Ordinance (2013) 150ZC683

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same if hereby amended as follows:

Z-37-12/MP-2-12 Hillsborough Street Conditional Use - located on the south side on the southeast quadrant of its intersection with Concord Street (being various Wake County PIN(s). Approximately 6.96 acre(s) to amend certain PDD Master Plan Provisions.

Conditions Dated: 1-17-13

Narrative of conditions being requested:

No development shall take place unless it is in conformity with the Master Plan approved in conjunction with the rezoning petition, amendment thereto.
Master Plan

Total Site Acres — 6.96 acres

The uses for Stanhope Center are defined in the overall and by Sections A, B and C as shown on the Master Plan drawings. The densities for Stanhope Center are calculated using the overall acreage, which includes existing and proposed rights-of-way. The property was zoned PBOD pursuant to Z-55-02. Lot layouts in Master Plan drawings do not represent approval of final lot layout. The Master Plan is defined as follows:

Overall

Open Space — The public open space will be held in a Not For Profit Property Owners Association and it will be available to all persons who use the development. The Stanhope Center open space will be accessible for public purposes, subject to rules of conduct by the Property Owners Association. Both Public and Private open space will be maintained by the Not For Profit Property Owners Association.

Circulation - The Master Plan drawings show the vehicular and pedestrian circulations. The inter connectivity has been enhanced by providing additional east/west connections. Street and walks are to be public and private and the private ones will be maintained by the property owners association. Due to the location and quality of McKnight Street, and Friendly cul-de-sac, they will be petitioned to be closed. Portions of or all of Concord, Friendly and Stanhope may also be petitioned to be closed and made private.

Phasing - Since this is a re-development project, existing permitted uses will be allowed to be continued and/or be expanded until the new uses of the proposed Master Plan are implemented. The Master Plan is proposed to be implemented in phases with the order in general to follow A, B then C. Improvements will be made section by section. Some adjustments in section size and configuration may be necessary due to the removal of contaminated soil located on the site; this will be approved by the City Staff.

Design — The design for the elements within Stanhope Center shall be in general conformance with certain provisions of the "Urban Design Guidelines" adopted by the City of Raleigh as follows and UNITY OF DESIGN CRITERIA previously approved. In the event that City Administration determines that the proposed development is not in accordance with these Urban Design elements or concepts, the Planning Commission shall review the development proposal to determine its conformance with the Urban Design Guidelines or concepts.

Section 3.6 Site Landscaping
Section 3.8 Interface with Adjacent Properties
Section 5.1 General Building Design Guidelines
Section 5.5 Street Level Activity
Section 5.6 Service and Utilities


Uses The overall uses for the project are as follows:
- Maximum 520 residential units.
- Maximum heights (see Sections A, B and C on page 4)
- Parking as a minimum shall meet City Code requirements. No reduction in required parking with the major amount of parking in a deck. Off-site parking may be allowed by the City Staff in order to meet the required parking.
- Maximum 40,000 sf retail, commercial, office or recreational space
- Street, walks, landscaping and other site amenities and infrastructure per the Pedestrian Business Overlay District Stanhope Center Streetscape and Parking Plan.
- Estimated areas (not limits) for breakdown are as follows:
  - Residential — +590,150sf, 62% of structures, 1.95FAR
  - Retail, Commercial, Office or Recreational - +40,000 sf, 4% of structures, 0.13 FAR
  - Parking - +320,000 sf, 34% of structures, 1.06 FAR
  - Open Space –+ 68,637sf (+23%)
- Residential density is 75 units/acre
- A minimum of 15% of the site will be provided as open space
Section A

- Not more than 300 residential units.
- Maximum height of 102 ft is allowed above finish grade at the Concord round about on Concord Street (NOTE: 102' height approved for the building in Section A by SP-125-07)
- Parking/parking deck located in Section B
- Non-governmental recreation uses such as swimming pool, volleyball court, etc.
- Approximately 1550sqft retail, and 600 square feet office. (NOTE: 1550 sq ft retail approved by SP-125-07).
- Open space courtyard for Building "A" and portion of Stanhope Commons
- Street, walks and landscaping within section and for parking deck
- Estimated areas (not limits) for breakdown are as follows:
  - Residential - +374,000 sf
  - Retail / Office - +2,150sf
  - Parking Deck — +42,400sf
  - Surface Parking — +1,800sf
  - Open Space — +41,837sf (+37%)
  - Section A structures area - +418,550sf
  - Section A site area = approximately 2.57 Acres
- Residential density is 117 units/acre

Parking Deck is located primarily off site on the parcel found at Deed Book 14441, page 0008 in the Wake County Registry and Book of Maps 2011, p. 284, Lot 4.

Section B

- Not more than 145 residential units. Maximum height of 70 ft is allowed above grade finish grade at Concord Street with the possible exceptions of the parking deck elevator penthouse, stair enclosures and deck lighting
- Estimated areas (not limits) for breakdown are as follows:
  - Residential — +101,000 sf
  - Parking Deck — +320,000 sf
  - Surface Parking — +4,225 sf
  - Open Space — +14,150sf (+13%)
  - Section B structures area = 421,000sf
  - Section B site area = approximately 2.51 acres
- Residential density is 58 units/acre

Section C

- Not more than 75 residential units. A minimum of ninety-five percent (95%) of all residential units in Section C shall be provided with open balconies, subject to approval of encroachment permits for open balconies in the public ROW if required.
- The ground floor shall have a floor to ceiling height of at least 13 feet.
- Parking decks shall be prohibited in Section C. No on site parking will be allowed between buildings in Section C and Hillsborough Street.
- Building height shall not be less than three stories nor more than five stories with a maximum height of seventy-five feet (75') measured above the average finish grade at the building face along Hillsborough St. provided that any portion of the building exceeding three stories in height shall be stepped back from the front edge of the building along Hillsborough St. at least sixteen feet (16') and at least one third of the building above the third story shall be stepped back at least thirty-nine feet (39'). Additionally, above the step back, no portion of a wall plane facing Hillsborough St. or Concord St. shall exceed sixty feet (60') in width unless the wall is offset a minimum of four feet (4') for a minimum distance of eight feet (8'). Along Concord St., the average step back above the third floor shall be a minimum of ten feet (10'). The average step back shall be calculated by extending the building lines of the ground floor building to the Concord St. R/W line and dividing the area behind the face of the building facing Concord St. by the length of the Concord St. R/W. Open balcony areas may encroach into the step back area without impact to the average step back calculation.
- The ground floor (measured between zero feet (0') and twelve feet (12') above the adjacent sidewalk) of any building constructed on the subject property shall achieve a level of transparency of at least forty (40%) of the surface of such facades along Hillsborough St. and Concord St. That portion of a surface which is covered by either non-opaque glass window(s) and/or non-opaque glass door(s) shall be deemed to have achieved transparency. The building material palette and design elements shall be equal to or exceed those shown for the Friendly Corner Building as submitted for SP-43-11 and shown on drawing ELEV 103 prepared by The Site Group, PLLC and last revised 23 Feb 2012.
- Any surface parking adjacent to Hillsborough St. located on the subject property shall be stepped back at least twenty feet (20') from the south edge of the sidewalk along Hillsborough Street and the twenty foot (20') step back area shall be landscaped with the following per twenty-five (25) linear feet adjacent to the surface parking: at least 10 shrubs measuring at least two feet (2') tall at planting and one (1) shade tree or understory tree measuring at least eight feet (8') in height and at least two and one-half inches in caliper at planting. All plantings shall be in accordance with the Stanhope Village Streetscape and Parking Plan.
- Estimated areas (not limits) for breakdown are as follows:
  - Residential — +115,150 sf
  - Retail — +37,850 sf
  - Surface Parking — +14,650 sf
  - Open Space — +12,650 sf (+16%)
  - Section C structures area = 153,000 sf
  - Section C site area approximately 1.87 acres
- Residential density is 40 units/acre
Criteria for Overall Master Plan

- Required setbacks are zero feet from all property lines or streets of any type.
- Overall retail, commercial, office or recreational area of 40,000 sf is allowed, not counting mezzanine space. This is justified based on the type of mixed-use, the location on Hillsborough Street and the use of deck parking for most of the cars.
- Signage and sign criteria will be based on the Urban Design Guidelines, the Streetscape and Parking Plan and approved by staff.
- Unity of Development will be based on the Urban Design Guidelines and approved by Staff.
- Alternate paving surfaces, drives and crosswalks, as defined in the Master Plan and Stanhope Center Streetscape and Parking Plan, may be approved by Staff.
- Right-of-way value for a City reimbursement to be based on the zoning prior to this change in zoning.

Variations to the Stanhope Village Small Area Plan

- No parking is provided under the south building and additional levels (total of eight) added to parking deck in Section B. Parking deck (PD-2 in the Small Area Plan) was shortened to add a surround building on the east end.
- No pedestrian bridge is being proposed over Friendly at the university deck. A grade crossing will be more pedestrian friendly.
- Building in Section A to be seven floors above Concord grade with a partial lower level on the east end of the building. (NOTE: 102' height approved for the building in Section A by SP-125-07)
- Various variations to the Stanhope Village Small Area approved as Site Plans (SP-125-07 & SP-43-11) are reflected on the Master Plan drawings MP1 through MP5. These include shifting the primary public area from Concord Street to Hillsborough Street, changes to the Hillsborough Street frontage, changes to roundabouts and service roads and modifications to on-street parking.

Revisions to the Master Plan

Staff shall administratively approve master plan amendments that propose any of the following alterations.

- An increase to the allowable residential density, total number of dwelling units not to exceed ten percent.
- An increase to the maximum permitted non-residential density, total number of dwelling units not to exceed ten percent.
- A ten percent (10%) increase to allowable height (as measured in feet) except that no height increase above five stories or seventy-five feet (75') will be allowed in section C.
- A transfer of non-residential floor area or residential dwelling units, from one area to another, not to exceed a twenty percent maximum for each standard.
- Minor adjustments in location of building, parking and open space areas. A minor adjustment shall be a modification or distance to property line; however, the adjustment shall not exceed 100 feet in distance from the approved location.
- An exchange of open space area, provided the exchanged properties are of like acreage, value and utility and that open space map has been recorded for the requested exchanged properties with register of deeds office in the county where the property is located.
- A relocation of access points, driveways or sidewalks either within or outside of the public right-of-way with the concurrence of the Transportation Division.
- A relocation of a utility.
- Any requirement associated with a permitted change must be shown on the master plan. By example, if a ten percent increase in density requires a different street cross section, the street cross section must be updated on the street and block plan.

Any other amendment not listed shall be subject to rezoning.

Amendments

The Master Plan can be amended by the re-zoning process based on the following:

- Only parties owning property within the development shall have the right to amend this Master Plan and exhibits hereto, but only to the extent any such amendment applies to individual properties owned by such parties. Any condominium association or property owner's association owning and or maintaining facilities that are common to the overall development must join in all amendments to this Master Plan.
- Portions of the Master Plan can be amended without involving the entire area so long as it is in separate ownership.

Phasing Restrictions

- Existing buildings in Section C on Hillsborough Street will not be removed and replaced with surface parking until Section C is implemented.
- The parking deck located in Section B will not be permitted or constructed in advance of the building in Section A. If the surround building is not constructed at the same time as the parking deck, the area designated for the surround building will be grassed until construction begins on the surround building.
The Developer wants Stanhope Center to be a successful project and an amenity to the neighborhood. The Developer wants Stanhope Center to epitomize the concept of a walkable environment, provide a mixture of housing choices and offer retail services that complement the Stanhope Village neighborhood.

The Developer has reviewed the List of Conditions, Draft #8, dated 17 September 2002, proposed by the Stanhope Village residents. Upon the Developer's review, the following comments, information and modifications are presented as conditions to this rezoning:

- **Traffic Impact Analysis** - Kimley-Horn and Associates, Inc. submitted a Traffic Impact Analysis, prepared September 2002, to the City of Raleigh. This TIA was revisited by Kimley Horn in February of 2008 and again in June of 2012 to verify the validity of the conclusions reached in the 2002 TIA.

- **Parking Reduction** - The Developer agrees to forgo reduction in parking as permitted under the Pedestrian Business Overlay District.

- **Parking Deck** - The Developer may accommodate commuter parking that accesses the proposed parking deck from Friendly Drive or the private service road. The Developer will provide parking spaces adequate for the residential, retail, commercial, office and recreational uses that occur within Stanhope Center; not more than 350 spaces will be designated as "commuter" parking and will be provided if in excess of those required by the City Code for the actual development. Parking deck lighting will conform to the City of Raleigh Lighting Ordinance, and the Stanhope Center Streetscape and Parking Plan and will be directed down or away from Stanhope Avenue. The exterior treatment (materials and colors) of any part of the parking deck not covered by the wrap-around building will be visually consistent with the building surrounding the deck and the Unity of Development Criteria. The height of the eight level parking deck will not exceed the 70 feet height limit for Section B with the possible exception of the elevator penthouse, stair enclosure and deck lighting which will be directed down or away from Stanhope Avenue.

- **Variety of Housing** - The Developer is designing units to attract a residential mix to Stanhope Center. Units to range from one bedroom to four bedrooms as a minimum mix.

- **Retail Uses** - The Developer is encouraging a variety and mix of retail services that will provide a village atmosphere. The Developer agrees to abide by the current state and local codes and ordinances that regulate uses, noise and hours of operation.

- **Construction Phases** - Two phases of construction are planned, Section A is planned for initial construction with Section B and C to follow. The Developer reserves the flexibility to modify the number of phases and starting of construction on phases.

- **Wade CAC Review and Comment** - The Developer will notify the chairperson of the Wade CAC, by first class mail, of public meetings before the City Council, Planning Commission and Appearance Commission, relative to this project, at least one week prior to the meeting or within two days after the developer’s knowledge of the meeting scheduled.

- **Construction Entrances** - The Developer will encourage construction traffic, construction parking and construction workers not to use Stanhope Avenue and Rosemary Street.

- **Rooftop Screening** - The Developer will screen rooftop mechanical systems.

- **Underground Electric** - The Developer will place all new electrical services underground. Existing electrical services will either be placed under ground or relocated off site.

- **Transit Stop** - The public transit stop at the intersection of Friendly Drive and Hillsborough Street will be available to residents of Stanhope Center.

**Public and private streets**

- Street construction to be by the developer.
- Street width to be 24’ back to back of a standard City of Raleigh curb and gutter section. Street width to widen as it connects to Friendly Drive on the east side as show on the Master Plan drawing. Inside curve radius to be 20’ at back of curb or as approved by City Staff.
- Right of way to be located 5’ behind curb or as approved by City Staff.
- Sidewalks to be provided as shown on the Master Plan and the Streetscape and Parking Plan with 5’ minimum width.

**Public Streets**

- Sidewalk to be constructed by the developer.
- Water line not required in street but may be in street if needed for service.
- Sanitary sewer may be required in streets.
- Storm sewer may be required in streets.
- Vertical and horizontal curve requirements may vary from City Standards.
- Surface parking will be included in the public right-of-way until the City Code allows private parking adjoining the public right-of-way.
- Other street standards may vary in order to accommodate the Master Plan.
- The required encroachments shall be approved by the City Council.
Private Streets

- Stanhope Avenue will be connected to Friendly Drive by a private street between Sections A and B.
- Concord Street will be connected to Friendly Drive by a private street between Sections Band C.
- All private streets and on-street parking shall be open to the public at all times unless they are closed for special events.
- All construction of streets and on-street parking shall be by the project developer.
- All maintenance, repair and re-paving of private streets and on-street parking shall be performed by the Property Owners Association for the project.
- All design for the private streets and on-street parking shall be approved by the City of Raleigh as per Master Plan.
- City Public utilities to be allowed in easements in private streets or other locations as approved by the City Staff.
- Cross Access Agreements to be provided.

Master Plan Drawings

- MP1 Revised 14 August 2012
- MP2 Revised 14 August 2012
- MP3 Revised 14 August 2012
- MP3A Revised 06 November 2012
- MP4 Revised 14 August 2012
- MP5A Revised 14 August 2012
- MP5B Revised 14 August 2012
- MP6 Revised 14 August 2012

Clarification for Development of Concord Street

- The round about as constructed is shown on Master Plan Drawings MP1 through MP5.
- The plan as shown on MP1 will require no participation by the property owner on the west side, Concord Street to remain public and improvement made on the east side by this developer, including a modified roundabout on Concord St.

Site Plan Approval

- Preliminary Site Plans will be submitted for review pursuant to Code Section 10-2132.2, even though this is a PDD.
PHASE 2A - FRIENDLY CORNER
- FRIENDLY CORNER BUILDING (75' MAX HEIGHT)
- VARIOUS PAVING TYPES (A-D)
- SURFACE PARKING LOT
- DEAD-END STREETS/STREET SAFETY IMPROVEMENTS
- INTERSECTION MODIFICATIONS
- STREET LIGHTS/HAZARD SIGNALS
- BARRIERS/FILETS
- SECURITY IMPROVEMENTS
- GENERAL NOTES
1. This phase provides parking space within the property.
2. May include security improvements.
3. May be designed for future expansion.

PHASE 2B - CONCORD CORNER
- CONCORD CORNER BUILDING (75' MAX HEIGHT)
- STREET LIGHTS/HAZARD SIGNALS
- INTERSECTION MODIFICATIONS
- DEAD-END STREETS/STREET SAFETY IMPROVEMENTS
- SECURITY IMPROVEMENTS
- GENERAL NOTES
1. This phase provides parking space within the property.
2. May include security improvements.
3. May be designed for future expansion.

NOTE: Phases 2A and 2B may be expanded by the developer to accommodate additional parking.

PHASE 2C - DECK WRAP PHASE
- DECK WRAP
- VARIOUS PAVING TYPES (A-D)
- SURFACE PARKING LOT
- DEAD-END STREETS/STREET SAFETY IMPROVEMENTS
- SECURITY IMPROVEMENTS
- GENERAL NOTES
1. This phase provides parking space within the property.
2. May include security improvements.
3. May be designed for future expansion.

NOTES: PHASE 2 PHASING PLAN
- Scale: 1" = 80' (22834 ft²)
- Not for construction

PLAN BACKGROUND AND DISCLAIMER
The information and plans were prepared in accordance with the engineer's best professional judgment and comply with the conditions of the contract. The plans are only intended to serve as a guide and may not be complete and are subject to change. The information and plans prepared in accordance with the plans and specifications are subject to change and may not be complete and are subject to change and are subject to change. The information and plans prepared in accordance with the plans and specifications are subject to change and may not be complete and are subject to change.

NOT FOR CONSTRUCTION
Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to that end the provisions of this ordinance are declared to be severable.

Section 4. That this ordinance shall become effective upon the date of adoption.

Adopted: February 5, 2013

Effective: February 5, 2013

Distribution: Planning Department (3)
City Attorney
Inspections Department (5)
Jackie Taylor