



## 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-48-09 / Contemporary Art Museum - Revision

**Owner:** Contemporary Art Foundation  
**Designer:** Clearscapes, PA

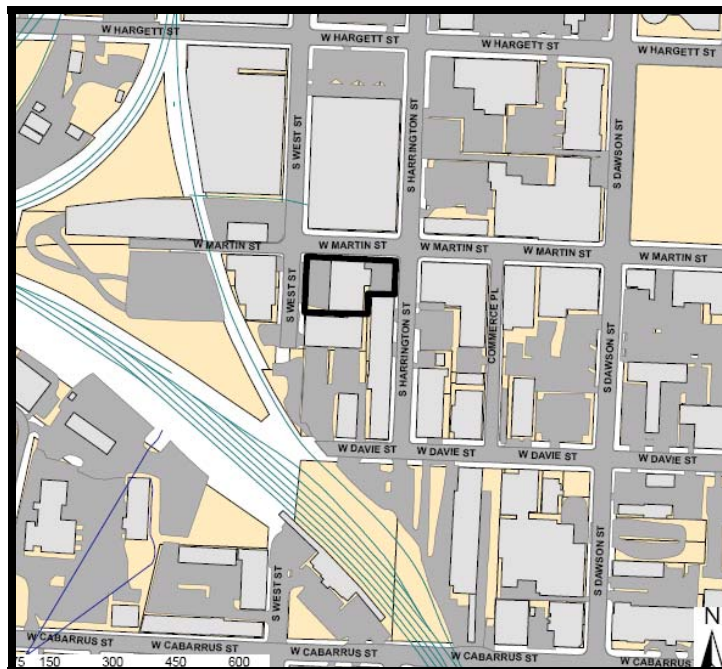
**General Location:** South side of W. Martin Street between S. Harrington Street and S. West Street

**Planning District  
/ CAC:** Central / Central

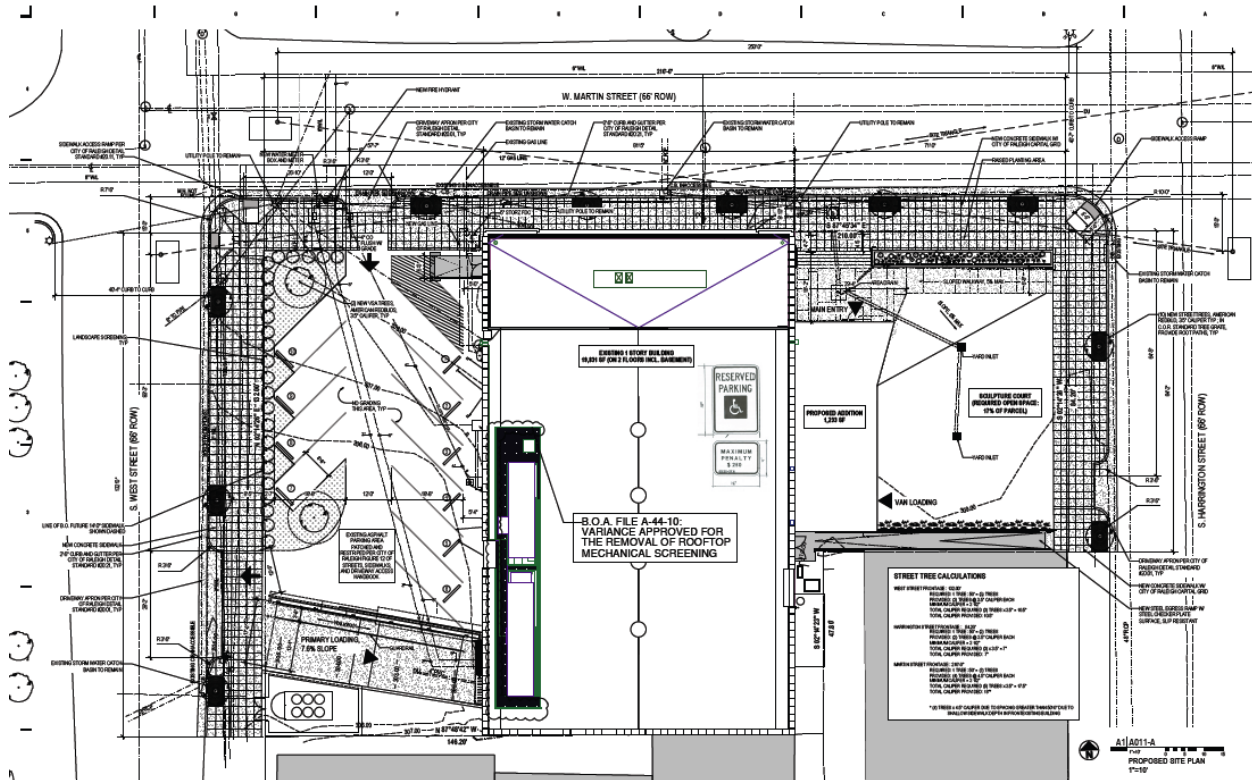
**Nature of Case:** **This is a proposed revision to a previously approved plan.** The originally approved proposal was for the conversion of a 19,831 square foot warehouse building into an Art Museum which also includes a 1,233 square foot addition. The subject property is a .526 acre site, zoned Industrial-2 and Downtown Overlay District. This site originally required Planning Commission approval as the proposal includes a "change of use" greater than 10,000 square feet in the Downtown Overlay District. **This project now requires Planning Commission review as set forth in City Code section 10-2132.2(i)(3)n because a Board of adjustment variance has been obtained for this project.**

**Key Points:** The applicants have received a Board of Adjustment variance after this project was originally approved by the Planning Commission. The variance was from City Code Section 10-2092(b) which requires the screening of rooftop mechanical equipment. The applicants were granted a variance to leave the rooftop mechanical equipment unscreened.

**Contact:** Steve Schuster, AIA



**SP-48-09 / Contemporary Art Museum – Location Map**



## SP-48-09 / Contemporary Art Museum – Preliminary Site Plan

**SUBJECT:** SP-48-09 / Contemporary Art Museum

**CROSS-REFERENCE:** Board of Adjustment Case # A-44-10

**LOCATION:** This site is located on the south side of Martin Street, between S. Harrington Street and S. West Street, inside the City Limits.

**REQUEST:** This project now requires Planning Commission review as set forth in City Code section 10-2132.2(i)(3)n because a Board of adjustment variance has been obtained for this project. The applicants have received a Board of Adjustment variance after this project was originally approved by the Planning Commission. This variance is described on page 3 of this report.

The original request was to approve a conversion of a 19,831 square foot warehouse building into an Art Museum which also includes a 1,233 square foot addition. The subject property is a .526 acre site, zoned Industrial-2 and Downtown Overlay District. Originally, his site plan required Planning Commission approval because the proposal includes a “change of use” greater than 10,000 square feet in the Downtown Overlay District. The proposal includes three alternate requests: one for a reduction in required parking [Code section 10-2051(e)(1)]; one for an alternate means of street protective yard landscaping in regard to tree spacing standards [Code section 10-2082.4]; and one for a reduction in the width of a public sidewalk along Martin Street from 14’ to 10’ width. Code section 10-2051(d)(5) addresses the last issue with regard to required open space and provision of wider sidewalks. Staff supports the reduction in sidewalk width along Martin Street as shown because it is in front of the existing building.

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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 this request, with the conditions of approval below being met, conforms to Chapter 2, Part 10, Sections 10-2047, 10-2051 and 10-2132.2, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 8/27/10, owned by the Contemporary Art Foundation, submitted by Clearscapes, PA.

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**ADDITIONAL NOTES:** Condition of approval number (1) of the original approval, relating to the width of sidewalk along West Martin Street, has been removed from this report in that the sidewalk has been installed as requested by staff and in conformity with old condition of approval number (1).

**VARIANCES / ALTERNATES:** This project now requires Planning Commission review as set forth in City Code section 10-2132.2(i)(3)n because a Board of adjustment variance has been obtained for this project. The applicants have received a Board of Adjustment variance after this project was originally approved by the Planning Commission. The variance was from City Code Section 10-2092(b) which requires the screening of rooftop mechanical equipment. The applicants were granted a variance to leave the rooftop mechanical equipment unscreened. The Contemporary Art Museum building is a contributing structure to a National Register Historic District. As such, the rehabilitation of this structure is eligible for Federal and State historic tax credits if the project was in keeping with the *Secretary of the Interior's Standards for Rehabilitation of Historic Structures*. It was determined by the staff of the National Park Service, who enforces said standards, that screening mechanical equipment would be inconsistent with the industrial character of this historic district and would therefore disqualify the project's eligibility for historic tax credits. Because of the unique character of the district and the hardship enforcement of the city's requirement to screen mechanical equipment would cause, a variance was granted by the Board of Adjustment (B.O.A. File A-44-10).

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**To PC:** 9/14/10

**Case History:** Original case (pre-variance) was approved by Planning Commission on 9/8/09

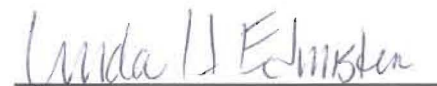
**Staff Coordinator:** Eric Hodge, AICP

**Motion:** Mullins  
**Second:** Fleming  
**In Favor:** Anderson, Bartholomew, Batchelor, Fleming, Harris Edmisten, Mattox, Mullins, Smith, Sterling  
**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: 9/14/10

date: 9/14/10



## Staff Report

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**RECOMMENDED  
ACTION:**      **Approval with Conditions**

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**CONDITIONS OF  
APPROVAL:**

**Planning Commission Actions:**

- (1) That in accordance with 10-2082.4 (Landscaping Alternate Methods of Compliance), the Planning Commission approves an alternate to the spacing requirements of Section 10-2082.5 for the portion of West Martin Street north of the existing building where the installation of a street tree within the 8'10" sidewalk would impede pedestrian movement. The spacing between the street tree located east of the building and the street tree west of the building is approved to be 130' in this location. All other street trees east and west of the building shall be in tree grates in the right of way and consistent with the Urban Form for downtown. Tree size is to be a minimum of 4.5" caliper. City Code minimum tree size is two inches in caliper;
- (2) 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 18 parking spaces;
- (3) That on-site parking is not to be used by employees;
- (4) That in keeping with variance granted by B.O.A. File A-44-10, the project is approved without any screening requirements for the rooftop mechanical units;

***Prior to issuance of building permits in the Inspections Department:***

- (5) That construction plans for public improvements shall be approved by the Public Works and Public Utilities Departments;
- (6) That a landscape permit is obtained from the urban forester for landscaping in the public right-of-way;
- (7) That the City Attorney approve a public sidewalk easement deed for any portion of the proposed 14' wide pedestrian ways on private property adjacent to public right of way along Martin, West and Harrington Streets;
- (8) That an encroachment agreement for any landscaping, steps, awnings, underground stormwater detention piping 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;

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**ZONING:**

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

**SETBACKS / HEIGHT:**

This plan conforms to all minimum setback standards. Front yard = 8'10", rear yard = 0', front / rear aggregate = 8'10", side yard = 45' and 57', side yard aggregate = 102'. This plan conforms to maximum height standards in this zoning district. The proposed building height is 36'.

**PARKING:** Off-street parking does not conform to minimum requirements: 28 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. 10 parking spaces are provided. 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 18 required off-street parking spaces is being proposed.

**APPLICANTS RATIONALE FOR PARKING REDUCTION:**

The proposed design has provided 10 surface parking spaces. As an art museum in the central business district, the vast majority of its visitation will occur after business hours in the evening and on week-ends. The spaces provided will be adequate to handle the proposed staffing (three total) and the few visitors arriving by automobile during the business day. It is anticipated that the majority of the Monday thru Friday, 10:00 am to 5:00 pm visitation will be by workers already in downtown, walking to the museum during their lunch hour or on break periods.

The museum is on the CAT bus route and the "R Line" circulator. It is across the street from the proposed downtown station for the Triangle Transit fixed rail system and adjacent to the multi-modal station being studied by the City of Raleigh.

Presently and for the foreseeable future, there is sufficient on street parking options available within the warehouse district for the evening and week-end traffic. The only exception is late night (10:30 pm – 2:30 am) on Friday and Saturday when the nearby nightclubs are open. It is not anticipated that the museum will ever be open during these times.

There are also several private surface parking lots with paid parking within two blocks and two large public parking decks within four blocks, both within easy walking distance of this location.

**LANDSCAPING:** Street yard landscaping is proposed to be located in grates in the sidewalks along Martin Street, Harrington Street and West Street consistent with the street tree plantings called for in the Downtown Overlay District by the Downtown Master Street Tree Plan. In addition to the trees within the sidewalk two street protective yard trees are located within a planting area approximately 15' from the right-of-way line. The applicant's site plan does include one alternate to the tree spacing requirements of Section 10-2082.5 for the portion of West Martin Street north of the existing building where the installation of a street tree within the 8'10" sidewalk would impede pedestrian movement. The spacing between the street tree located east of the building and the street tree west of the building would be 130'. Code calls for a maximum spacing of 50' and a minimum tree size of 2" caliper. The applicant is providing 4.5" caliper minimum size trees; City Code requirement is two inches caliper. Given the existing conditions, staff supports an alternate street tree spacing in this location along Martin Street.

Vehicular surface area landscaping in conformity with Section 10-2082.6 is shown including shrub screening between the sidewalk and the vehicular surface area and a low perforated metal screening wall incorporated into the egress ramp located at the northwest corner of the building. The proposed use is considered a medium impact use under Section 10-2082.9. Transitional protective yards are not required since the adjacent uses, warehouses, are considered high impact uses.

**TREE CONSERVATION:** This site is less than two acres in size. As such, no tree conservation areas are required.

**DEVELOPMENT INTENSITY:** The proposed floor area ratio (FAR) is .85 and the proposed building lot coverage is 48%.

**OPEN SPACE:** Proposed open space is in accordance with Code Section 10-2051(d)(5) which calls for 5% of the site to be set aside as open space which is to be met first and foremost by providing a minimum of a 14' wide sidewalk where possible. As the proposal includes the rehabilitation of an existing building, 14' sidewalks are not feasible along the portion of West Martin Street between the curb and the existing building. Staff supports the applicant's alternate open space request for that portion of the sidewalk between the existing building and the curb to remain at 8'10". The applicants also propose to utilize a 3,137 square foot sculpture court as open space which equates to 12.7% of the site.

**PHASING:** There is only one phase in this proposed 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 was required by the Thoroughfare and Collector Street Plan. However, additional construction to West Street is required by the Thoroughfare and Collector Street Plan:

<u>Street</u>	<u>ROW</u>	<u>Construct</u>	<u>Slope Esmt.</u>
West	66' existing	½ 41' B/B	N/A

Construction plans for public improvements along W. Martin Street, S. Harrington Street and S. West Street shall be approved by the Public Works Department prior to issuance of building permits or approval of any plat for recording.

**TRANSIT:** No transit-oriented features are incorporated into the proposed plan. This site will be heavily served by the Multi-Modal Transportation Center planned nearby, again a reason to support the 14' sidewalks where possible.

**URBAN FORM:** This case was originally approved prior to the adoption of the 2030 Comprehensive Plan. The following paragraph reflects the previous Comprehensive Plan which was in place at that time.

The site is located in the Central Planning District with specific recommendations made in the Downtown Urban Design Guide, Gateway West Small Area Plan, Livable Streets Plan and Interim Downtown Framework. The Downtown Urban Design Guide, Nash Square district (p28-31) encourages the preservation of buildings and streetscape elements in this area (4.01, 4.13), the screening of surface parking lots (4.16) and ground floor design elements that promote the interrelationship between the building and walkway (4.03). The Gateway West Small Area Plan encourages the preservation of existing structures, the creation of small open spaces, and context sensitive streetscape improvements. The Livable Streets Plan identifies Martin Street as a major pedestrian connection and the Interim Downtown Framework identified Martin Street as a pedestrian priority street, a street on which exposed above ground parking decks and driveways should be discouraged, and as a secondary retail street.

**APPEARANCE COMMISSION:** The Appearance Commission has made the following comments on this preliminary plan. Shown below are comments and applicant responses:

<u>Comment</u>	<u>Response</u>
No comment	

**SUBDIVISION STANDARDS:**

**BLOCK LAYOUT:** The proposed 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:** Individual lot service by the City is to be provided as is the case with many businesses in the downtown area that are not equipped with large scale refuse collection facilities of their own.

**CIRCULATION:** Proposed street and/or driveway improvements shall conform to normal City construction standards. The existing driveway on W. Martin St located ~80' west of Harrington St shall be closed. The existing driveway on S. Harrington St located ~40' south of Martin St shall be closed. All other driveways [existing or



proposed] shall be modified to “ramp-type” driveways. The developer shall install curb & gutter as needed along all streets. The parking lot located on the west side of the parcel shall be limited to one-way operation.

**PEDESTRIAN:** Proposed sidewalk locations and widths conform to City regulations with the exception of a portion of the sidewalk that is constrained by the existing building. The Downtown Overlay District requires 14' wide sidewalks to be located along all three streets bordering the subject property. In accordance with Code Section 10-2051(d)(5), the applicants are seeking approval of an alternate sidewalk width along a portion of Martin Street. As the proposal includes the rehabilitation of an existing building, 14' sidewalks are not feasible along the portion of the Martin Street sidewalk that is between the curb and the existing building. Staff supports the applicant's alternate request for that portion of the sidewalk between the existing building and the curb to remain at 8'10". 14' wide sidewalks are shown along all other portions of Martin Street and Harrington Street on the proposed site plan.

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

**STORMWATER MANAGEMENT:** Because a net reduction in impervious surface from pre- to post- construction conditions is proposed, site is exempt from water quantity and quality regulations. No detention is required. No BMP for nitrogen treatment is required. No floodplain or Neuse River Buffer exists on the site.

**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.

Contemporary Art Museum  
August 18, 2010

- (1) The site plan protects the public from unsafe or inefficient vehicular circulation, parking, and loading/unloading operations. The site plan considers, among other things:

**(Note: All of these issues were reviewed and approved by the Planning Commission in the original Site Plan Approval Process)**

- a. The physical character of adjacent and surrounding roads;  
**Vehicular circulation on Martin, Herrington, and West Streets will be improved by this project since several curb cuts are being eliminated and vehicular egress onto the site is being clarified. Curb and gutter is being installed along West Street since it does not exist at the present time.**
- b. Nearby median openings or intersections;  
**There are no median openings and the intersections at Martin/West and Martin/Harrington are unchanged.**
- c. The classification of roads and plans for future improvements;  
**As part of the downtown grid, there are no known plans for improvements to Martin and Harrington Streets. West Street, presently a dead end, is planned to be extended in the future. By installing curb and gutter along this street to the City Standards, this project is making improvements for this future road.**
- d. Proximity to pedestrian generators such as schools, transit facilities, parks and greenways;  
**There are no schools, parks or Greenways in the immediate area. The City's new Union Station Multi-Modal Transit Center will be at the termination of Martin Street. New 14' sidewalks to meet the City's Standards are being installed along the entire perimeter of the site to facilitate pedestrian movement.**
- e. The accident experience near the site;  
**This project will not affect the accident experience near the site.**
- f. Bicycle, pedestrian and transit access and circulation;  
**The City's R-Line passes along the perimeter of the site and will be an important part of the public's access to this facility.**
- g. Traffic volumes existing and projected from approved site plans;  
**It is not anticipated that this project will significantly alter the existing traffic volumes.**

- h. Interference with any other driveway;  
**By closing several of the existing curb cuts, we are reducing the interference with any other driveway.**
- i. Response time of nearby emergency services such as fire and hospital; and  
**This project is (2) blocks from the City of Raleigh's Fire Station, (3) blocks from Wake County's EMS Center, and (3) blocks from the City of Raleigh's Downtown Police Station.**
- j. The character of the traffic to be generated from the site.  
**Since most of the activities planned for this building will be nights and weekends, and not for events that have certain starting times, it is not felt that there will be any significant traffic surges or significant volume generated from this project.**

(2) The plan is in accordance with the general plans for the physical development of the City as embodied in the Comprehensive Plan, Redevelopment Plans, Streetscape Plans, manuals, handbooks or other *City Council* - adopted plans and standards. If there are conflicts between the plan and Code restrictions, the more stringent shall apply.”

**The City of Raleigh's Standard Streetscapes' improvements are being directly implemented on all (3) public streets that surround this project including new curb and gutter, new 14' sidewalks with street trees, and required landscaped buffers.**

(3) The plan contains adequate measures to protect the development and other properties, including public corridors and facilities, from adverse effects expected from the proposed development or expansions to the existing development, including without limitation those associated with:

**(Note: All of these issues were reviewed and approved by the Planning Commission in the original Site Plan Approval Process)**

- a. Stormwater;  
**The site is presently totally impervious. This site plan reduces the impervious area and has been designed to connect to the City's stormwater system.**
- b. Air or water pollutant discharges,  
**We do not anticipate any air or water pollutant discharges.**
- c. Noise, light and odor;  
**We do not anticipate any light and odor emanating from the site, with the exception of architectural lighting along the building's perimeter and accent lighting in the building's sculpture courtyard. As an art museum, it will not be a noise generator.**

- d. Access to air and light;  
**The majority of this project is an existing historic building on site, with a modest 1,200 SF addition. Therefore, we do not feel that it will impact on the access to air and light of the adjacent properties.**
  - e. On and off-street parking;  
**We are providing (8) off-street parking spaces - the maximum the existing site will accommodate.**
  - f. Dust, smoke and vibration;  
**We do not anticipate any dust, smoke or vibrations emanating from this site.**
  - g. Hours of operation; and  
**Hours of operation are yet to be determined.**
  - h. Site conditions that may foster unsafe or unlawful activities.  
**None.**
- 4) The plan contains adequate measures to mitigate the impact of the development on nearby residential neighborhoods from incompatible characteristics such as:  
**(Note: All of these issues were reviewed and approved by the Planning Commission in the original Site Plan Approval Process)**
- a. Building scale;  
**The majority of this project is an existing historic building with a small 1,200 SF addition. The scale is consistent with the neighborhood.**
  - b. Architectural character;  
**The majority of this project is an existing historic building that is being renovated following the Secretary of the Interior's Standards For Rehabilitation of Historic Structures. A small 1,200 SF addition is being added to create a new lobby and a visual indication that this building is now a Contemporary Art Museum.**
  - c. Landscaping;  
**The project meets all City of Raleigh landscape requirements.**
  - d. Amount and placement of impervious surfaces;  
**As previously stated, the site is totally impervious today. With the introduction of landscaped areas, the site will have less impervious surfaces at its completion.**
  - e. Placement of structures and vehicular surface areas; and  
**The main structure is an existing historic building with a small 1,200 SF lobby addition. The vehicular surface areas have existed for decades.**

- f. Orientation of uses and entranceways.  
**The building's front door is oriented to the main street (Martin Street) and the service entry is off of West Street.**
- (5) The site plan coordinates with existing and planned public facilities such as:  
**(Note: All of these issues were reviewed and approved by the Planning Commission in the original Site Plan Approval Process)**
- a. Stormwater drainage structures;  
**The existing stormwater drainage structures will be utilized.**
  - b. Public utilities;  
**The existing public utilities will be utilized. A new fire hydrant has been installed.**
  - c. Streets, sidewalks and on-street parking;  
**The sidewalks along the entire perimeter site are being replaced to follow the City of Raleigh's Standards.**
  - d. Parks, greenways and recreational facilities;  
**Not applicable.**
  - e. Fire stations and community service facilities;  
**Not applicable.**
  - f. Schools;  
**Not applicable.**
  - g. Trash collection; and  
**It is anticipated that this project will not generate significant trash. It will utilize the City of Raleigh's downtown trash collection service.**
  - h. Transit facilities.  
**One of the reasons this project site was selected was its adjacency to the City of Raleigh's planned Union Station and its ability to benefit from multi-modal transportation opportunities.**
- (6) The plan provides for a unified development within the site and with adjoining properties when such properties are either:
- a. Under similar ownership as the site,  
**Not applicable.**
  - b. Are being developed in a coordinated manner with the site, or,  
**Not applicable.**

- c. The site shares a common relationship with surrounding properties, where establishing similar architectural elements, landscaping, shared access or signage will promote good order, convenience and safety.

**This building is located in a National Register Historic District and is being renovated to National Park Service Standards.**

Situations a, b, and c may consist, among other things, of shared driveways, definitive streetscape character or block face, similar topography, both properties are located within a previously approved concept or master plan or within the same conditional use zoning ordinance)

- (7) The plan complies with all street, sidewalk, open space, drainage, greenway, transit, utility and other public facility dedication and improvement requirements of Part 10, chapter 3 and applicable conditional use zoning ordinances.

**(Note: This issue was reviewed and approved by the Planning Commission in the original Site Plan Approval Process)**

**This project is replacing all the curbs, gutters, and sidewalks surrounding the site to City Standards. The open space in the sculpture court on the east side of the property exceeds the City's requirements. There are no applicable Conditional Use Zoning Ordinance issues.**

- (8) The plan conforms to previously approved subdivision plans for the site. The site plan meets all applicable Code requirements, and if there are conflicts between Code provisions the more restrictive shall be met.

**There is no previously approved subdivision plan. The site plan, to the best of our knowledge, meets all applicable Code requirements.**