



## 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-15-13 / Edison Office – Phasing Revision

**General Location:** The south side of Martin Street between Wilmington Street and Blount Street.

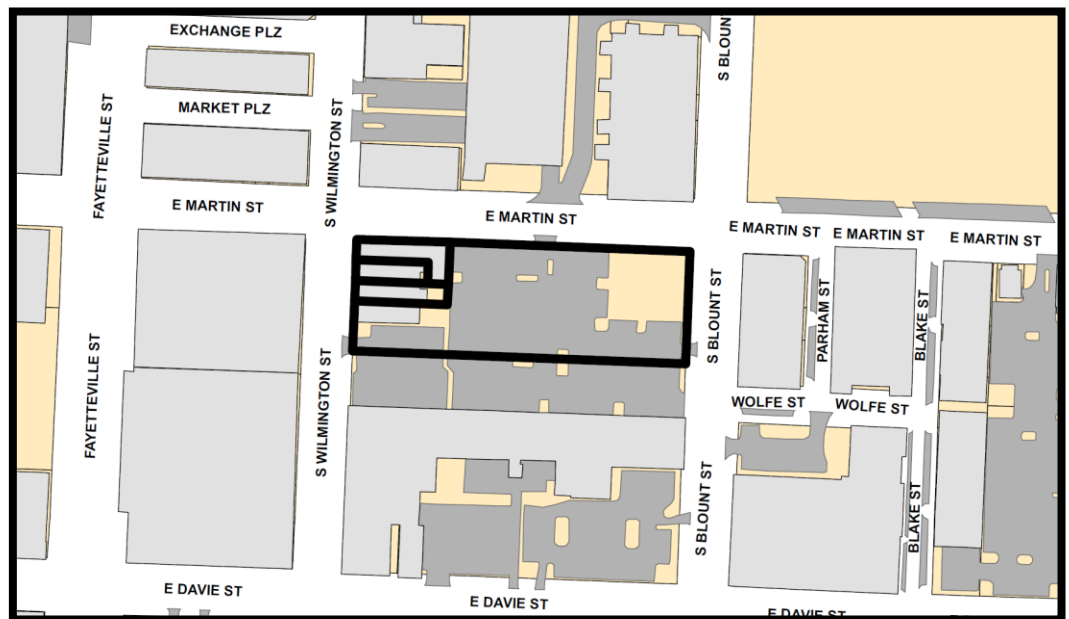
**Owner:** Edison Land, LLC  
**Designer:** JDavis Architects, PLLC

**CAC:** Central

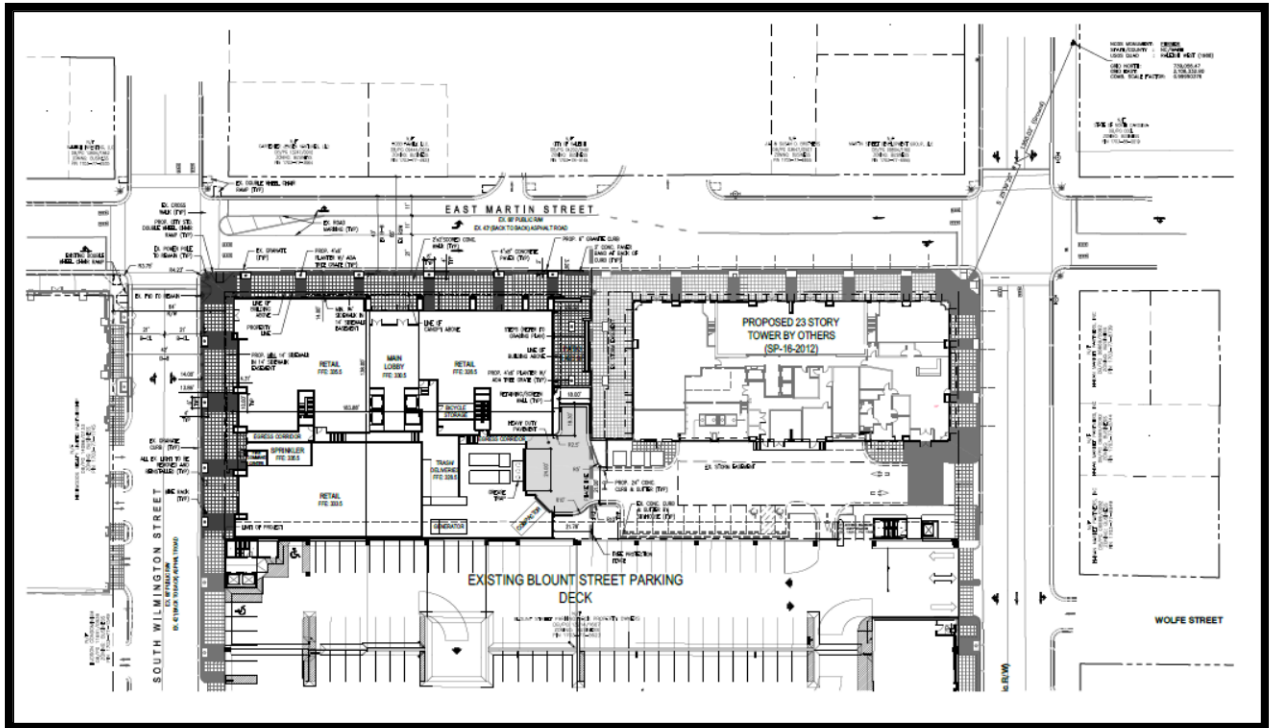
**Nature of Case:** The proposal is for a 19 story mixed use building comprised of 14,350 square feet of retail space and 255,895 square feet of office space on a 1.3 acre site zoned Business Zone and Downtown Overlay District. The proposal includes a 6-level integrated parking structure containing 315 spaces. This proposal requires Planning Commission approval for the following reasons: (A.) It is for a building over 10,000 square feet in the Downtown Overlay District; (B.) It includes retail uses within 400' of a lot line containing a dwelling, (C.) It is for a building over 80' in height (301') and (D.) The proposal includes a request that includes an exception from the minimum number of required parking spaces. Note the proposed building location is on the western portion of the site and is to be shared through a land condominium with the proposed Skyhouse development on the eastern portion of the site. **The developer is seeking a re-approval of the project so that it can be phased.**

**Key Issues:** Requested 48% reduction in required parking spaces.

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



SP-15-13 / Edison Office – Site Location Map



### SP-15-13 / Edison Office – Preliminary Site Plan

- SUBJECT:** SP-15-13 / Edison Office
- CROSS-REFERENCE:** SP-37-07 Blount Street Parking Deck, SP-16-12 Skyhouse
- LOCATION:** This site is located on the south side of Martin Street, between its intersections with Blount Street and Wilmington Street, inside the City Limits.
- REQUEST:** This request is to approve a 19 story mixed use building comprised of 14,350 square feet of retail space and 255,895 square feet of office space on a 1.3 acre site zoned Business Zone and Downtown Overlay District. The proposal includes a 6-level integrated parking structure containing 315 spaces. This proposal requires Planning Commission approval for the following reasons: (A.) It is for a building over 10,000 square feet in the Downtown Overlay District; (B.) The proposal includes retail uses within 400' of a lot line containing a dwelling, (C.) The proposal is for a building over 80' in height (301') and (D.) The proposal includes a request that includes an exception from the minimum number of required parking spaces. The subject area is the western portion of the site and is to be shared through a land condominium with the proposed Skyhouse development on the eastern portion of the site. **This developer is seeking approval of a phasing plan with this proposal.**

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**OFFICIAL ACTION:** Approval with conditions

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

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**FINDINGS:** The Planning Commission finds that with the following conditions of approval being met this request 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 8/20/14, owned by Edison Land LLC, submitted by JDavis Architects, PLLC.

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**ADDITIONAL NOTES:** This plan represents a modification to the previously approved plan for this project. The construction is now proposed to be completed in two phases. This overall project is also the second proposed phase of development for this parcel. The Skyhouse development (SP-16-12) was approved for the eastern end of the site for a 23 story residential tower with 320 residential units and ground-floor retail. The developer is proposing to phase the construction so that an existing business on the site can remain operable until such time their new space on the site is complete so that they can relocate the business into the new space and then demolish the existing building and continue to build. The original plan was submitted prior to September 1, 2013 and is not subject to the Unified Development Ordinance.

**VARIANCES / ALTERNATES:** The applicants have received a variance from the requirements from right of way dedication for Blount Street, Martin Street and Wilmington Street. The existing right-of-way is 66' wide and the existing roadway width is built to a 43' +/- back of curb to back of curb. Given the existing context of the downtown area within the original Christmas Plan for the City of Raleigh, the existing 66' right-of-way width has been found to be adequate by the Development Plans Review Group. The right-of-way variance was approved by an action of City Council on 7/16/13.

The proposal includes a 48% parking reduction of to reduce the required parking by 297 spaces beyond the exemptions automatically provided by the Downtown Overlay District.

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**To PC:** 7/23/14, 9/9/14, 3/24/15, 4/14/15

**Case History:** Approved by Planning Commission on 7/23/14, Rescinded on 8/13/14, Approved 9/9/14

The applicant requested that the Planning Commission rescind an earlier (7/23/14) (CR 1310) approval of a site plan for the Edison Apartments. The Planning Commission had previously approved this request for a 13 story mixed use building with approximately 315,000 square feet of office and ancillary retail. The Planning Commission rescinded the approval and agreed to hold the discussion at a future meeting. The Planning Commission approved a 19 story mixed use building comprised of 14,350 square feet of retail space and 245,895 square feet of office space and a 6-level integrated parking structure containing 315 spaces on 9/9/14 (CA1348). The applicants are now seeking approval of a phased approach to the construction of the project.

**Staff Coordinator:** Eric S. Hodge, AICP

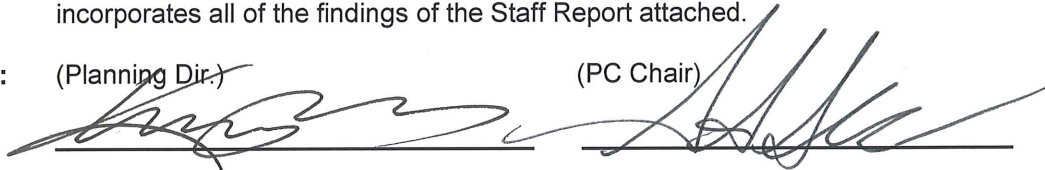
**Motion:** Fleming  
**Second:** Braun  
**In Favor:** Mr. Braun, Mr. Fleming, Mr. Fluhrer, Ms. Hicks, Mr. Lyle, Mr. Schuster, Mr. Swink and Mr. Whitsett  
**Opposed:**  
**Excused:**

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: 4/14/15

date: 4/14/15



## Staff Report

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**RECOMMENDED ACTION:** Approval with Conditions

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**CONDITIONS OF APPROVAL:** Planning Commission Actions:

- (1) That the Planning Commission finds that 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 embodied in the Raleigh Comprehensive Plan and hereby approves an exception to the required minimum parking requirements to allow a 48% (297 space) reduction in the number of required parking spaces as allowed by City Code Section 10-2051(e)(1)g;
- (2) That the Planning Commission finds that the increase in building height above 80', to 301', is in accordance with the general plans for the physical development of the City as embodied in the current Raleigh Downtown Urban Design Guidelines;
- (3) That the Planning Commission finds that this site plan meets the standards of section 10-2132.2(d);
- (4) That the Planning Commission approves the proposed phasing plan for this development;

**Administrative Actions:**

***Prior to issuance of a grading permit or site review permit for the site:***

- (5) Prior to grading permit, the developer shall confirm that the exemptions found in 10-9021(6) and 10-9023(b)(1) still apply;

***Prior to issuance of building permits:***

- (6) That an encroachment agreement for any existing buildings to remain, plantings, planters, awnings or stormwater drainage systems that carry private drainage to be located within the public right-of-way is approved by the City Council and/or NCDOT (if applicable) by separate action. An application for encroachment into the public right of way for the landscaping located within the right of way as indicated on the preliminary plan, shall be submitted to the City's Encroachment Coordinator in the Public Works Department for review, and that the City Council approve the encroachment request. Following City Council approval of the encroachment, an encroachment agreement, prepared in accordance with Raleigh City Code Sections 12-1001 and 12-1021(a), shall be filed with the Public Works Department, and the encroachment agreement is to be recorded with the Wake County Register of Deeds. Maintenance of the encroachment shall be the responsibility of the owner;

- (7) That a landscape permit is obtained from the urban forester in the Parks and Recreation Department for landscaping in the public right-of-way;
- (8) That any work that takes place on adjacent properties owned by others will require notarized permission or temporary construction easements signed by all impacted owners;
- (9) That the City Attorney approve a public sidewalk easement deed for any portion of the proposed pedestrian ways on private property adjacent to public right-of-way on surrounding streets including Martin and Wilmington;
- (10) That the project is a two phased multi-permit project, with certificates of occupancy permitted in both phases. A recombination map eliminating the lot lines for that lot conveyed by that deed recorded in Book 3029 Page 206 to Philip S. Horwitz -307 South Wilmington Street- must be recorded prior to issuing the building permit for phase 2. The recombination map shall recombine the Horwitz lot into Lot 1 shown on Book of Maps 2013 Page 1206 together with an amendment to the condominium declaration annexing the Horwitz acreage into Edison Office master unit B shown on BKCM 2013 Page 551 A1. If the easternmost portion of the condominium tract (Skyhouse master unit A) has been rezoned to a UDO mixed use district and the condominium association has been dissolved, then the recombination of the Horwitz lot can be made with the fee simple Edison Office lot; the Skyhouse lot would also be a fee simple lot. The public sidewalk easements required shall be shown on the recombination plat;
- (11) That condominium documents are prepared in accordance with G.S.-47C and that certification is made to the Chief Zoning Inspector that the legal documents contain the language required by 10-2108(g);
- (12) That as the proposal indicates a reduction in impervious surfaces for the portion of the site known as Edison Office, detailed survey drawings must be submitted to the Stormwater Engineer demonstrating that there will be a reduction in impervious surfaces in the post-developed condition, and;

***Prior to issuance of certificates of occupancy permits:***

- (13) No certificate of occupancy shall be issued for phase 2 unless the entire building project, including phase 1, complies with the provisions of the North Carolina Building Codes then applicable to the project.

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**ZONING:**

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

**SETBACKS / HEIGHT:** This plan conforms to all minimum setback standards of the Downtown Overlay District and are 4+' on both Wilmington and Martin Streets and 0' along the southern property line. This plan conforms to maximum height standards in this zoning district. Proposed height of the building is 301'.

**PARKING:** 615 off-street parking spaces are required, based on 1 parking space per 400 square feet of office and an exemption for up to 30,000 SF of ground floor

retail/commercial. Only 318 spaces are being provided exclusively for the proposed development, and are being provided within the proposed structure.

The proposal includes a 48% parking reduction to reduce the required parking by 297 spaces beyond the exemptions automatically provided by the Downtown Overlay District. City Code Section 10-2051(e)(1)g allows the Planning Commission to reduce the number of required off-street parking spaces provided on the site plan after a finding that the number of off street parking spaces provided is in accordance with the general plans for the physical development of the City embodied in the Raleigh Comprehensive Plan. See separate attached parking analysis provided by Kimley-Horn and Associates, LLC to further support this request. Edison Office is negotiating with the City for a daytime parking allocation of 297 spaces in the adjacent City-owned portion of the Blount Street Parking Deck. Because these spaces are allocated to meet another development's parking requirements (Skyhouse and Edison Apartments), they are not creditable towards the proposed development's required parking amount. The 297 parking spaces in question in the City-owned portion of the Blount Street Parking Deck, are subject to the superior lease rights of the SkyHouse and Edison Apartments residential developments, of which there are 699 spaces .

**LANDSCAPING:** Street yard landscaping in conformity with Section 10-2082.5 is shown. Vehicular surface area landscaping is not required as the provided parking is within a parking deck. This is a medium impact use under Section 10-2082.9. Transitional protective yards are not required.

**TREE CONSERVATION:** No tree conservation areas are required because the site is less than 2 acres and no stands of trees on the site located within 50' of a Thoroughfare meet the requisite standards of code section 10-2082.14.

**DEVELOPMENT INTENSITY:** Proposed floor area ratio (FAR) is 7.39 and proposed lot coverage is 40.78%.

**OPEN SPACE:** The Downtown Overlay District 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 2,831 square feet. The applicants plan contains a minimum of 2,850 square feet of open space (slightly more than 5%) provided through wider sidewalks and an outdoor patio that meets the standards of the Downtown Overlay District.

**PHASING:** This office development is the second phase of development proposed for this parcel. The Skyhouse development (SP-16-12) was approved for the eastern end of the site for a 23 story residential tower with 320 residential units and ground-floor retail. The retail provided within this office development and on the Horwitz lot is being used toward the Part 10 Zoning Code's density bonus requirements of the Skyhouse project (SP-16-12) located on the northern end of this site until the Skyhouse portion of the site is rezoned to a UDO mixed use district, thereby eliminating the density bonus requirements.

The proposed phasing of this office project is a two phased multi-permit project, with certificates of occupancy permitted in both phases. The first phase of this office development consist of four permits – permit 1 is for 14,350 square feet of retail and 7 level parking structure; permit 2 is for 16,000 square feet of office; permit 3 is for a maximum of 10,000 square feet of retail up-fit and permit 4 is for

the demolition of 307 South Wilmington Street and a certificate of occupancy for the Horwitz retail. The second phase of this office project consists of remaining permits and certificates of occupancy for SP-15-13. -However, when certificate of occupancy permits are requested for phase 2 fire suppression sprinkler system and fire alarm for phase 1 will be activated and tied into the phase 2 Edison office building. This phasing allows for the initiation of the construction of 10,000 square feet of retail, 16,000 square feet of office and a portion of the parking deck. Only the southernmost retail space along South Wilmington Street will be allowed a Certificate of Occupancy in advance of the completion of the remainder of the Edison Office development.

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

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**COMPREHENSIVE PLAN:**

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

**THOROUGHFARE / COLLECTOR PLAN:**

The applicants have received a variance from the requirements from right of way dedication for Blount Street, Martin Street and Wilmington Street. The existing right-of-way is 66' wide and the existing roadway width is built to a 43' +/- back of curb to back of curb. Given the existing context of the downtown area within the original Christmas Plan for the City of Raleigh, the existing 66' right-of-way width has been found to be adequate by the Development Plans Review Group. The right-of-way variance was approved by an action of City Council on 7/15/13.

**TRANSIT:** No additional transit-oriented features of this site are incorporated into the proposed plan. This site is presently served by the existing transit system and is located across Martin Street from the Moore Square Transit Station.

**COMPREHENSIVE PLAN:**

The site is located within the Central CAC, and is designated as Central Business District on the future land use map. This category is intended "to enhance Downtown Raleigh as a vibrant mixed use urban center", 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 Comprehensive Plan.

**HISTORIC / DISTRICTS:**

The site is located within the Moore Square National Register Historic District and abuts the locally-designated Moore Square Historic District which includes the blocks east and north of the site (S. Blount and E. Martin streets, respectively), and half of the block frontage northwest of the site (E. Martin Street). It is within 500 feet of several individually-designated Raleigh Historic Landmarks, including City Market (1914) and the Montague Building (1912).

**APPEARANCE COMMISSION:**

The Appearance Commission commends the project on the aesthetics of the building design and finds the access to the proposed deck-option to be a creative solution. **The Commission understands this request to be a sequencing plan, not a phasing plan. Should the project be a phasing plan the Commission recommends that there be a mechanism in place to ensure**



that the streetscape elements and all of Phase 2 of the project are completed, should circumstances change mid-construction.

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**SUBDIVISION  
STANDARDS:**

**BLOCK LAYOUT:** No new streets are proposed with this development.

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

**SOLID WASTE:** Refuse collection facilities are located internal to the site behind recessed roll-down gates along the rear portion of the eastern side of the building and shall meet the standards of the Solid Waste Collection Manual. Individual lot service is to be provided by private contractor.

**CIRCULATION:** Proposed street improvements shall conform to normal City construction standards. A Transportation Impact Analysis was prepared by the applicants for the previous proposal for this site, The Edison (SP-54-08), which was a much more intensive development than what is proposed today. The proposed circulation plan associated with that Transportation Impact Analysis was approved by the City's Transportation Services Staff at the time. It was determined that a new Transportation Impact Analysis was not warranted for this development.

**PEDESTRIAN:** Proposed sidewalk locations conform to City regulations. A 14' wide sidewalk is required along the property's Wilmington Street, Martin Street and Blount Street frontages. The proposed sidewalk widths are consistent with the open space requirements of 10-2051(d) (5) and exceed 14' throughout the proposed development. On Martin Street proposed sidewalks range between 15.5' and 22'. Sidewalks on Wilmington Street are a minimum of 18' in width.

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

**STORMWATER  
MANAGEMENT:**

This site is subject to stormwater management nitrogen reduction and stormwater runoff control requirements of Part 10 Chapter 9. This site plan, SP-15-13, makes up the 2<sup>nd</sup> of two phases on this parcel. The 1<sup>st</sup> phase being the previously approved Skyhouse project (SP-16-12). The developer has been shown that SP-15-13, within phase 2, reduces impervious surfaces in the post-developed condition. Both phases stand alone and are shown to comply. Therefore the site (SP-15-13) is currently exempt from nitrogen regulations pursuant to 10-9021 (6). Pursuant to 10-9023 (b) (1), stormwater controls are not currently required as the developer has shown that the increase in peak stormwater runoff is less than ten percent for the 2 and 10 year storm events at each point of discharge.

**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.

