



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-68-09 / Boylan Pearce Building

Owner: A.J. Fletcher Foundation
Designer: Clearscapes

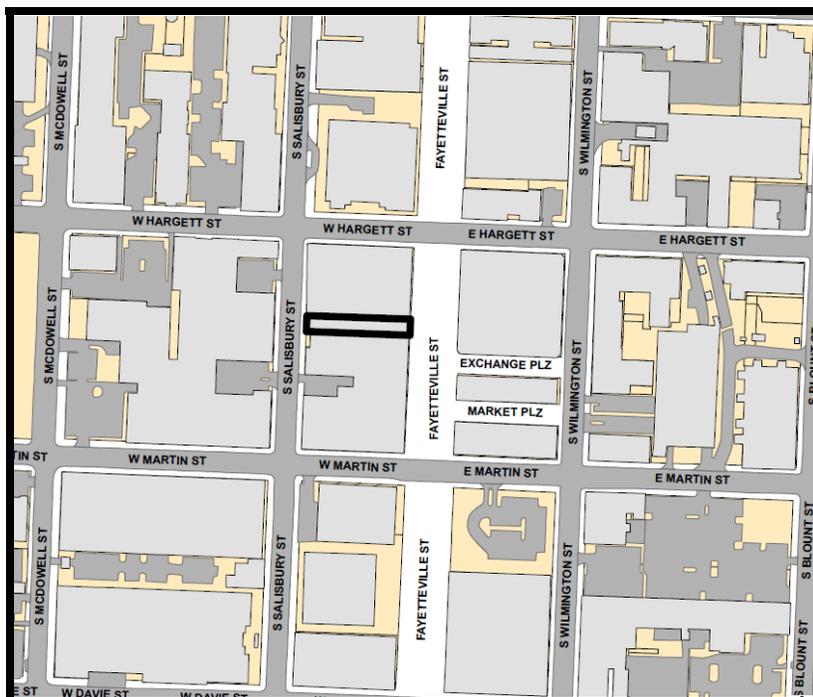
General Location: A parcel of land running between Fayetteville Street (west side) and Salisbury Street (east side) between their intersections with Hargett Street and Martin Street.

Planning District / CAC: Central / Central

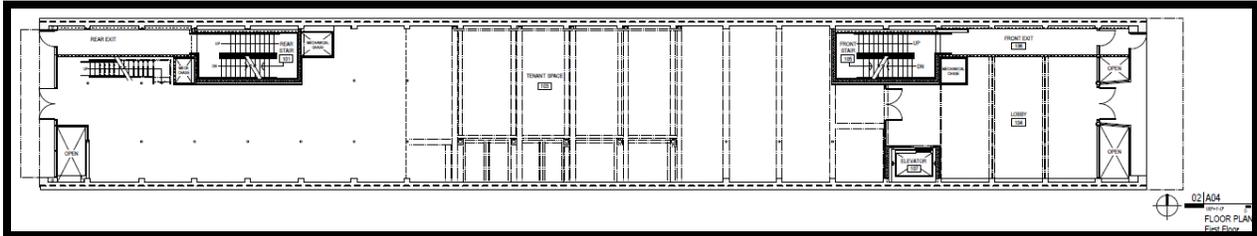
Nature of Case: This request is to approve a change of use for a 24,694 square foot existing three story building with basement and the construction of two mezzanine levels and a 3,685 square foot addition to create a fourth floor. The total size of the building with the additions would be 31,820 square feet. The subject property is 0.152 acres in size and is zoned Business Zone and Downtown Overlay District. Office uses are proposed for all floors with the exception of the first floor and first floor mezzanine which do not have specific tenants at this time.

Key Issues: As presented, staff finds that this plan conforms to Code standards and adopted land use policies with the exception of providing the requisite number of parking spaces specifically called for by code.

Contact: Fred Belledin, Clearscapes



SP-68-09 / Boylan Pearce Building – Location Map



SP-68-09 / Boylan Pearce Building – Site Plan

SUBJECT: SP-68-09 / Boylan Pearce Building

CROSS-REFERENCE: N/A

LOCATION: This site is located on the west side of Fayetteville Street running through to the east side of Salisbury Street, between their intersections with Hargett Street and Martin Street, inside the City Limits.

REQUEST: This request is to approve a change of use for a 24,694 square foot existing three story building with basement and the construction of two mezzanine levels and a 3,685 square foot addition to create a fourth floor. Office uses are proposed for all floors with the exception of the first floor and first floor mezzanine which do not have specific tenants at this time. The total size of the building with the additions would be 31,820 square feet. The subject property is 0.152 acres in size and is zoned Business Zone with Downtown Overlay District.

OFFICIAL ACTION: Approval with conditions

CONDITIONS OF APPROVAL: As noted on the Staff Report, attached

FINDINGS: The Planning Commission finds that this request, with the conditions of approval below being met, conforms to Chapter 2, Part 10, Sections 10-2043, 10-2051, 10-2132.2, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 10-21-09, owned by the A.J. Fletcher Foundation, submitted by Clearscapes.

ADDITIONAL NOTES: This proposal was submitted on September 11, 2009 prior to adoption of the new Comprehensive Plan. Urban form evaluation is based on Comprehensive Plan guidelines in place at the time of submittal.

**VARIANCES /
ALTERNATES:**

Within the Downtown Overlay District, the Planning Commission can approve site plans providing less parking than otherwise required under the Schedule of Off-Street Parking Standards after making a finding that the number of off-street parking spaces provided on the site plan is in accordance with the general plans for the physical development of the City as embodied in the Raleigh Downtown Urban Design Guidelines and the site plan meets the standards of Section 10-2132.2(d). **The applicants are seeking a total reduction of 55 required off-street parking spaces.** The applicant's rationale for justification of this request is included in the *parking* section of this report.

To PC: 11/10/09
Case History:

Staff Coordinator: Eric Hodge, AICP

Motion: Vance
Second: Holt
In Favor: Anderson, Bartholomew, Butler, Chambliss, Fleming, Gaylord, Haq, Harris
Edmisten, Holt, Mullins, Smith, Vance
Opposed:
Excused:

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: 11/12/09



date: 11/12/09



Staff Report

**RECOMMENDED
ACTION:** Approval with Conditions

**CONDITIONS OF
APPROVAL:**

Planning Commission Actions:

- (1) That, as allowed by Section 10-2051(e)(1), the Planning Commission finds that the number of off-street parking spaces provided on the site plan is in accordance with the general plans for the physical development of the City as embodied in the Raleigh Downtown Urban Design Guidelines and the site plan meets the standards of Section 10-2132.2(d) and grants a reduction of 55 parking spaces;

Administrative Actions:

Prior to issuance of building permits in the Inspections Department:

- (2) That an encroachment agreement for the proposed awning shown to extend over Fayetteville Street right-of-way and for any landscaping, steps, etc. 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 any of the items indicated on the preliminary plan shall be submitted to the City's Encroachment Coordinator in the Inspections Department for review, and that the City Council approves 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 Inspections Department, and that 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;
- (3) That to enable underground utility repairs within the public street right-of-way during the proposed construction, the applicants must obtain a permit for the temporary right-of-way closure on S. Salisbury St prior to issuance of building permits;
- (4) That the applicants provide the City with a security [letter of credit] in the amount of 1.5 times the cost of all public street & sidewalk improvements;
- (5) That as this building is located in the central fire district, the Building Code and Municipal Code both have requirements for construction and repair in a fire district. Any additions and improvements must comply with these regulations.

ZONING:

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

**SETBACKS /
HEIGHT:**

This plan conforms to all minimum setback standards. Front yard = 0', rear yard = 0', front / rear aggregate = 0', side yard = 0', side yard aggregate = 0'. This plan conforms to maximum height standards in this zoning district. The proposed height of the building is 71'.

PARKING:

Off-street parking does not conform to minimum requirements: 55 spaces required, based on one parking space per 400 square foot of building and a Downtown Overlay Exemption for the first 10,000 square feet. Zero parking spaces are proposed. Within the Downtown Overlay District, the Planning Commission can approve site plans providing less parking than otherwise required under the Schedule of Off-Street Parking Standards after making a finding that the number of off-street parking spaces provided on the site plan is in accordance with the general plans for the physical development of the City as embodied in the Raleigh Downtown Urban Design Guidelines and the site plan meets the standards of Section 10-2132.2(d). A total reduction of 55 required off-street parking spaces is being proposed.

APPLICANTS RATIONALE FOR PARKING REDUCTION JUSTIFICATION:

The Boylan Pearce building is listed on the National Register of Historic Places as a contributing building to the Fayetteville Street Historic District. It is a zero-lot-line building with no opportunity for on-site parking. There is a heavy concentration of public parking available for lease near the building. Specifically, the Boylan Pearce building is located within a 2 block radius of the following: 6 parking decks with a capacity of over 4550 parking spaces, an underground parking lot at the Marriott Hotel that houses another 1000+ spaces, and an additional 240 surface parking spaces in managed lots. This comes to almost 5800 parking spaces available for lease within a 2-block radius of the building. Almost all of these decks and lots currently have significant availability. In light of these conditions, the applicant believes a parking exemption is appropriate for this building.

LANDSCAPING:

Street yard landscaping in conformity with Section 10-2082.5 is shown through the utilization of existing street trees located within the rights-of-way. This is a low impact use under Section 10-2082.9. Transitional protective yards are not required based upon the proposed use and the adjacent uses and because the subject property and adjacent properties are all located within the Business Zone.

**TREE
CONSERVATION:**

This site is less than two acres in size, nor are there any trees on the site. As such, no tree conservation areas are required.

**DEVELOPMENT
INTENSITY:**

The proposed floor area ratio (FAR) is 4.8 and lot coverage of 89+%.

PHASING:

This is a one 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:**

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 are incorporated into the proposed plan. This site is located a block away from the Moore Square Transit Station.

URBAN FORM: This proposal was submitted on September 11, 2009 prior to adoption of the new Comprehensive Plan. Urban form evaluation is based on Comprehensive Plan guidelines in place at the time of submittal. The site is located in the Central Planning District with specific recommendations made in the Downtown Urban Design Guide, Livable Streets Plan, Fayetteville Urban Design Handbook and Interim Downtown Framework. Those recommendations include rehab of historic structures, storefronts with clear glass that engage the street, use of awnings and canopies, and the inclusion of ground floor retail. The applicant's proposal includes storefronts with clear glass and the use of awnings and canopies and allows for the inclusion of ground floor retail.

**HISTORIC /
DISTRICTS:**

This site is located within the Fayetteville Street National Register Historic District. The building is listed in the National Register as contributing to the district. The project proposes an adaptive use rehabilitation of the building. The property is not locally designated as a Raleigh Historic Landmark or within a historic overlay district; therefore, the historic development standards [10-2052(e)(4)] do not apply.

**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, given the degree of architectural detail found on the rest of the Salisbury Street elevation, the proposed canopy exhibit a like degree of detail and design sensitivity, taking its cues from historical photographs.	1. We acknowledge the Development Review Committee's comments; however, this project is utilizing both federal and state historic tax credits. As such, the project is required to follow the secretary's standards for the rehabilitation of historic structures. The current design has been reviewed and approved by the State Historic Preservation Office and the National Park Service, and we are therefore obligated to follow their recommendations.

**SUBDIVISION
STANDARDS:**

BLOCK LAYOUT: The existing street layout conforms to City Code, providing for efficient circulation of traffic within the entire neighborhood area.

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: Service by the City is to be provided consistent with waste collection schedules for other downtown businesses.

CIRCULATION: Existing street and sidewalk improvements conform to normal City construction standards.

PEDESTRIAN: No additional pedestrian improvements are required as the existing building will remain and the existing sidewalks are provided from the back of the curb to the face of the existing building. There will be some disturbance to the Salisbury Street sidewalk to allow for the installation of utility lines. The sidewalk and curbs will be replaced as needed.

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

**STORMWATER
MANAGEMENT:** This site is less than .5 acres and no new impervious surfaces are being proposed. As such, the site is exempt from Part 10 Chapter 9 of the City's stormwater regulations. Therefore, no detention is required for stormwater quantity and no BMPs for water quality are required.

**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.