



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-49-13 / West Apartments II

General Location: West side of Harrington Street, north of North Street

Owner: Harrington Street Partners, LLC

Designer: JDavis Architects, PLLC

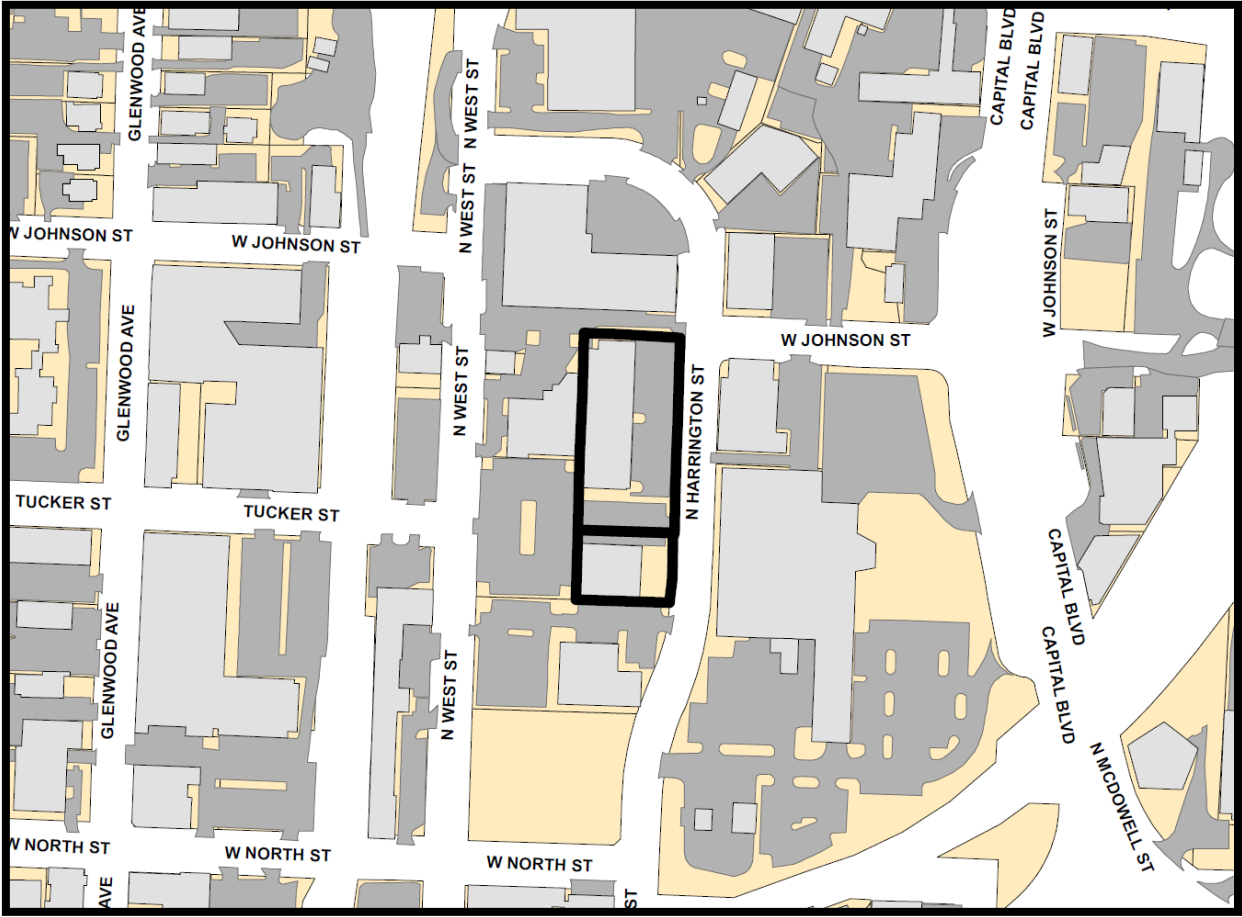
CAC: North Central

Nature of Case: This request is for a modification to a previously approved preliminary site plan. The modification includes developing the project in two phases, where the original plan only included one.

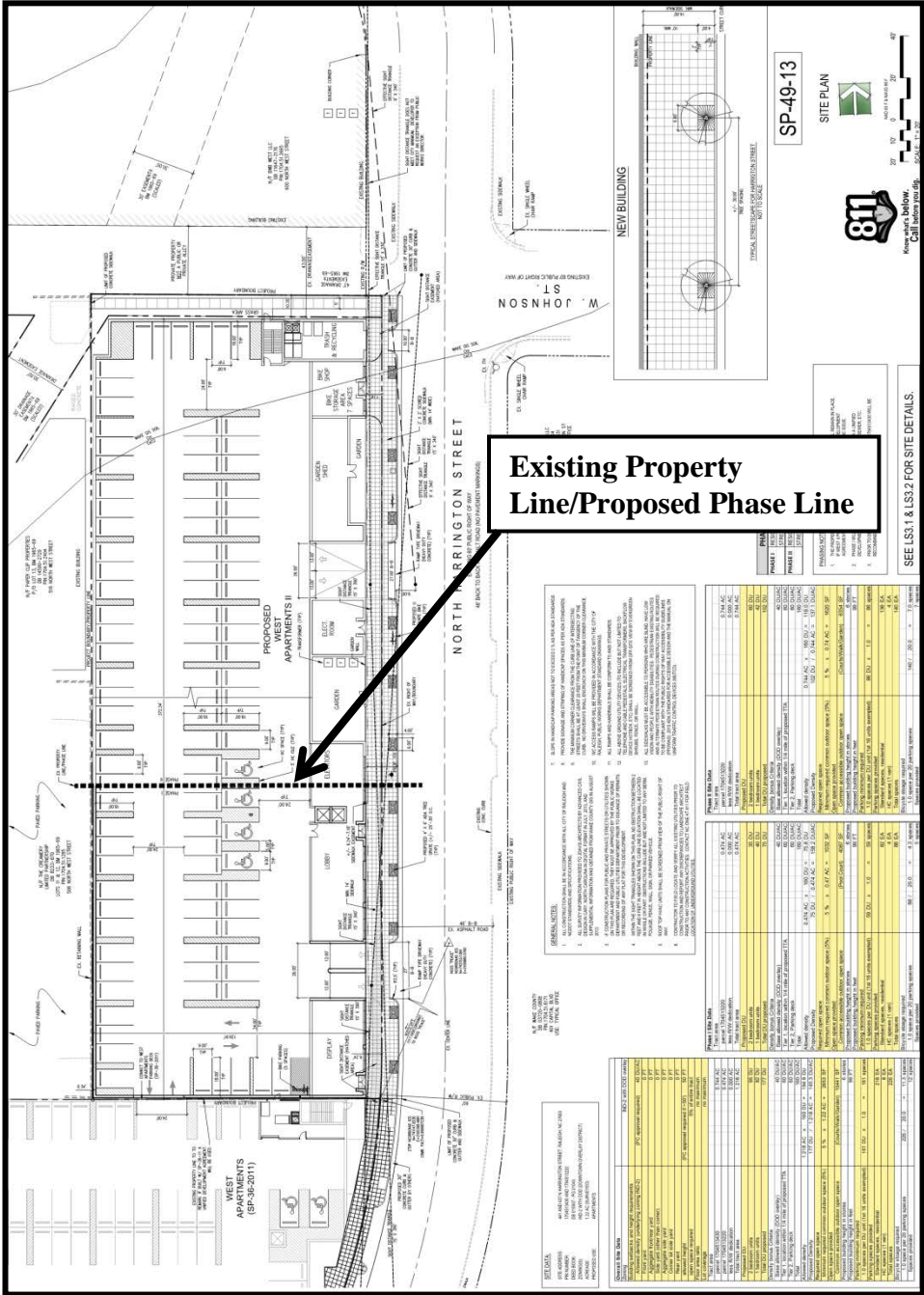
The development consists of a 99 foot tall, 286,480 square foot multi-family building on a .122 acre site zoned Industrial-2 with the Downtown Overlay District. The proposed building would be comprised of 177 dwelling units spread over 5 levels (145 dwelling units per acre) to be constructed upon a two level parking podium deck containing 226 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 over 40 units per acre within the Downtown Overlay District; and (D.) The modification requires a preliminary site plan approval in accordance with Section 10-2132.2(i)(2). This plan was originally submitted prior to September 1, 2013, but approved by Planning Commission on August 12, 2014.

Key Issues: This was originally approved to grant an increase in building height, reduced setbacks and increased residential density as allowed by the Downtown Overlay District. This modification is to allow phased construction of the project.

Contact: Ken Thompson, JDavis Architects, PLLC



SP-49-13 West Apartments II – Site Location Map



SP-49-13 West Apartments II – Preliminary Site Plan

SUBJECT: West Apartments II / SP-49-13

CROSS-REFERENCE: SP-36-11 West Apartments (neighboring property)

LOCATION: This site is located on the west side of Harrington Street, north of North Street inside the City Limits.

PIN: 1704513430 & 1704513220

REQUEST: This request is to modify the approval a 99 foot tall, 270,000 square foot multi-family building on a 1.22 acre site zoned Industrial-2 with the Downtown Overlay District to include a phasing plan. The proposed building would be comprised of 177 dwelling units (145 dwelling units per acre) and contain a two level parking podium deck comprised of 226 parking spaces. Prior to this request for plan modification, this plan was originally submitted prior to September 1, 2013, but approved by Planning Commission on August 12, 2014. With this request for a modification in phasing and construction of the project there are only three new conditions of approval: numbers 17, 19, and 22.

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 10-2047, 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 11/10/15, owned by Harrington Street, LLC, submitted by JDavis Architects, PLLC.

ADDITIONAL NOTES: Prior to this request for plan modification, this plan was originally submitted prior to September 1, 2013, but approved by Planning Commission on August 12, 2014.

VARIANCES / ALTERNATES: No variances or alternates are proposed.

To PC: 11/24/15

Case History: xxxxx

Staff Coordinator: Justin Rametta

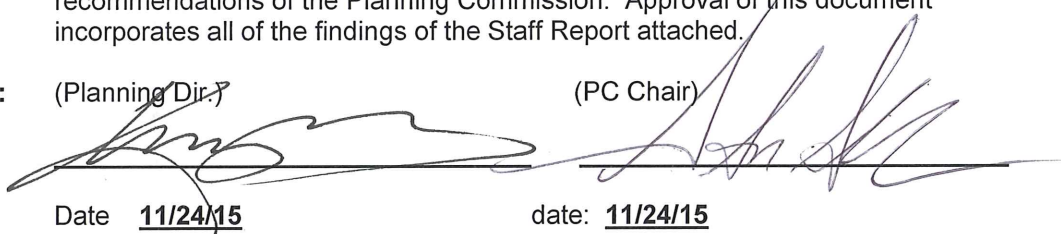
Motion: Swink
Second: Whitsett
In Favor: Alcine, Braun, Hicks, Lyle, Schuster, Swink, Terando, Tomasulo and Whitsett
Opposed: xxxxx

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)

The image shows two handwritten signatures in black ink. The signature on the left is more fluid and cursive, while the signature on the right is more structured and blocky. Both signatures are written over a horizontal line.

Date 11/24/15

date: 11/24/15



Staff Report

RECOMMENDED

ACTION: **Approval with Conditions** (With this request for a modification in phasing and construction of the project there are only three new conditions of approval: numbers 17, 19, and 22).

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 99', without setbacks, are in accordance with the general plans for the physical development of the City as embodied in the Raleigh Comprehensive Plan and this site plan meets the standards of section 10-2132.2(d);
- (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 grading permit or site review permit for the site, whichever comes first (for phase I, unless otherwise specified):

- (5) That at time of site grading permit submittal the owner is to show how the sand filter complies with all major 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. Payment shall be made prior to approval of site final permit;

- (7) That a stormwater control plan with a site specific stormwater operations and maintenance manual and budget, shall be approved by the Stormwater Engineer in compliance with Part 10, Chapter 9. The operations and maintenance manual is to include all construction costs for the proposed stormwater devices used for compliance with Part 10, Chapter 9;
- (8) 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 private drainage easement is to tie to a public right of way;
- (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 Infrastructure Construction Drawings:

- (10) That an encroachment agreement for stormwater drainage systems that carry private drainage to be located within the public right-of-way (More specifically, the pipe outlet from the sand filter that ties into the storm system within Harrington Street) 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 owner. The encroachment shall be recorded prior to approval of construction drawings;

Prior to issuance of any building permits for either phase:

- (11) That payment in the amount of 24% of the total construction costs for the stormwater devices is to be paid to the City of Raleigh prior to building permit approval. The operations and maintenance manual is to note the amount of the payment equal to 24% of the total construction costs;
- (12) That a landscape permit is obtained from the urban forester in the Parks and Recreation Department for landscaping in the public right-of-way;
- (13) 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 Harrington Street ,and this easement deed be recorded within 1 day following recordation of the plat;
- (14) 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 private drainage easement is to tie to a public right of way.

- (15) That a demolition permit for the buildings proposed for removal be issued by the City and this permit number be shown on all maps for recording;
- (16) That a plat be recorded showing the sidewalk easement and sight distance easements prior to issuance of any building permits;
- (17) That a recombination plat combining the two properties into one be recorded prior to issuance of a building permit for phase II of this project;
- (18) That a cross access agreement among West II phases I and II is approved by the Planning Department for recording in the Wake County Registry, and that a copy of the recorded offer of cross access easement be returned to the Planning Department within 1 day of lot recording;
- (19) That as this project requires construction approval for public sewer upgrades (unless installed by others) and sanitary sewer upgrades shall include a parallel 18" main in private alley immediately North of site from West to Harrington Streets, acceptance of new 18" sewer line by the City of Raleigh, for maintenance, as may be applicable, has occurred;
- (20) That a Unified Development Agreement for shared utilities, trash service, etc. is executed and approved by the City between this development and the adjacent property, identified as PIN 1704512008 (West Apartments I);
- (21) That Infrastructure Construction Plans are approved by the Public Works and Public Utility Departments;

Prior to issuance of a certificate of occupancy:

- (22) That an as-built plan and certification of any stormwater control device shall be reviewed and accepted by the City prior to final stormwater inspection approval or certificate;
- (23) That an impervious surface as-built survey for Phase II shall be reviewed and accepted by the City prior to final stormwater inspection approval.

ZONING:

ZONING DISTRICTS: Industrial-2 and Downtown Overlay District

SETBACKS / HEIGHT: This plan conforms to all minimum setback standards. Harrington St. = 7', side yard = 0', side yard aggregate = 10' and a rear yard setback of .34'. Proposed height of the building is 99'. 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 provide 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, Code 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: 161 spaces required, based on one parking space per dwelling unit (exempting the first 16 units as allowed by the Downtown Overlay District). 226 spaces are provided. While the Downtown Overlay District does not require any bicycle parking facilities, 12 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 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 (145 dwelling units per acre proposed). 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 145 dwelling units per acre (158 in phase I and 137 in phase II). 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 standard. 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 2,653 square feet. The applicant's plan contains a minimum of 10,441 square feet of open space. Phase I contains a 4,087 square foot pool court and phase II contains 6.354 square feet in a garden and courtyards. 14' sidewalks are also being provided along 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: There are two phases in this project. Phase I is .47 acres and includes 75 one and two bedroom apartments. Phase II is .74 acres and includes 102 one and two bedroom apartments.

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:

No additional dedication of right-of-way or construction of any streets was required. A design exception was given by the Public Works Director for the minimum sight distance requirement for the proposed northern driveway.

TRANSIT: The following transit-oriented features of this site are incorporated into the proposed plan: pedestrian connectivity. This site is presently served within 1-2 blocks by the existing transit system. The closest stops are the R-Line on West/Harrington, Route 12 on Peace/West and Route 6 on Glenwood/Johnson.

COMPREHENSIVE PLAN:

The site is located within the North Central CAC, in an area designated Central Business District on the future land use map. This category applies to the Raleigh Central Business District, and is intended to enhance Downtown Raleigh as a vibrant mixed use urban center. The category recognizes the area's role as the heart of the city, supporting a mix of high-intensity office, retail, housing, government, institutional, visitor-serving, cultural, and entertainment uses.

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

- LU 2.2 – Compact Development
- LU 4.5 – Connectivity
- LU 4.7 – Capitalizing on Transit Access
- LU 4.8 – Station Area Land Uses
- LU 5.1 – Reinforcing the Urban Pattern
- T 5.5 – Sidewalk Requirements
- T 5.10 – Building Orientation
- UD 2.1 – Building Orientation
- UD 2.6 – Parking Lot Design
- UD 3.4 – Enhanced Streetwalls
- UD 3.9 – Parking Lot Design
- UD 5.1 – Contextual Design
- UD 5.4 – Neighborhood Character and Identity
- UD 6.1 – Encouraging Pedestrian-Oriented Uses
- UD 6.2 – Ensuring Pedestrian Comfort and Convenience
- UD 6.4 – Appropriate Street Tree Selection
- DT 1.17 – Auto-Oriented Uses
- DT 2.5 – Widen Sidewalks
- DT 2.8 – Priority Pedestrian Streets
- DT 4.1 – Encouraging Downtown Housing
- DT 7.2 – Maintaining Consistent Setbacks
- DT 7.3 – Streetwalls
- DT 7.4 – Building Entries
- DT 7.9 – Street Trees

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 commends the applicant’s addition of garden spaces, and encourages thoughtful connection as the building meets the sidewalk, considering the change of grade on site. The Commission also encourages a stronger physical and visual connection between the courtyards and sidewalk.	<i>We appreciate the positive response from the Appearance Commission in general. We also agree that the garden spaces, and common spaces have a strong connection and are aware of the challenges posed by the grade on Harrington Street. The garden spaces will be planted, and will be visible from the street.</i>
The Commission suggests additional detailing of the portions of the west elevation currently shown as scored stucco.	<i>We agree that additional detailing on the west elevation will be important. As shown on the elevations submitted with this response, and as the design</i>

	<i>develops we will look at the possibility of adding signage and lighting to those faces of the building.</i>
The Commission suggests that the sidewalk on the northern edge of the site shown in the easement be extended to the western property boundary to offer residents a more direct connection to the west. The Commission also suggests a visual cue such as an awning to indicate the presence of this mid-block path.	<i>A sidewalk will be added, however, this is not a public right of way, so pedestrian access will ultimately be on Harrington Street as it connects to West Street.</i>
The commission suggests the use of additional stucco rather than Hardipanel on the front plane of the building and that the applicants consider tightening the color palette.	<i>Additional stucco will be substituted for Hardipanel as the design develops, and as shown on the revised elevations included with this submittal. The color scheme will also be evaluated further.</i>
The Commission suggests the use of additional lighting, street furnishings, and further detailing of the courtyard in an effort to enliven the ground level experience.	<i>We agree that additional elements will enhance the streetscapes and courtyards. These will be studied as the design develops.</i>
The commission suggests that the Harrington Street entrance be further accentuated.	<i>The entry to the building on Harrington is accented through the use of materials, form, and color. It is a secondary entrance to the project, so the design needs to balance it's importance on Harrington Street, with the main entrance on West Street.</i>
The Commission commends the applicant's creative use of ground floor space, and encourages additional spaces throughout the larger development to provide amenity for the residents and to enliven the ground floor experience.	<i>We appreciate the Commission's support of this project.</i>

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. This project requires construction approval for public sewer upgrades (unless installed by others). Sanitary sewer upgrades shall include a parallel 18" main in private alley immediately North of site from West to Harrington Streets; existing 12" S/L is to remain in service for conveyance of overflows (NOTE: although the Link Apartments at Glenwood South already has construction approval for this extension, no upgrades have been installed to date. West Apartments II is dependent on this line being functional. Therefore if it is not installed "by others" in a timely manner - it will become the responsibility of the developer of this project to obtain the necessary construction approvals to install the line. Meantime Preliminary Site Plan & roadway ICPs may be issued & Final Plat recorded, but Building Permits cannot be released until the new S/L has been accepted by the City of Raleigh for maintenance (note: if this project elects to construct the new S/L, then it must be accepted prior to release of CO).

SOLID WASTE: Individual lot service to be provided by private contractor. Refuse collection facilities are located behind recessed roll-down gates along the northern end of the eastern side of the building facing Harrington Street and shall meet the standards of the Solid Waste Collection Manual.

CIRCULATION: No additional streets are proposed. The proposed streetscape improvements shall conform to normal City construction standards. Section 10-2103(c)(2) requires one vehicular access point for every 150 dwelling units. This development has two access points to support the proposed 177 dwelling units.

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. Portions of the proposed sidewalks, (6'-7' in width) are located on private property adjacent to public right-of-way on Harrington Street; therefore, the City Attorney shall approve sidewalks easement deed for those portions of sidewalk.

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

STORMWATER MANAGEMENT: Stormwater nitrogen reduction and stormwater runoff control are required per Article 9 of the Raleigh UDO. A sand filter and one time buy down to NCEEP are proposed to satisfy water quality requirements in Phase I. Phase II is showing compliance through a reduction in impervious surfaces. The existing impervious surfaces total for Phase II is 0.752 acres. The proposed impervious surfaces total for Phase II is 0.730 acres. Attenuation for water quantity is not proposed for either phase as the site plan meets the exemption as noted in 10-9023 (b) (1) of the Raleigh City Code.

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.