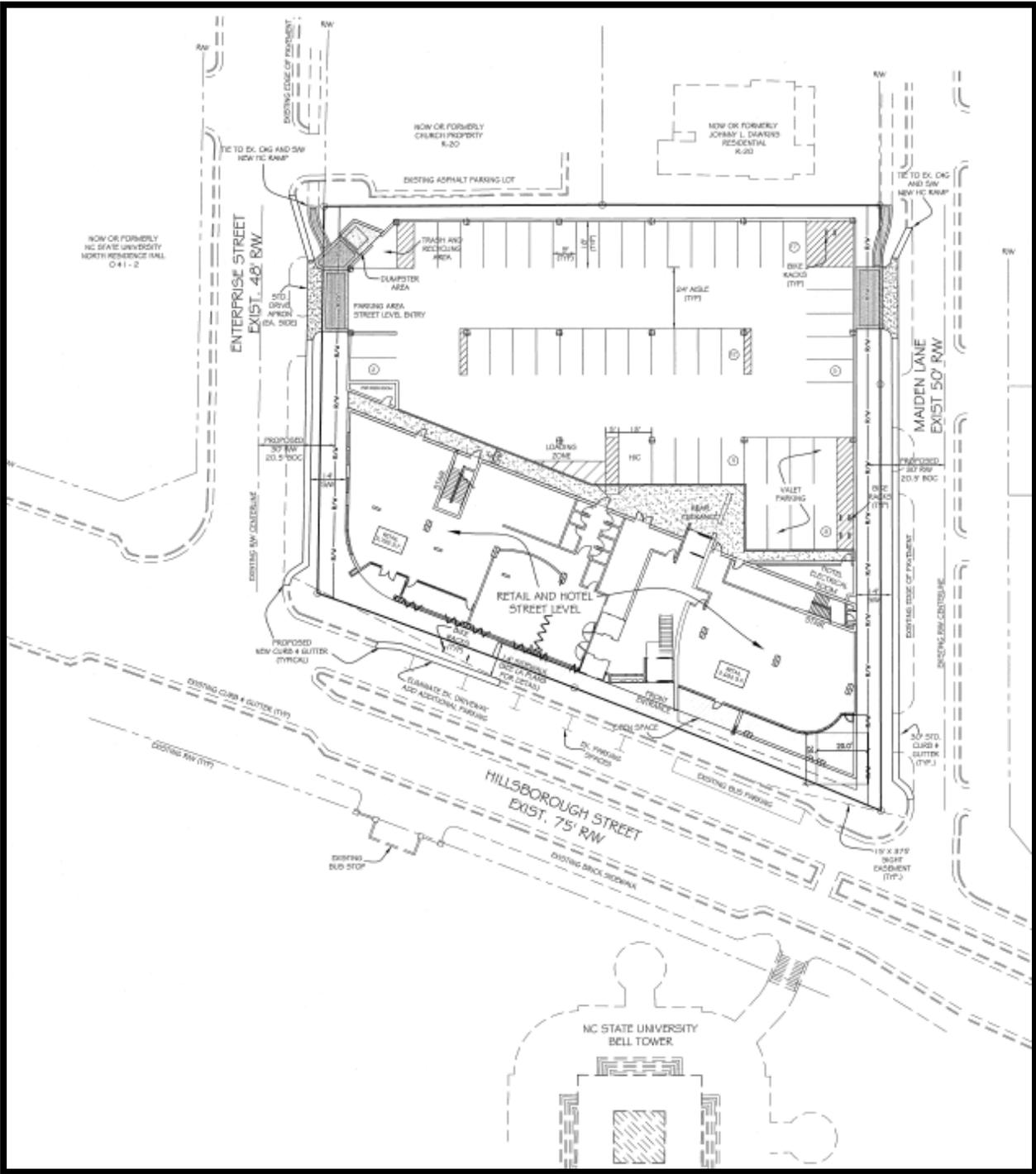
Nature of Case: A 94,389 square foot hotel containing 135 rooming units and 6,600 square feet of retail space on a .91 acre site zoned Neighborhood Business CUD, Pedestrian Business Overlay District and Special Residential Parking Overlay District. As this hotel use is greater than 25,000 square feet and is within 400' of a residential district and a residential use, Planning Commission review is required.

Key Issues: Requested open space alternate for reduced width sidewalks on Enterprised Street (15' length) and Maiden Lane (23' length).

Contact: Stuart M. Jones



SP-32-13 / Bell View Hotel – Site Location Map



SP-32-13 / Bell View Hotel – Preliminary Site Plan

SUBJECT: SP-32-13

CROSS-REFERENCE: Z-36-12

LOCATION: This site is located on the north side of Hillsborough Street between Maiden Lane and Enterprise Street inside the City Limits. It is comprised of three parcels which are currently developed.

PIN: 0794917521, 07949184424 & 0794918535

REQUEST: This request is to approve a 94,389 square foot hotel containing 135 rooming units and 6,600 square feet of retail space on a .91 acre site zoned Neighborhood Business CUD, Pedestrian Business Overlay District and Special Residential Parking Overlay District. Existing structures on site are to be demolished prior to the proposed redevelopment. As this hotel use is greater than 25,000 square feet and is within 400' of a residential district and a residential use, Planning Commission review 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, 10-2065, 10-2132.2, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 8/1/13, owned by Bell View Partners, submitted by Jones & Cnossen Engineering, LLC.

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

VARIANCES / ALTERNATES: The applicants have received a variance from the requirements from right of way dedication for Hillsborough Street which is classified as a Major Thoroughfare which requires a 90' right of way. Currently the existing right of way is 75'. Given the existing context of the area, the existing 75' right-of-way width has been found to be adequate. The right-of-way variance was approved by an action of City Council on 8/6/13.

The Board of Adjustment approved a reduction in the required width of a portion of the Transitional Protective Yard adjacent to a residential use and reduced the 30' width requirement down to 10' with a 6' closed wooden fence (BOA case A-32-13).

To PC: 9/10/13

Case History: xxxxx

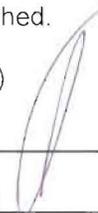
Staff Coordinator: Eric S. Hodge, AICP

Motion: Terando
Second: Buxton
In Favor: Braun, Buxton, Fluhrer, Lyle, Mattox, Sterling Lewis, Swink and Terando
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.) (PC Chair)

 _____  _____

date: 9/10/13 _____ date: 9/10/13 _____



Staff Report

**RECOMMENDED
ACTION:** Approval with Conditions

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

- (1) That as allowed by City Code Section 10-2055(d)(4), the Planning Commission finds that the alternate method of open space proposed, 5' sidewalk sections ($\pm 15'$ - $23'$ in length) north of the proposed driveways on Enterprise Street and Maiden Lane, serve as an appropriated transition to the sidewalks located outside of the Pedestrian Business Overlay District, and the Commission finds it 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 10-2132.2(d);

Administrative Actions:

Prior to issuance of a grading permit or site review permit:

- (2) That prior to the issuance of a grading permit, the plans be revised to include documentation for exemption from code section 10-9023(b)(1) on plan set;
- (3) That the proposed sand filter must be designed to be "off-line" per DWQ Design Manual. Therefore, storms greater than the water quality (1") must bypass the BMP;
- (4) 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 a site review permit:

- (5) That prior to the issuance of a grading permit, the plans be revised to include documentation for exemption from code section 10-9023(b)(1) on plan set;
- (6) That the proposed sand filter must be designed to be "off-line" per DWQ Design Manual. Therefore, storms greater than the water quality (1") must bypass the BMP;
- (7) 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:

- (8) That the developer shall pay to the City a stormwater facility replacement fund payment equal to twenty-four percent (24%) of the estimated cost of constructing all stormwater control facilities shown on the development plans;
- (9) That a nitrogen offset payment must be made to a qualifying mitigation bank;
- (10) That demolition permits be issued for existing structures on site to be removed. The demolition permit number shall appear on the right-of-way map and recombination plat required by conditions of approval numbers 11 and 12;
- (11) That additional right-of-way is dedicated on Enterprise Street and Maiden Lane in accordance with the Thoroughfare and Collector Street Plan and a copy of the recorded map is provided to the Planning Department prior to permit issuance;
- (12) That recombination maps be recorded, recombining the existing lots into a single tract and that demolition permit numbers be shown on the plat for structures being removed; The public sidewalk easements and right-of-way dedications required shall be shown on the recombination plat;
- (13) 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"
- (14) That an encroachment agreement for any plantings, bike racks, 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;
- (15) That a landscape permit is obtained from the urban forester in the Parks and Recreation Department for landscaping in the public right-of-way;
- (16) 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;

- (17) That the applicant shall submit, with the application for a building permit, an off-site landscape easement to meet the transitional protective yard requirements. The City Attorney shall approve the easement before it is recorded in the Wake County Register of Deeds Office. If the off-site parcel containing the landscape easement is owned by the same owner as the subject property, then a declaration of landscape easement shall be approved and recorded;

Prior to issuance of a certificate of occupancy:

- (18) That the development conforms to all of the zoning conditions of Z-36-12;
- (19) That as-built certifications for all proposed BMP's are required to be reviewed and accepted by Public Works Stormwater staff;
- (17) That the development conforms to the provisions of the Streetscape Plan for University Village on Hillsborough Street, adopted May 23, 1986 and as amended thereafter, in effect as of the date of this rezoning ordinance and including any amendments to the Streetscape Plan adopted by X the provisions of the Streetscape Plan for University Village on Hillsborough Street, adopted May 23, 1986 and as amended thereafter, in effect as of the date of this rezoning ordinance and including any amendments to the Streetscape Plan adopted by this rezoning ordinance Z-36-12 (the "University Village Streetscape").

ZONING:

**ZONING
DISTRICTS:**

Neighborhood Business Conditional Use District, Pedestrian Business Overlay District and Special Residential Parking Overlay District; Ordinance (2012)119ZC679 effective: November 6, 2012.

Z-36-12 (SSP-8-12) – Hillsborough Street & Enterprise Court Conditional Use is located on the north side of Hillsborough Street, east of its intersection with Enterprise Street being PINs 0794-91-7521, 0794-91-8424, and 0794-91-8535. Approximately 0.95 acres to be rezoned from Residential-20, and Neighborhood Business with Pedestrian Business overlay to Neighborhood Business Conditional Use District with Pedestrian Business Overlay.

Conditions Dated 10/24/12

Narrative of conditions being requested:

1. The following principal uses shall be prohibited on the property:

- riding stable - all
- outdoor stadium/theater/amphitheater/racetrack - all
- rifle range - all
- cemetery
- correctional/penal facility - all
- crematory
- funeral home
- hospital
- orphanage
- adult establishment
- car wash facility
- exterminating service

- kennel/cattery
- heliport - all
- airfield/landing strip
- mini warehouse storage facility
- parking facility - principal use
- automotive service and repair facility
- landfill – all

2. Development of the property shall conform to the provisions of the Streetscape Plan for University Village on Hillsborough Street, adopted May 23, 1986 and as amended thereafter, in effect as of the date of this rezoning ordinance and including any amendments to the Streetscape Plan adopted by this rezoning ordinance (the “University Village Streetscape Plan”).

3. All outdoor pole-mounted light fixtures shall be full cut-off design and shall be directed away from those properties with Wake County Parcel Identification Numbers 0794-91-7624 (DB7492, PG1) and 0794-91-8631 (DB14354, P02693).

4. The above-ground portion of any principal or accessory building shall not be located within 5 feet of the common property line with those properties with Wake County Parcel Identification Numbers 0794-91-7624 (DB7492, PG1) and 0794-91-8631 (DB14354, PG2693).

5. For that side of a parking deck facing the properties with Wake County Parcel Identification Numbers 0794-91-7624 (DB7492,PG1) and 0794-91-8631 (DB14354, PG2693), the parking deck shall include a solid wall at least 42 inches in height as measured from the top of each parking surface.

6. In the event a parking deck is located on the Property, and there is no intervening use or building between the parking deck and the common property line with that property with Wake County Parcel Identification Number 0794-91-8631 (DB14354, PG2693), and such adjacent property contains a detached residential unit, then those trees required as part of a transitional protective yard located between the parking deck and the common property line shall be at least 3 inches in diameter at the time of installation and shall be evergreen.

SETBACKS / HEIGHT:

This plan conforms to all minimum setback standards. Front yard = 6”, rear yard = 5’, front / rear aggregate = 11’, corner side yard = 4’, side yard aggregate = 8’. This plan conforms to maximum height standards in this zoning district. Proposed height of the building is 80’.

PARKING:

Off-street parking conforms to minimum requirements: 92 spaces required, based on 1 parking space per hotel room and 1 space per 200 square feet of retail uses with a 55% reduction allowed for commercial uses. 98 spaces are provided.

LANDSCAPING:

Street yard landscaping in conformity with Section 10-2082.5 is shown. This is a medium impact use under Section 10-2082.9. Transitional protective yards are shown in compliance with City standards in the following locations:

<u>Location</u>	<u>Yard type required</u>	<u>Width proposed</u>
North	30’ Type B	10’ W/ 6’ Closed wooden Fence

The Board of Adjustment approved a reduction in the required width of a portion of the Transitional Protective Yard adjacent to a residential use and reduced the 30’ width requirement down to 10’ with a 6’ closed wooden fence (BOA case A-32-13). The reduced width transitional protective yard is also being provided

partly with a 5' width off-site landscape easement on adjacent property and the required easement must be approved and recorded prior to building permit issuance.

**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.

OPEN SPACE:

The Pedestrian Business Overlay District calls for a minimum of 5% of the total land area of the development to 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 users of the development. Based on the property's acreage, the base minimum amount of open space required for the tract is 1,996 square feet. The applicants plan contains a minimum of 2,100 square feet of open space provided through wider sidewalks and an outdoor patio area that meets the standards of the Pedestrian Business Overlay District.

The proposed sidewalk widths are consistent with the open space requirements of 10-2055(d)(4) and are 14' throughout the proposed development except for relatively short stretches along the northern portion of the site on both Enterprise Street and Maiden Lane to allow for a transition to the 5' sidewalks located outside of the Pedestrian Business Overlay District. Code Section 10-2055(d)(4) allows the Planning Commission to reduce these open space requirements as part of a site plan approved by the Planning Commission in accordance with 10-2132.2(c) after a finding that such reduction in open space 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 10-2132.2(d).

PHASING:

This is a single-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:**

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

Street	ROW	Construct	Slope Esmt.
Maiden Lane	½ 60'	½ 41' B/B	N/A
Enterprise Street	½ 60'	½ 41' B/B	N/A

TRANSIT:

This section of Hillsborough St is served by CAT Route 4 Rex Hospital and Triangle Transit and both the CAT Short Range Transit Plan and the Wake County 2040 plan call for continued service. The Wake County 2040 Plan identifies Hillsborough St as a premium transit corridor with frequent service.

**COMPREHENSIVE
 PLAN:**

This site is located within the Wade CAC, in an area designated Neighborhood Mixed Use on the future land use map. That category envisions applies to neighborhood shopping centers and pedestrian-oriented retail districts. The service area of these districts is generally about a one mile radius or less. Typical uses would include corner stores or convenience stores, restaurants, bakeries, supermarkets (other than super-stores/centers), drug stores, dry cleaners, video stores, small professional offices, retail banking, and similar uses that serve the immediately surrounding neighborhood. Staff has reviewed the site plan and finds this plan consistent with Comprehensive Plan policies.

**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 suggestions on this preliminary plan. Shown below are comments and applicant responses:

Comment	Response
Integrate the sign cap into the design and form of the remainder of the building.	The round sign cap serves a number of issues within the overall composition of the Bell View project. In order to present the sign to be seen from multiple perspectives, its round surface serves well especially when placed in the narrow acute angle of the roof plane beneath. Secondly, the surface and shape serves to reveal the view of the historic Bell Tower from the Oberlin Road/Cameron Village view corridor which was of concern to some community members. Finally, the curved linear surface of the sign cap acts as counterpoint to the rectilinear building itself and echos the hanging sculpture over the main entrance.
Include supplemental signage to explain story behind design and public art.	The story of the artwork and the overall concept of the building design will be expressed in creative ways via brochures, staff training, and perhaps video in the lobby of the hotel. We feel the story is important and interesting to the public and we are committed to provide access to the story.
Concentrate on the design of the entry sequence and all doorways on Hillsborough Street.	The plan is for each of these areas to be accentuated in a number of fashions. In accordance with the University Village PBOD, each entrance is set back and under a canopy to create the formal entrance process to let you know you have arrived. Through the use of creative blade signage (encouraged through the PBOD) to announce the entry area to

	<p>the use of lighting in the evening, each entrance will be designed to be set apart from the balance of the building. The final entry areas will be designed with each retailer so they can bring their individual culture and story of their store out to the public entrance.</p>
<p>Consider the use of different color, dimensions, or mortar color of brick on "past" and "future" portions of the project on the rear elevation and parking deck portions of the project.</p>	<p>The plan is to choose a brick color similar to the traditional brick used at NCSU for the project. The west section of the building representing the past, will have the same traditional mortar color and joint striking pattern you see on the historic buildings of North Carolina State University across Hillsborough Street. The east section of the building representing the future, will use a mortar color similar to the high tech metal panels on the east end of the building along with a rake pattern in the brick coursing.</p>

SUBDIVISION STANDARDS:

BLOCK LAYOUT: The proposed street layout conforms to City Code, providing for efficient circulation of traffic within the entire neighborhood area. No new streets are proposed or required.

PUBLIC UTILITIES: City water and sewer services are available. The developer is responsible for installation of all lines necessary to provide service to this site.

SOLID WASTE: Individual lot service to be provided by private contractor.

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

PEDESTRIAN: Proposed sidewalk locations conform to City regulations. A 14' wide sidewalk is required along the property's Hillsborough Street, Enterprise Street and Maiden Lane frontages. The proposed sidewalk widths are consistent with the open space requirements of 10-2055(d)(4) and are 14' throughout the proposed development except for ±15'-23' segments along the northern portion of the site on both Enterprise Street and Maiden Lane to allow for a transition to the 5' sidewalks located outside of the Pedestrian Business Overlay District. The Code Section 10-2055(d)(4) allows the Planning Commission to reduce these open space requirements as part of a site plan approved by the Planning Commission in accordance with 10-2132.2(c) after a finding that such reduction in open space 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 10-2132.2(d).

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

STORMWATER MANAGEMENT: This site is subject to stormwater management controls in accordance with Chapter 9 of Part 10 of the Raleigh City Code. Proposed stormwater control

measures are shown in accordance with the Raleigh Stormwater Control and Watercourse Buffer Manual. The post development runoff rate for the site is less than 10%; therefore the site is exempt from code section 10-9023 (detention requirements). Code section 10-9022 (water quality requirements) will be met through the utilization of 2 sand filters in series and a buydown payment.

**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.