Certified Recommendation
of the City of Raleigh Planning Commission

City of Raleigh
Development Plans Review Center
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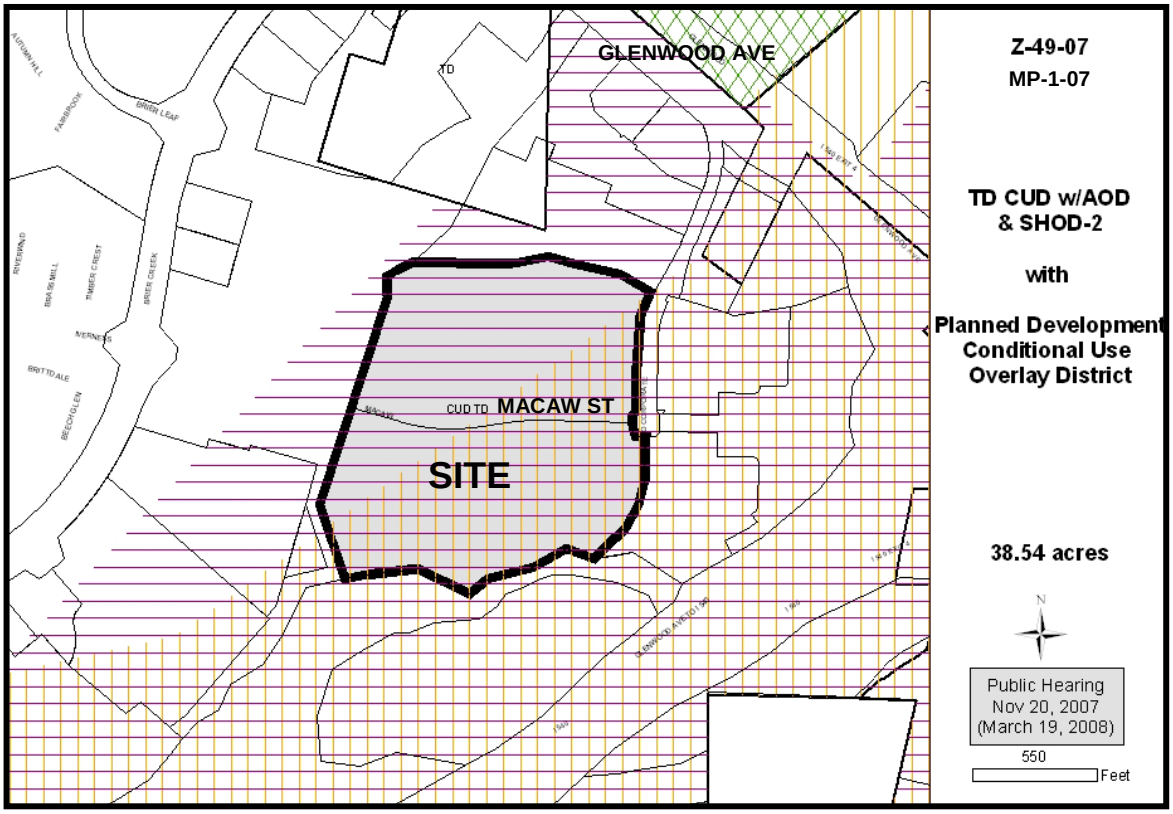
Case File / Name: **MP-1-07 / Brier Creek Town Center**

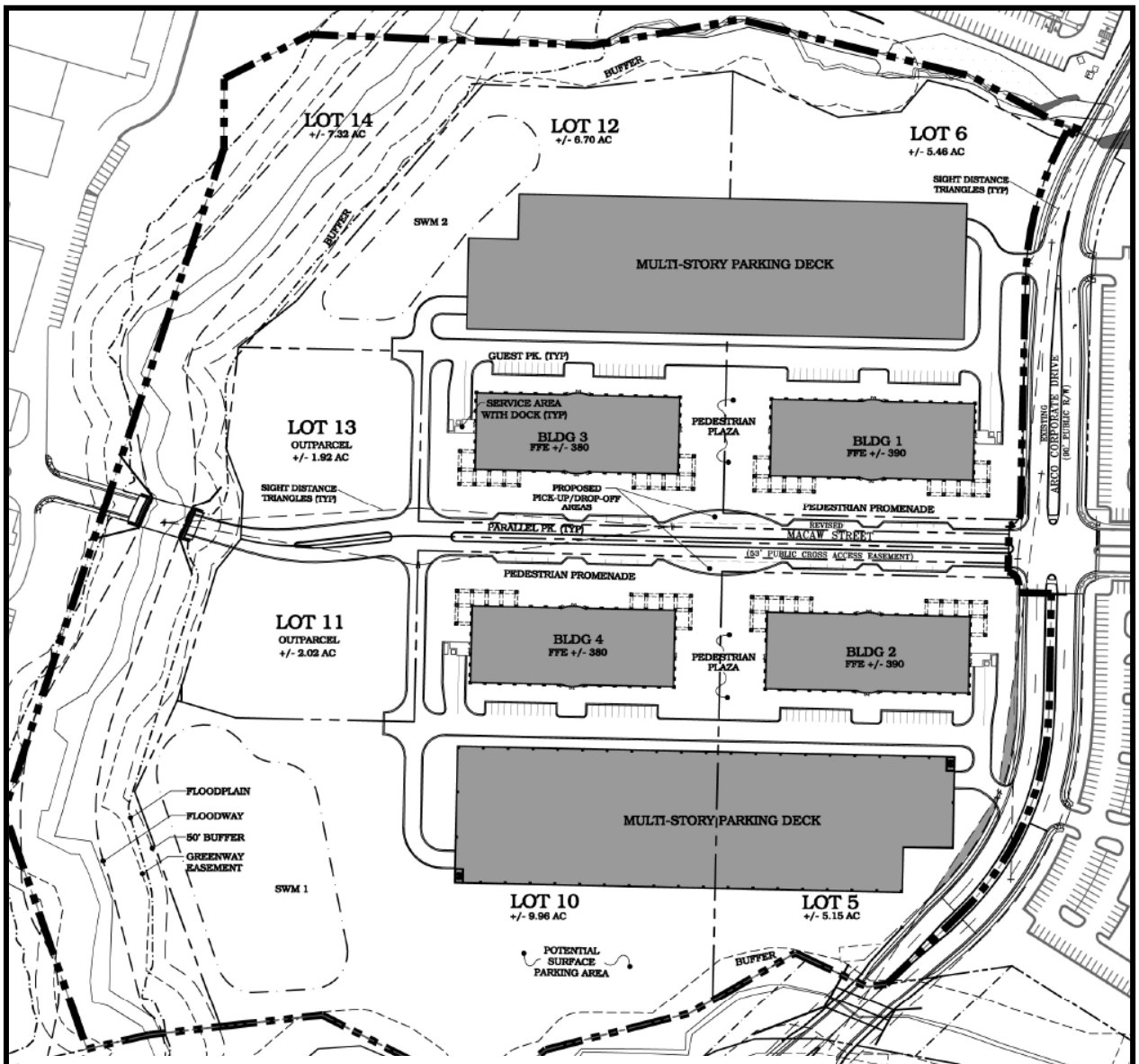
General Location: This site is located on the west side of Arco Corporate Drive, south of Glenwood Avenue, between Brier Creek Parkway and I-540.

Planning District / CAC: Umstead / Northwest

Nature of Case: Master plan associated with the petition to rezone approximately 38.5 acres, currently zoned Thoroughfare District Conditional Use (Z-65-96) with Special Highway Overlay District -2 and Airport Overlay District to include Planned Development Conditional Use Overlay District. This plan proposes 1.6 million square feet of mixed office and retail uses in buildings up to 195' height with supporting parking in separate decks not exceeding 70' height. Development is proposed on six tracts with office uses and ground floor retail on four tracts and up to 100,000 square feet of hotel/retail/restaurant uses on two tracts. Design guidelines for building placement, façade character, building setbacks, parking, and streetscape elements which specifically reference standards of the *Urban Design Guidelines for Mixed-Use Neighborhood and Village Centers* have been incorporated within the master plan.

Contact: JDavis Architects





MP-1-07 Brier Creek Town Center Master Plan – Site Plan

OVERALL SITE DATA:

LOT	AC	LAND USE	BLDG SF MAXIMUM
LOT 5	5.15 AC.	MIXED-USE OFFICE; RETAIL; PARKING	375,000 SF
LOT 6	5.46 AC.	MIXED-USE OFFICE; RETAIL; PARKING	375,000 SF
LOT 10	9.96 AC.	MIXED-USE OFFICE; RETAIL; PARKING	375,000 SF
LOT 11	2.02 AC.	HOTEL/RETAIL/RESTAURANT; PARKING	50,000 SF
LOT 12	6.70 AC.	MIXED-USE OFFICE; RETAIL; PARKING	375,000 SF
LOT 13	1.92 AC.	HOTEL/RETAIL/RESTAURANT; PARKING	50,000 SF
LOT 14	7.32 AC	OPEN SPACE	N/A
TOTAL	38.53 AC		1,600,000 SF

SUBJECT: **MP-1-07 / Brier Creek Town Center**

CROSS-REFERENCE: Z-49-07, S-82-05, S-64-06

LOCATION: This site is located on the west side of Arco Corporate Drive, south of Glenwood Avenue, between Brier Creek Parkway and I-540, inside the City Limits.

REQUEST: This request is to approve a master plan associated with the petition to rezone approximately 38.5 acres, currently zoned Thoroughfare District Conditional Use (Z-65-96) with Special Highway Overlay District -2 and Airport Overlay District to include Planned Development Conditional Use Overlay District. This plan proposes 1.6 million square feet of mixed office and retail uses in buildings up to 195' height with supporting parking in separate decks not exceeding 70' height. Development is proposed on six tracts with office uses and ground floor retail on four tracts and up to 100,000 square feet of hotel/retail/restaurant uses on two tracts. Design guidelines for building placement, façade character, building setbacks, parking, and streetscape elements which specifically reference standards of the *Urban Design Guidelines for Mixed-Use Neighborhood and Village Centers* have been incorporated within the master plan.

PROPOSED ALTERNATE STANDARDS: The following is a list of the proposed alternate design standards for this plan:

Alternate off-street parking requirements. *[Code Section 10-2057(f)(4)h]*
A sixteen percent (16%) reduction in off-street parking requirements of code section 10-2081 is requested on four tracts within the development (#5, 6, 10, 12) because of the mixed-use nature of the proposal and based on standards set forth by the Urban Land Institute and NAIOP. The reduction is based upon the availability of public transit, internal capture from retail and the proximity to adjacent shopping areas.

Retail uses exceeding 10% of the gross land area of the development.
The plan proposes a maximum of 165,000 square feet of principal retail use. This represents approximately 13.1% (5.05 acres of land area) of the gross land area being devoted to retail use. *[Code Section 10-2057(f)(4)b.4]*

Alternate means of compliance for transitional protective yard requirements *(Code Section 10-2082.9)*
Proposed elimination of the width requirement of transitional protective yards within the master plan area to 0' between land uses of different intensities; however, the plan incorporates a 20' average width streetscape with plantings along Arco Corporate Drive (a public street) and Macaw Street (a private drive) and two pedestrian plazas with plantings located between the four mixed use office buildings within the development.

Alternate means of compliance for tree conservation areas requirements (*Code Section 10-2082.14)*
Proposed elimination of the ten percent tree conservation area of the PDD area. The tree conservation areas for this PDD constitutes 0.84 acres or 0.022 % of the PDD. The remaining tree saves are provided off-site pursuant to S- 82-05. An approved tree conservation area plan which exceeds the City Code minimum requirements and permit have previously been issued for the Brier Creek

Corporate Center (S-82-05 BM 2006 Pages 1636-1645); the Brier Creek Town Center PDD is located within a portion of the Brier Creek Corporate Center.

Alternate height limitations.
The Master Plan divides the development into 4 tracts (lots 5, 6, 10 and 12) and 2 outparcels (lots 11 and 13). At total build-out, the 4 tracts propose 4 office towers (ground level retail) with a maximum building height of 195 feet. The 2 outparcels are proposed for restaurant / retail / hotel use with a maximum building height of 150 feet. Parking structures shall be limited to 70' height.

Alternate minimum building yard setbacks. *(Code Section 10-2075)*

Arco Corporate Drive:	10 feet – canopies, screen walls and other features / structures, including buildings, less than 35 feet in height 20 feet – structures greater than 35 feet in height 20 feet - all parking structures
Macaw Street (private):	10 feet* – canopies, screen walls and other features / structures, including buildings, less than 35 feet in height 20 feet* – structures greater than 35 feet in height *measured from private access easement
Internal lot lines:	0 feet
Perimeter lot lines:	20 feet

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 10-2045, 10-2050, 10-2057, 10-2059, 10-2132.2, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 1/24/08 with accompanying maps dated 11/8/07, all owned by Brier Creek Corporate Center Associates L.P., submitted by JDavis Architects with drawings prepared by The John R. McAdams Company.

ADDITIONAL NOTES: The property subject to this re-zoning case was formerly part of Area C of rezoning case Z-65-96. A subdivision (S-64-06) was previously approved to create tracts for this development, but has not been recorded. The previously approved subdivision did not include the proposed open space tract shown on this plan.

To PC: 11/27/07

Case History: 11/27/07 referred to Committee of the Whole; 12/4/07, 1/8/08 reviewed by Committee of the Whole; 1/8/08 recommended approval subject to incorporating into the master plan certain proposed design elements, increased setback and landscaping for the parking decks. 1/29/08 Committee of the Whole reported to Planning Commission recommendation for approval.

To CC: 2/5/08 **City Council Status:** _____

Staff Coordinator: Stacy Barbour

Motion: Chambliss
Second: Anderson
In Favor: Anderson, Bartholomew, Butler, Chambliss, Davis, Gaylord, Haq, Harris Edmisten, Mullins, Smith
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: _____ date: 1/31/08

Staff Report

RECOMMENDED ACTION: **Approval with Conditions**

CONDITIONS OF APPROVAL:

City Council Actions:

(1) That the City Council approves the proposed alternative landscape design standards noted in this request;

(2) That the Council approves the proposed alternate standards for off-street parking requirements of Code Section 10-2081 as detailed in the master plan;

(3) That the Council make a finding that the master plan achieves the purposes of the Planned Development District, addressing issues related to transit usage, more usable open space, economic arrangement of buildings, preservation of significant natural features, protection of roadway corridors from strip development, and provide community-wide amenities. In addition the Council shall make a finding related to the basis for Council approval for the additional retail proposed over the maximum of 10%. The Master Plan proposes that 165,000 square feet of building space may be devoted to commercial/retail uses on a maximum of 13.1% of the land area;

(4) That the City Council approves any encroachments related to this project by separate action. Encroachments may be, but are not limited to signage, landscaping, alternative paving, and utilities within the public right-of-way;

Administrative Actions:

Prior to Planning Department authorization to record lots or Inspections Department issuance of building permits whichever first occurs:

(5) That construction plans for all street and utility improvements be approved by the Public Works Department;

(6) That either a recombination or subdivision plan to create the proposed open space lot number 14 in conformance with Code Section 10-2057(f)(4)c be submitted to the Planning Department and approved;

(7) That all conditions of the previously approved subdivision for this property (case S-64-06), including but not limited to the creation of lots, dedication of easements, and the reservation of greenway, be fulfilled and the preliminary subdivision recorded with the Wake County Register of Deeds;

(8) That the proposed transit easements shown on the preliminary plan (minimum 10'x20' size) are approved by the City's Transit Technician, and that the City Attorney and the Transit Technician approve transit easement deeds, including access over Macaw Street (private drive). The metes and

bounds location of these easements shall be shown on all plats for recording, and a copy of the recorded easements be provided to the Inspections Department prior to the issuance of any building permit;

(9) That as the developer has agreed to construct a transit shelter and benches within the proposed transit easements, the developer shall pay the City of Raleigh the cost of a standard bus shelter and bench (typical of City installation) for each location prior to lot recordation. Upon construction of the agreed upon shelters and benches on site the developer shall be refunded the amount of payment to the City for the cost of the shelters and benches. No bus shelter will be installed without the prior approval of the shelter design by the City's Public Works Department transit division;

(10) That the proposed public access easement along Macaw Street (required by previous subdivision approval, S-82-05) be extended thru the adjacent Brier Creek Commons Shopping Center (owned by Brier Creek Limited Partnership, DB 11051, PG 0362) to connect with Brier Creek Parkway to the east and that the City Attorney approves the required public access easements. A copy of the recorded public access easements shall be provided to the Inspections Department prior to the issuance of any building permit;

(11) That flood prone areas and wetlands as shown on the preliminary plan be shown on any plat for recording;

(12) That riparian buffers, in accordance with the preliminary plan and the State of North Carolina regulations, are shown on any plat for recording, and that a note be placed on all recorded plats stating "The riparian buffer areas shown on this plat are subject to grading and vegetation removal restrictions in accordance with State law and, that the North Carolina Division of Water Quality must give approval for disturbing the Neuse River Riparian buffers";

(13) That a petition to exchange the existing City of Raleigh Sanitary Sewer easement on proposed lot 12 (BM 2006 pg 1636-1645) for the proposed easement as shown on the preliminary plan is submitted to the Public Utilities Department and approved as a separate action by the Raleigh City Council prior to issuance of a building permit on lot 12;

(14) That a unity of development plan with unified sign criteria is approved by the Planning Director, and that these documents are provided to the Inspections Department. That no building permit will be issued that is inconsistent with the approved unity of development and sign criteria. That a note be added to all plats for recording stating that unity of development is required and that a copy of the unity of development plan is on file with the City of Raleigh Planning Department;

(15) That a property owners' association declaration of covenants and restrictions for the required open space shall be prepared in conformance with Raleigh City Code section 10-2057(f)(4)c, shall be approved by the City Attorney, and these documents shall be recorded with the County Register of Deeds. A recorded copy of these legal documents must be provided to the Planning Department within 14-days from authorization of lot recording or to the Site Review Specialist in the Inspections Department prior to issuance of any building permits, whichever shall come first;

(16) That final building elevations be approved by the Site Review Specialist in the Inspections Department to show conformance with both the approved unity of development guidelines and the Master Plan design guidelines for this site;

ZONING:

ZONING DISTRICTS: This site is currently zoned Thoroughfare Conditional Use District. Ordinance N0. (1996) 929 ZC 392, Z-65-96; effective July 2, 1996. This site is within 'Area C' of zoning conditions applicable to this site per Z-65-96. This site is also within the SHOD-2 and Airport overlay zoning districts.

SETBACKS / HEIGHT:

Arco Corporate Drive:	10 feet – canopies, screen walls and other features / structures, including buildings, less than 35 feet in height 20 feet – structures greater than 35 feet in height 20 feet - all parking structures
Macaw Street (private):	10 feet* – canopies, screen walls and other features / structures, including buildings, less than 35 feet in height 20 feet* – structures greater than 35 feet in height *measured from private access easement
Internal lot lines:	0 feet
Perimeter lot lines:	20 feet

The Master Plan divides the development into 4 tracts (lots 5, 6, 10 and 12) and 2 outparcels (lots 11 and 13). At total build-out, the 4 tracts propose 4 office towers (ground level retail) and 2 parking decks with a maximum building height of 195 feet for the towers. The 2 outparcels are proposed for restaurant / retail / hotel use with a maximum building height of 150 feet. Parking structures shall be limited to 70' height.

PARKING: Off-street parking shall be provided in accordance with the City Code Section 10-2081 or in accordance with requested alternate requirements.

A sixteen percent (16%) reduction in off-street parking requirements of code section 10-2081 is requested on four tracts within the development (#5, 6, 10, 12) because of the mixed-use nature of the proposal and based on standards set forth by the Urban Land Institute and NAIOP. The reduction is based upon the availability of public transit, internal capture from retail and the proximity to adjacent shopping areas. Tracts 11 and 13 shall comply with minimum code requirements of section 10-2081 either on site or within adjacent structured parking.

The plan includes phased construction of two parking decks within the development with specific standards for their design and landscaping.

OPEN SPACE: This Planned Development District requires that a minimum of 15% of the land area, 5.78 acres, be devoted to open space. 7.32 acres (19%) will be provided within stream buffers and areas reserved for City of Raleigh Greenways, public urban spaces, and tree conservation areas.

TREE PRESERVATION: Tree preservation requirements of code section 10-2082.14 have already been met for this land area in conjunction with previous subdivision of the property (case S-82-05).

LANDSCAPING: Detailed landscape plans showing conformance with street protective yard, transitional protective yard, and vehicular surface area requirements of Code section 10-2082 and the alternate standards for landscaping included in this master plan shall be reviewed prior to permit issuance.

The plan includes a request for an alternate means of compliance for internal transitional protective yards, Code section 10-2082.9. It includes elimination of the width requirement of internal transitional protective yards within the master plan area to 0' between land uses of different intensities; however, the plan incorporates a 20' average width streetscape with plantings along Macaw Street (a private drive) and two pedestrian plazas with plantings located between the four mixed use office buildings within the development.

The plan establishes specific width and planting standards above code requirements for street protective yards along Arco Corporate Drive (public street) with specific plantings for screening of the proposed parking structures. It also establishes streetscape planting standards along Macaw Drive (private drive).

DEVELOPMENT INTENSITY: This plan proposes 1.6 million square feet of mixed office and retail uses allocated among six tracts with office uses and ground floor retail on four tracts and up to 100,000 square feet of hotel/retail/restaurant uses on two tracts.

Within a Planned Development District, no more than 10% of the gross land area shall be devoted to retail uses unless evidence is provided upon which the City Council may make a finding that additional retail use allows the development to better achieve the purposes of the Planned Development District (i.e. promote transit usage, more usable open space, affordable housing, facilitate the more economic arrangement of buildings, preserve roadway corridors from strip development, contain innovative architectural elements and design, provide for community-wide public services and amenities).

The Master Plan proposes that 13.1% (5.05 acres) of the land area may be devoted to commercial/retail uses. Therefore, Council must make the finding cited above in order to allow this amount of retail area. The applicant notes that the difference between the retail area in square footage and the total land area allocated to retail is in the area devoted to parking, which is shared with the office use.

RETAIL PHASING: Within a Planned Development District, development of retail uses are required to be phased in such a way so that at least 25 % of the planned development has been constructed before building permits for any retail uses are issued. Development shall comply with provisions of Code Section 10-2057.

OVERALL PHASING: The proposal includes an overall phasing plan showing three stages of development illustrating how initial office building construction will utilize surface parking and subsequent construction will include two parking structures and the hotel/retail/restaurant uses on two tracts.

UNITY OF DEVELOPMENT: Mechanisms to provide a unified approach to landscaping, signage, parking, driveways, drainage, sedimentation control, and pedestrian circulation are required per code section 10-2057. A unity of development plan must be approved by the Planning Director prior to the issuance of any permits on these lots.

OTHER DESIGN ISSUES: The applicant proposes that this master plan will implement several key elements from the *Urban Design Guidelines for Mixed-Use Neighborhood and Village Centers.* The plan addresses the mix of land uses and open space, building placement, façade character, building setbacks, parking, outdoor public seating, transit stops, and streetscape elements with specific standards for development.

COMPREHENSIVE PLAN:

URBAN FORM: The site is located in the Umstead Planning District within the area of greatest intensity of the Triangle Regional Center. Specific recommendations are included in the Triangle Regional Center Plan. That plan recommends mixed uses for the area of this site including employment uses.

GREENWAY: This property is adjacent to Brier Creek a corridor of the Capital Area Greenway Master Plan. The required minimum width of the greenway on this corridor is 75' on each side of the watercourse measured from the top of bank. The applicant proposes to include the greenway area in its site plans and/or subdivision plans.

THOROUGHFARE / COLLECTOR PLAN: Sufficient right-of-way and street improvements exist along this site's public street frontage on Arco Corporate Drive.

TRANSIT: This proposal includes provision of two transit easements: one along Arco Corporate Drive and one along Macaw Street (private drive). The developer has agreed to construct shelters and benches within these easements as a condition of approval.

APPEARANCE COMMISSION: The Appearance Commission had several design concerns related to the plan with particular interest in the size (height, width, and length), proximity to the public street (Arco Corporate Drive), and visual prominence of the proposed parking structures. After deliberation with the Planning Commission's Committee of the Whole the plan was amended to incorporate specific design guidelines for construction and landscaping of the parking structures. The master plan includes wider street protective yards between the parking structures and the street along with landscaping above code standards. It also includes standards for architecture, building materials, pedestrian and vehicular entrances, exterior lighting, and height limits.

SUBDIVISION STANDARDS:

BLOCK LAYOUT: No new streets are proposed.

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. The proposal includes relocation and exchange of an existing sanitary sewer easement on proposed lot 12.

SOLID WASTE: Refuse collection may be provided by means of a private contractor in accordance with the standards in the Solid Waste Design Manual.

CIRCULATION: Proposed street improvements shall conform to normal City construction standards. Note the street network for this development was established with prior subdivision of the site (S-82-05, S-64-06) which placed limits on development pending the connection of Arco Corporate Drive southward to Lumley Drive. Those limits still apply. Building permits within this development (part of phase 1 of S-64-06) are limited to a total maximum of 420,000 square feet of office space and 280 hotel rooms. This proposal includes a revision to the street design for Macaw Street, a private drive within a proposed public access easement, to provide on-street parallel parking and wider sidewalks. The developer will extend the public access easement along Macaw Street thru adjacent Brier Creek Commons Shopping Center to the east. A traffic impact assessment for this proposal has been satisfactorily reviewed by the City's Public Works Department.

PEDESTRIAN: Proposed sidewalk locations conform to City regulations. A public sidewalk exists along both sides of Arco Corporate Drive (public street) as well as along Macaw Street (private drive). The plan does incorporate a new street design for Macaw Street that includes reconstruction with 10' width sidewalks adjacent parallel parking, all within a public access easement. Pedestrian connections within plazas are shown between buildings, parking structures, and the sidewalks along the streets.

FLOOD HAZARD: There are flood prone soils on site and there is a FEMA 100 year flood zone on the west side of the site adjacent Brier Creek. No development is shown within those areas.

STORMWATER MANAGEMENT: Stormwater management controls for shared facilities in accordance with Chapter 9 of Part 10 of the Raleigh City Code have been approved with prior subdivision approval on this site (S-64-06). Any changes to the existing stormwater control plans approved under the previous subdivision will require revision and separate city approval.

WETLANDS / RIPARIAN BUFFERS: 50' riparian buffers are required on this site in accordance with State of NC regulations and are shown on the preliminary plan. No disturbance is shown within the 50' riparian buffers.

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.