



## 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-36-11 / West Apartments

**General Location:** Between West Street and Harrington Street, north of North Street

**Owner:** Harrington Street Partners, LLC

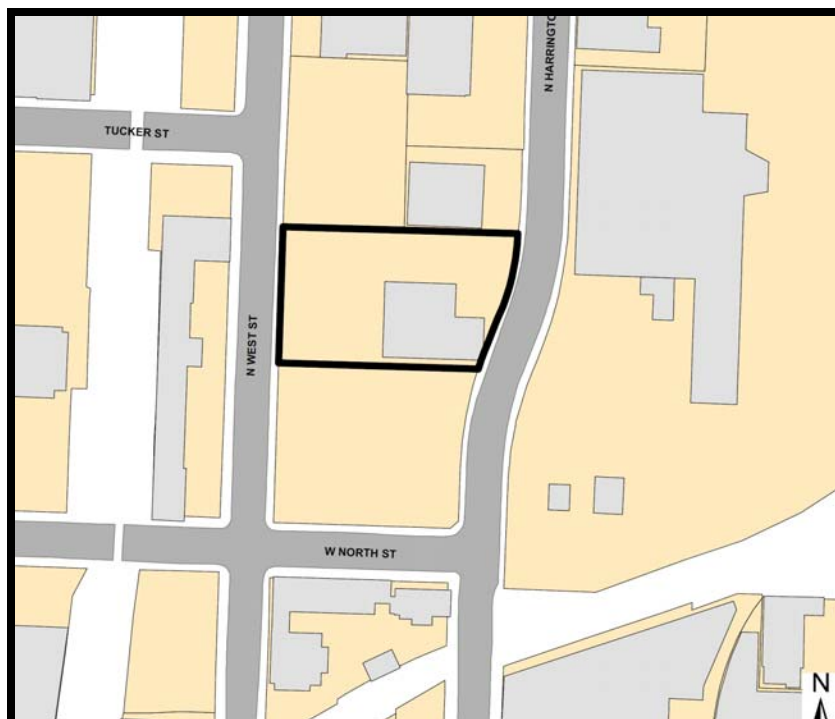
**Designer:** JDavis Architects, PLLC

**CAC:** North Central

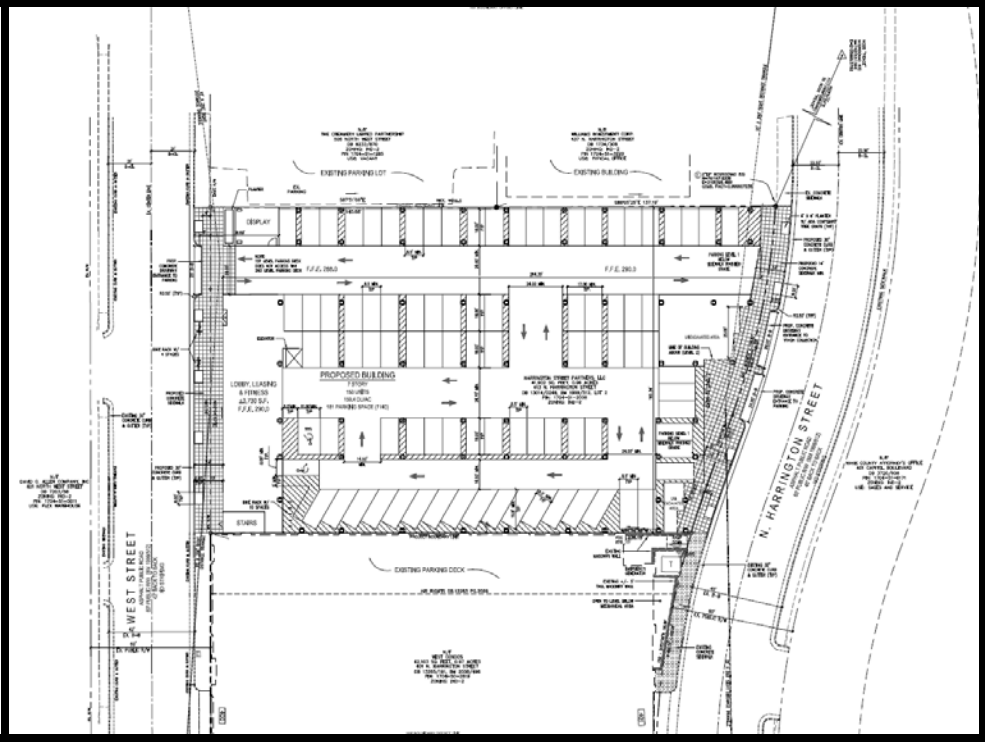
**Nature of Case:** This request is to approve a seven story (85' tall) 270,000 square foot multi-family building on a .96 acre site zoned Industrial-2 with the Downtown Overlay District. The proposed building would be comprised of 153 dwelling units (160 dwelling units per acre) and a two level parking podium deck containing 180 parking spaces. This proposal requires Planning Commission approval for the following reasons: (A.) It is for a building over 80 feet in height; (B.) It is for a building over 10,000 square feet in the Downtown Overlay District; (C.) The proposal includes residential units in an Industrial District with additional residential density within the Downtown Overlay District; and (D) Exceed residential densities in excess of 40 dwelling units per acre in the Downtown Overlay District.

**Key Issues:** As presented, staff finds that this plan conforms to Code standards and adopted land use policies.

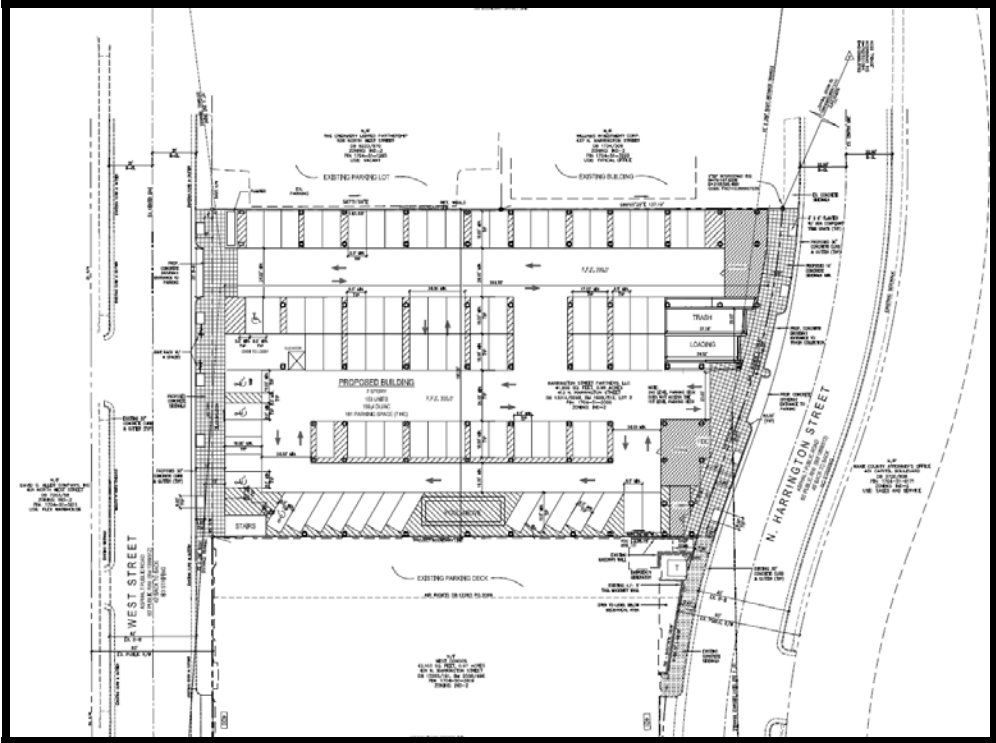
**Contact:** Ken Thompson , JDavis Architects PLLC



SP-36-11 West Apartments – Site Location Map



SP-36-11 West Apartments – Preliminary Site Plan -Level One



SP-36-11 West Apartments – Preliminary Site Plan -Level Two



**SUBJECT:** SP-36-11 / West Apartments

**CROSS-REFERENCE:** SP-87-06 West @ North Revision (neighboring property)

**LOCATION:** This site is located between West Street and Harrington Street, one parcel north of North Street inside the City Limits. The site currently contains a one story office building.

**REQUEST:** This request is to approve a seven story (85 feet tall), 270,000 square foot multi-family building on a .96 acre site zoned Industrial-2 with the Downtown Overlay District. The proposed building would be comprised of 153 dwelling units (160 dwelling units per acre) and a two level parking podium deck containing 180 parking spaces.

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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 this request conforms to Chapter 2, Part 10, Sections 10-2047, 10-2051, 10-2107 and 10-2132.2, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 9/6/12, owned by Harrington Street, LLC, submitted by JDavis Architects, PLLC.

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

**VARIANCES / ALTERNATES:** No variances or alternates are proposed.

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To PC: 10/9/12

**Case History:**

**Staff Coordinator:** Eric Hodge, AICP

**Motion:** Butler  
**Second:** Sterling Lewis  
**In Favor:** Butler, Buxton, Harris Edmisten, Haq, Mattox, Sterling Lewis, Terando  
**Opposed:**

**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.)

\_\_\_\_\_

date: \_\_\_\_\_

(PC Chair)

Linda H. Edmisten

date: October 9, 2012



## Staff Report

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**RECOMMENDED  
ACTION:** Approval with Conditions

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**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 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 as allowed by City Code Section 10-2051(d)(4)b, the Planning Commission finds that the increase in building height to 85', without stepbacks, 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 1 (iii) by (A) being located within one quarter (1/4) mile of an existing or proposed Triangle Transit Authority rail station platform and (B) providing parking in a deck which meets the Code standards of 10-2051(d)(1)c.3;
- (4) That the Planning Commission finds that this site plan meets the standards of section 10-2132.2(d);

**Administrative Actions:**

***Prior to issuance of a site review permit or construction drawings for public or private improvements, whichever comes first:***

- (5) That at the time of site grading permitting the plans shall show how the sand filter complies with all design criteria of the NCDENR BMP manual;
- (6) That as the developer has chosen to offset a portion of nitrogen export load limitation by paying monies to the North Carolina Ecosystem Enhancement Program (NCEEP) in accordance with Nitrogen reduction requirements of Section 10-9022, this payment shall be made to NCEEP and verification of the amount of payment shall be provided to the City of Raleigh Stormwater Engineer;
- (7) 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. The easements shall tie to a public right of way;
- (8) 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 prior to grading or the approval of construction drawings, whichever event comes first;

- (9) That if any work takes place on adjacent properties owned by others, it will require notarized permission or temporary construction easements signed by all impacted owners;

**Prior to issuance of building permits:**

- (10) That an encroachment agreement for any 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;
- (11) That a landscape permit is obtained from the urban forester in the Parks and Recreation Department for landscaping in the public right-of-way;
- (12) 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 West Street and Harrington Street;
- (13) That a demolition permit for the buildings proposed for removal be issued by the Inspections Department and this building permit number be shown on all maps for recording;
- (14) That within the required stormwater 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;

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**ZONING:**

**ZONING DISTRICTS:** Industrial-2 and Downtown Overlay District

**SETBACKS / HEIGHT:** This plan conforms to all minimum setback standards. West St. = 6', Harrington St. = 5', side yard = 0', side yard aggregate = 0'. Proposed height of the building is 85'. The Industrial-2 District allows for all setbacks to be 0' and for buildings to be constructed to any height except buildings greater than 50' high shall add one foot additional width to each required district yard setback for each foot of height greater than 50' feet high and buildings over 40' which are located closer than 50'

to a property containing a dwelling shall add two feet of additional width to each required district yard setback for each foot of height greater than 40' high. The proposed buildings do not carry the setbacks called for in the underlying zoning but the Planning Commission can approve the increase in height as allowed by the Downtown Overlay District (Section 10-2051(d)(4)). 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: 137 spaces required, based on one parking space per dwelling unit (exempting the first 16 units as allowed by the Downtown Overlay District). 180 spaces are provided. While the Downtown Overlay District does not require any bicycle parking facilities, 10 bicycle spaces are proposed.

**LANDSCAPING:** Street yard landscaping in conformity with Section 10-2082.5 is shown through street trees located within the sidewalk area. No vehicular surface area landscaping is required as all of the proposed parking is within a parking structure. No transitional protective yards are required.

**TREE CONSERVATION:** No tree conservation areas are required because the site is less than 2 acres in size.

**DEVELOPMENT INTENSITY:** Proposed floor area ratio (FAR) is 6.5 and building lot coverage is 100%.

**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 160 dwelling units per acre. In order to achieve this density, the project would have to meet at least two of the tiered density standards. The applicants purport that the plan meets one Tier 1 standard and one Tier 2 standards. These standards are listed below:

1. **Location:** (Tier 1 Standard granting an additional 60 units per acre)  
The proposed development is located within one quarter (1/4) mile of an existing or proposed Triangle Transit Authority rail station platform (determined by straight line from edge of platform to property line).  
**The subject property is within one quarter (1/4) mile of a proposed TTA Station.**
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 that meets these requirements.**

**OPEN SPACE:** The Downtown Overlay District in section 10-2151(d)(5) 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 2,091 square feet. The applicants plan contains a minimum of 7,141 square feet of open space provided through an outdoor courtyard that meets the dimensional standards of the Downtown Overlay District. 14' sidewalks are also being provided along West and Harrington Streets, some portions of which are on the subject parcel outside of the right-of-way.

**MULTI-FAMILY DWELLING DEVELOPMENT:** The development complies with the standards of City Code Section 10-2107 which govern multi-family dwelling developments.

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

**UNITY OF DEVELOPMENT:** Unity of development and sign criteria are not required in this development.

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**COMPREHENSIVE PLAN:**

**GREENWAY:** There is no greenway on this site.

**THOROUGHFARE / COLLECTOR PLAN:** No dedication of right-of-way or construction of any streets was required by the Thoroughfare and Collector Street Plan.

**TRANSIT:** No transit-oriented features of this site are incorporated into the proposed plan. This site is presently not currently directly served by the existing transit system, though transit is available within a couple of blocks from the site.

**COMPREHENSIVE PLAN:** The site is located within the North 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. Staff has reviewed the following Comprehensive Plan policies:

- Policy LU 5.1—Reinforcing the Urban Pattern
- Policy T 2.9—Curb Cuts
- Policy T 5.2—Incorporating Bicycle and Pedestrian Improvements
- Policy T 5.10—Building Orientation
- Policy UD 1.2—Architectural Features
- Policy UD 1.3—Creating Attractive Facades
- Policy UD 1.4—Maintaining Facade Lines
- Policy UD 2.1—Building Orientation
- Policy UD 2.2—Multi-modal Design
- Policy UD 2.3—Activating the Street
- Policy UD 2.6—Parking Location and Design
- Policy UD 2.7—Public Open Space
- Policy UD 3.8—Screening of Unsightly Uses
- Policy UD 6.1—Encouraging Pedestrian-Oriented Uses
- Policy UD 6.4—Appropriate Street Tree Selection
- Policy UD 7.3—Design Guidelines
- Policy DT 1.16—High Density Public Realm Amenities
- Policy DT 2.24- Parking Garage Constrained Streets
- Policy DT 2.8—Priority Pedestrian Streets – **West and Harrington Streets**
- Policy DT 3.2 Ground Floor Uses on Secondary Retail Streets **West and Harrington Streets**
- Policy DT 7.2—Maintaining Consistent Setbacks
- Policy DT 7.3—Streetwalls
- Policy DT 7.4—Building Entries
- Policy DT 7.5—Ground Level Design
- Policy DT 7.6—Minimizing Service Entrance Visibility

**Policy DT 7.19—Downtown Design Guideline Consistency** (all guidelines apply to the project. The ones in the table below are particularly relevant and/or highlight items that need further attention).

#	Guideline
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 3 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.
14	Entries that provide access to a building's upper floors should be located along a street to promote street life. They should be designed as separate entries, and distinguished from ground level spaces with different architectural details, materials, colors, lighting, signage, and / or paving so that it is clear which entries are public and which are private.

#	Guideline
15	Recessed entries are encouraged. They should be no wider than one-third of the width of the storefront or 20 feet, whichever is less. Recessed entries should be a minimum of 4 feet deep, except where necessary to meet fire code.
20	The use of deep awnings and canopies on the first story is recommended to help mitigate wind, reduce glare, and shade ground level spaces.
32	Designs should be contextual to adjacent buildings, including their cornice lines and horizontal banding.
34	The principal building entrance should be easily identified by building features and landscape elements; additional public entrances should be provided at every street face
36	Preferred materials (other than glass) include metal, brick, stone, concrete, plaster, and wood trim and discouraged materials include vinyl siding, pressed wood siding, and exterior insulated finishing systems (EIFS).
41	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 site plan does not show retail spaces on Harrington on West Streets as called for in Policy DT 3.2, although the applicant has indicated that the ground floor spaces are capable of conversion to commercial space in the future.

**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
1) The committee recommends that, in view of the richness of design and articulation exhibited by the other building elevations, similar care be shown on the N. Harrington Street façade, especially at the pedestrian level [commensurate with Code Sec. 10-2132.2(d)(2)].	The ground level treatment of the Harrington Street façade is similar to that of West Street. The building has recessed masonry banding and decorative gates as shown on the elevation. A pedestrian entrance has also been added to articulate the façade.
2) Add vertical screening elements across open parking deck spaces facing N. West and N. Harrington streets [commensurate with Code Sec. 10-2132.2(d)(2)].	No parking will be exposed on the ground level of either street. The parking spaces on the second level are screened by awnings similar to the adjacent West building.
3) Provide opaque screening elements at the top of parking deck openings to reduce glare from internal lighting [commensurate with Code Sec. 10-2132.2(d)(2)].	See response above.
4) Emphasize building entrances through enhancing their	The building entrances have been articulated.

architectural treatment  
[commensurate with Code Sec.  
10-2132.2(d)(2)].

- 5) Add color, detail, variation, and interest to wall facades that are windowless at property lines [commensurate with Code Sec. 10-2132.2(d)(2)].

Detail has been provided through the arrangement of panel joints, and the provision of a detailed masonry façade.

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**SUBDIVISION  
STANDARDS:**

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

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

**SOLID WASTE:** Refuse collection facilities are located behind recessed roll-down gates along the eastern side of the building that faces Harrington Street and shall meet the standards of the Solid Waste Collection Manual.

**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 both sides of the property on West Street and Harrington Street and 14' sidewalks are being provided.

**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) as the developer is showing that the increase in peak stormwater runoff between the pre-development and post-development conditions for the two-year and ten-year and twenty-five-year storms is 10% or less at each point of discharge. The developer is proposing compliance with nitrogen reduction requirements through the use of an underground sand filter and a one-time nutrient offset payment to the North Carolina Ecosystem Enhancement Program.

**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.