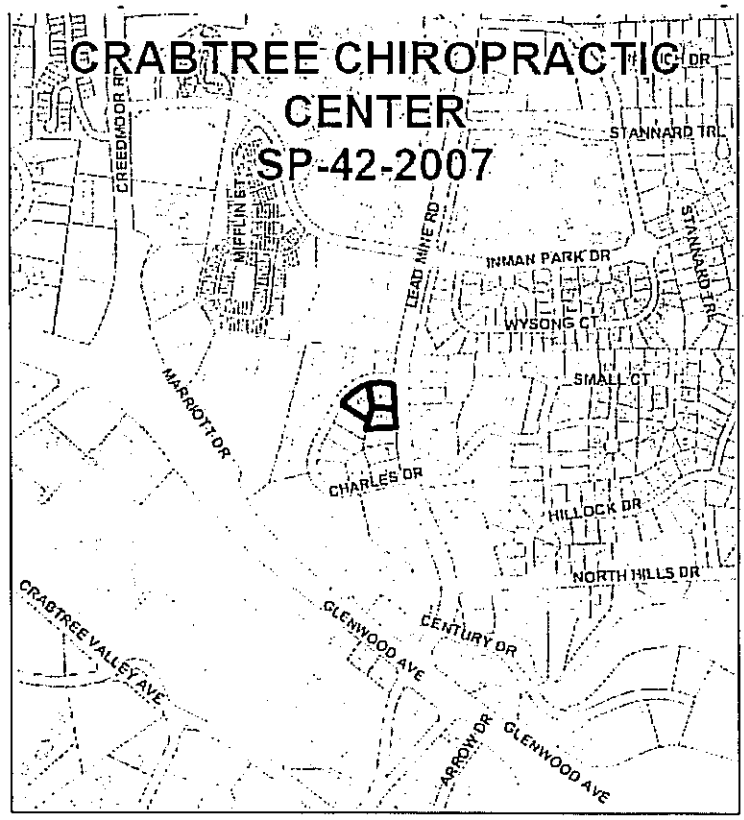
Certified Action

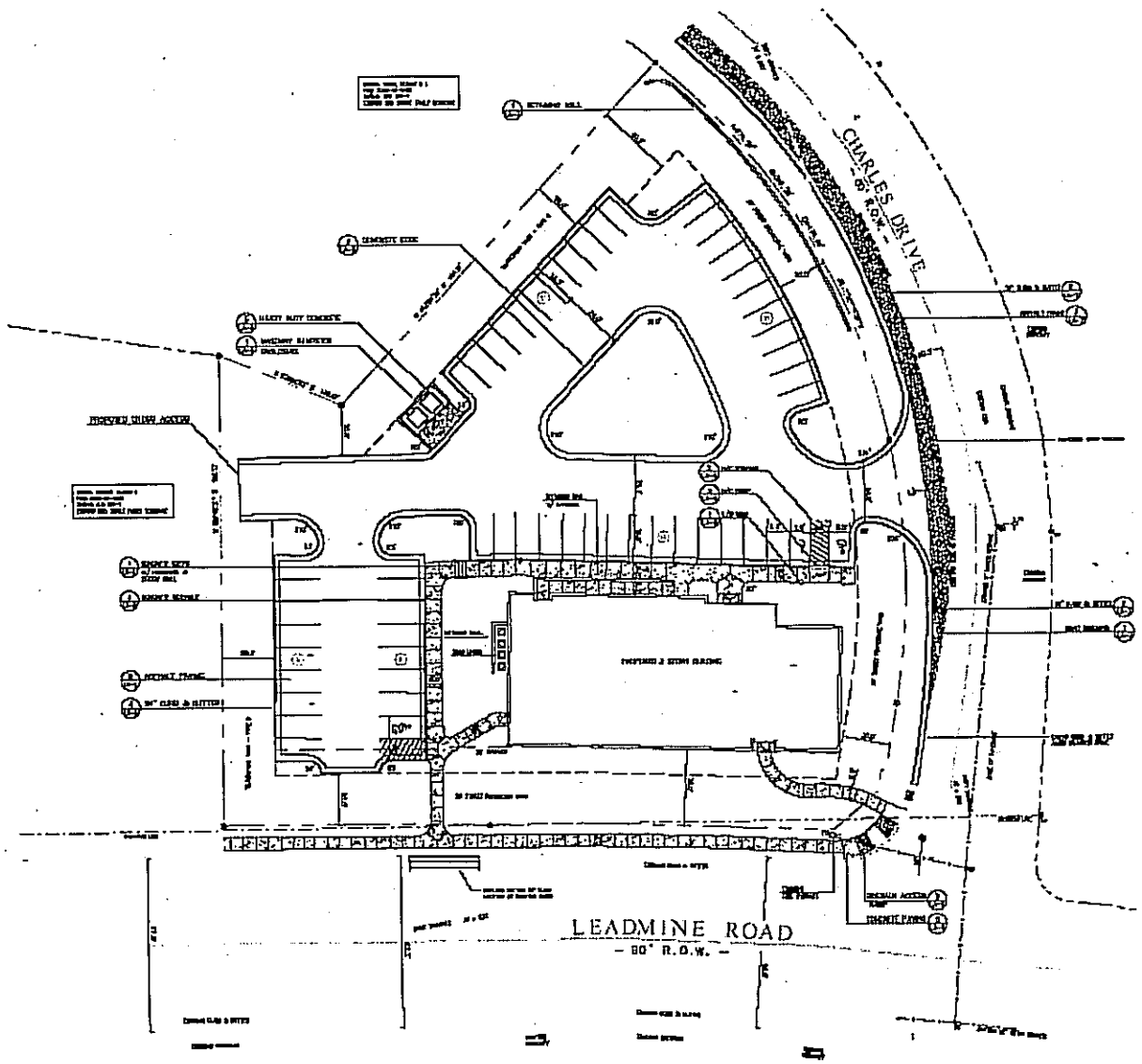
of the City of Raleigh Planning Commission

City of Raleigh
Development Plans Review Center
One Exchange Plaza
Raleigh, NC 27601
(919) 516-2626
www.raleighnc.gov

Case File / Name:	**SP-42-07 Crabtree Chiropractic Center**
General Location:	South West intersection of Charles Drive and Lead mine Rd.
Planning District / CAC:	North West/ North West
Nature of Case:	This request is to approve an 8,843 square foot, 2-story office building on a 1.43 acre site, zoned O&I-1 CUD. This preliminary site plan is required to go before the Planning Commission and be reviewed in accordance with Code section 10-2132.2 and pursuant to condition D of Z-59-99.
Key Issues:	None to report
Contact:	Brian Starkey



SP-42-07 CRABTREE CHIROPRACTIC CENTER, 1.43 ACRES
8,843 SQ. FT. ZONED O & I-1 CUD, NORTHWEST PLANNING DISTRICT
NORTHWEST CAC, PLANNER: J. MARAPOTI (919) 516-2642
APPLICANT CONTACT: OBS LANDSCAPE ARCHITECTS
(919) 755-0046, CRABTREE CREEK DRAINAGE BASIN



Proposed Site Plan

SUBJECT:	SP-42-07 Crabtree Chiropractic Center
CROSS-REFERENCE:	Z-59-99
LOCATION:	This site is located on the South West intersection with Charles Drive and Leadmine Rd., outside the City Limits.
REQUEST:	This request is to approve an 8,843 square foot, 2-story office building on a 1.43 acre site, zoned O&I-1 CUD. This preliminary site plan is required to go before the Planning Commission and be reviewed in accordance with Code section 10-2132.2 and pursuant to condition D of Z-59-99.
Key Issues:	None
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 10-2035 and 10-2132.2, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated Aug. 22, 2007, owned by Dr. Chas Kubasko, submitted by OBS Landscape Architects.
ADDITIONAL NOTES:	The owner of Northampton Apartments was notified pursuant to Condition F of Z-59-99.
To PC:	Oct. 23, 2007
Case History:	
Staff Coordinator:	James Marapoti
Motion:	Holt
Second:	Davis
In Favor:	Butler, Davis, Gaylord, Harris Edmisten, Haq, Holt, 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: 10/26/07 date: 10/26/07

Staff Report

RECOMMENDED ACTION: **Approval with Conditions**

CONDITIONS OF APPROVAL:

Planning Commission Actions:

(1) That the Planning Commission approves the unity of development and cross access presented herein and approves the site plan, all as required by conditions D and K of zoning conditions of Z-59-99; that the redevelopment of the subject lots shall be pursuant to a common unity of development plan establishing uniform architectural features and cross access, subject to approval by the Planning Commission;

Administrative Actions:

Prior to issuance of a land disturbing permit for the site:

(2) That as the developer has chosen to offset a portion of nitrogen export load limitation by paying monies to the North Carolina Ecosystem Enhancement Program (NCEEP) in accordance with Nitrogen reduction requirements of Section 10-9022, this payment shall be made to NCEEP and verification of the amount of payment shall be provided to the City of Raleigh Stormwater Engineer;

(3) That a stormwater control plan with a stormwater operations and maintenance manual and budget shall be approved by the Stormwater Engineer in compliance with Part 10 Chapter 9, including the designation of buffer areas and open space areas for stormwater purposes prior to grading or the approval of construction drawings, whichever event comes first;

(4) That a petition for annexation into the City limits be submitted in accordance with City Council policy for extension of utility service to properties currently outside of the City limits. This voluntary annexation in no way obligates the City to extend utility services to the property;

Prior to approval of construction drawings for public improvements:

(5) That an off-site sewer easement deed (~560 linear feet) be approved by the City Attorney, then recorded at the Wake County register of deeds and a copy of the recorded deed provided to the Planning Department;

Prior to Planning Department authorization to record lots:

(6) That construction plans for public improvements be approved by the Public Utilities Department and the Public Works Department;

Prior to issuance of building permits in the Inspections Department:

(7) That a recombination map be recorded prior to or in conjunction with the recording of lots, recombining the existing 3 lots into a single tract;

(8) That a temporary 20' construction easement be shown on the recorded map around the cross-access drive to allow construction tie in of drive between subject lot and the adjoining property to the south.

(9) That pedestrian and vehicular offer of cross access rights be granted to all of the property subject to Z-59-99. In addition to the offer of cross access easement, a temporary construction easement shall be granted to the adjoining property to the south to allow construction tie in of the driveway connecting to the subject property and the adjoining property to the south. That this cross access easement and temporary construction easement be recorded in the Wake County Registry and that a recorded copy of this cross access easement and construction easement be returned to the Planning Department within 14-days of recording. If a copy of this recorded cross access easement and construction easement is not provided to the Planning Department within the 14 day period, further plat recordings and building permits authorization may be withheld.

(10) That all conditions of Z-59-99 have been satisfied;

(11) That unity of development guidelines for this development are established and are approved by the Planning Director.

ZONING:

ZONING

DISTRICTS: O&I-1. Ordinance 643 ZC 465
Effective 10/6/99

Z-59-99 **Charles Drive** and Lead Mine Road, opposite Philcrest Road, being various Wake County Tax Map Parcels. Approximately 5.96 acres rezoned to Office & Institution-1 Conditional Use.

Conditions: (09/28/99)

A. The property will be developed in accordance with Planning Commission Certified Requirement 7107.

B. Any right-of-way required to be dedicated for future improvements to adjacent roadways shall qualify for reimbursement at R-4 values.

C. No structure or building shall exceed three stories (40 feet in height).

D. Redevelopment of the subject lots shall be pursuant to a common unity of development plan establishing uniform architectural features and cross access, subject to approval by the Planning Commission. The preliminary site plan shall be reviewed in accordance with Raleigh City Code 10-2132.2.

E. Upon development of the subject property, exterior lighting shall be aimed downward and shielded so as to minimize direct view of the light source from adjacent residentially zoned properties. Outside transitional protective yards, free standing light poles shall not exceed eighteen (18) feet in height.

F. The owner of the property with Wake County PIN 0769.19 60 0898 (Northhampton Apartments) shall be notified by certified mail by applicant of any site plan filed with the City of Raleigh.

G. The following uses, normally permitted in the O&I-1 District, shall not be permitted:

1. Cemetery
2. Telecommunications tower
3. Emergency shelter
4. Airfield, landing strip and heliport
5. Orphanage
6. Correctional/penal facility
7. Outdoor stadium, outdoor theater, outdoor racetrack with more than 250 seats, outdoor movie theater.

H. Upon development of the subject property for nonresidential purposes, a natural protection area with a minimum width of twenty feet (20') shall be maintained along the proposed rights of way of Charles Drive and Lead Mine Road. The area will remain undisturbed except for:

1. Storm drainage facilities, erosion control devices, electric, driveways, telephone, cable television and similar installations (fiber optic cable. etc.), gas and/or water, sanitary sewer installations, streets, driveways, and similar utilities approved by the appropriate local government authority. Any such construction shall be underground and designed and undertaken so as to create as little disturbance of the area as possible while still honoring public service, health and safety requirements.

2. The planting of new vegetation, construction of fences, walls, berms or similar construction which tends to enhance the area's visual appeal, or sight and noise screening characteristics.

3. Treatment or removal of nuisance or diseased vegetation as certified by city arborist or other public official designated by the Raleigh city manager. To illustrate, but not limit, the foregoing: Trees which encroach upon property boundaries or whose limbs hang over adjacent properties, overhead electric lines, streets or drives may be removed; pine trees infested with or threatened by pine bark beetles or similar pests may be removed.

Not more than thirty (30%) of the natural protective yard may be disturbed by those exceptions noted in paragraphs 1-2 of this condition.

I. Use of existing driveways on Lead Mine Road shall be limited to the existing single family residential uses.

J. Buildings on the subject properties shall be oriented to Lead mine Road, such that at least 60% of required off street parking shall be located between the primary building(s) and Charles Drive.

K. The properties shall be subject to site plan approval by the Raleigh Planning Commission.

SETBACKS / HEIGHT: This plan conforms to all minimum setback standards. Front yard = 30', rear yard = 20', front / rear aggregate = 50', side yard = 5' a', side yard aggregate = 15'. Proposed front yard is 30', side yard proposed 20' and rear yard is 100'.This plan

conforms to maximum height standards in this zoning district, proposed height is 30'.

PARKING: Off-street parking conforms to minimum requirements: 36 spaces required, 55 parking spaces are provided based on;
1 space per 300 s.f. office with 1,557 s.f./300= 6 spaces
6 spaces per physician with 5 physicians or 30 spaces

Off-street parking complies with zoning condition J of Z-59-99.

LANDSCAPING: Street yard landscaping in conformity with Section 10-2082.5 is shown. Vehicular surface area landscaping in conformity with Section 10-2082.6 is shown. This is a low impact use under Section 10-2082.9. Transitional protective yards are shown in compliance with City standards in the following locations:

Location	Yard type required	Width proposed
West	Type C	20'
South	Type C	20'

The planting of new landscaping pursuant to Condition H (2) above has been specified at 3.5" caliper which is 1.5" caliper greater than Code street trees at installation. Additionally, the applicant is proposing shrubs between the building and the street which is not a Code requirement. Both increasing the size of street trees on both streets at installation and the additional shrubs will enhance the area's visual appeal or sight and noise screening characteristics, therefore meeting this zoning condition.

TREE CONSERVATION: The site is less than 2 acres in size, is non-residential, adjacent to a thoroughfare, and there are no trees present within 50 ft. of the thoroughfare containing a basal area of thirty square feet. Therefore, compliance with Code section 10-2132.2(c)(1) is not required. Since the site is less than two acres, Code section 10-2082.14 does not apply.

DEVELOPMENT INTENSITY: Proposed floor area ratio (FAR) of .14 and lot coverage of .12 conform to the maximum zoning district standards of .75 FAR and .25 lot coverage.

UNITY OF DEVELOPMENT: Pursuant to rezoning condition D, since this site plan is the first developed within the 5.96 rezoned areas it will establish Unity for all remaining tracts. A unity of development plan must be approved by the Planning Commission. Sign criteria are to be approved by the Inspections Department prior to permit issuance.

COMPREHENSIVE PLAN:

GREENWAY: There is no greenway on this site.

THOROUGHFARE / COLLECTOR PLAN: 90' right of way exists along Lead Mine Rd. and is constructed to a 65' bb section. A 5' sidewalk is required the entire length of Lead Mine Rd.
60' of right of way exists on Charles Drive, Construction of ½ 41'b/b is required. An existing 5' sidewalk exists on the opposite side of Charles Drive.

TRANSIT: No transit requirements.

URBAN FORM: The site is located in the Northwest Planning District with specific land use recommendation made in the Crabtree Small Area Plan. Being located within Area 3 of the Crabtree SAP hotels, office and medium to high density residential uses are recommended. This is consistent with the proposed plan.

APPEARANCE COMMISSION: The Appearance Commission had no comments for this project.

SUBDIVISION STANDARDS:

BLOCK LAYOUT: The proposed street layout conforms to City Code, providing for efficient circulation of traffic within the entire neighborhood area. The maximum block length in this development meets the 1500-foot standard as noted in the Streets, Sidewalk and Driveway Access Manual. No dead end street in this development exceeds 800 feet in length.

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 developer is responsible for the installation of off-site sewer line to this site.

SOLID WASTE: Individual lot service to be provided by private contractor.

CIRCULATION: Proposed street improvements shall conform to normal City construction standards. The site plan, as required by zoning condition I of Z-59-99, contains no driveways to Lead Mine Road. The proposed cross-access drive on the southern portion of the site is to be constructed as specified in the preliminary drawings; once the adjoining property to the south develops that drive will be physically required to connect. Topographic differences preclude this site plan from constructing the cross-access drive to the property line at this time. A 20' wide construction easement will be granted on the subject property to allow the southern tract access to connect with the existing drive.

PEDESTRIAN: Proposed sidewalk locations conform to City regulations. A 5' sidewalk is required along Lead Mine Rd.

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

STORMWATER MANAGEMENT: The preliminary site plan meets the provisions of Part 10, Chapter 9 of the Raleigh City Code. Stormwater quality control will be met through the use of a bio-retention area and offset fees paid to the NCEEP. The site will comply with stormwater quantity control provisions under 10-9023(a) because the increase in peak stormwater runoff will be detained to pre-development conditions for the two and ten-year storm using underground pipes.

WETLANDS / RIPARIAN BUFFERS: No wetland areas or Neuse River riparian buffers are present 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.