CA# 1109
Case File: SP-65-07

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-65-07/ Leith BMW Service Expansion

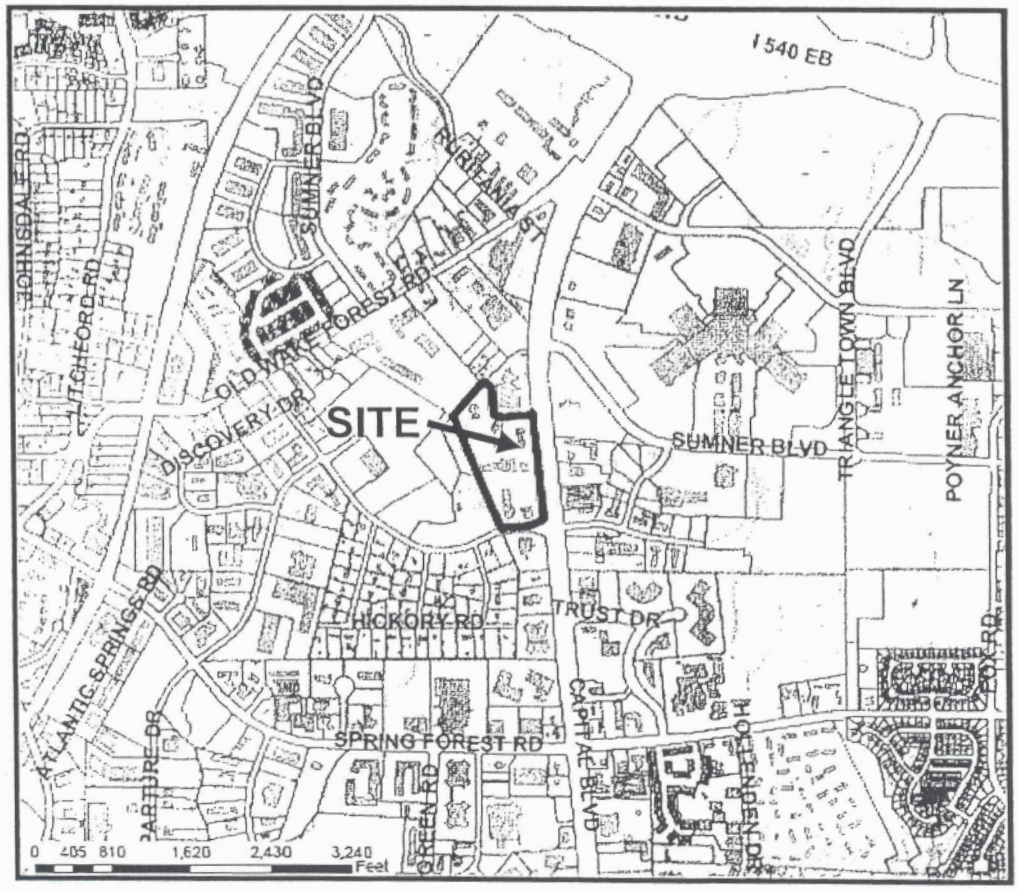
General Location: North of the intersection of Capital Blvd. and Hickory Rd.

Planning District / CAC: North East/ North East

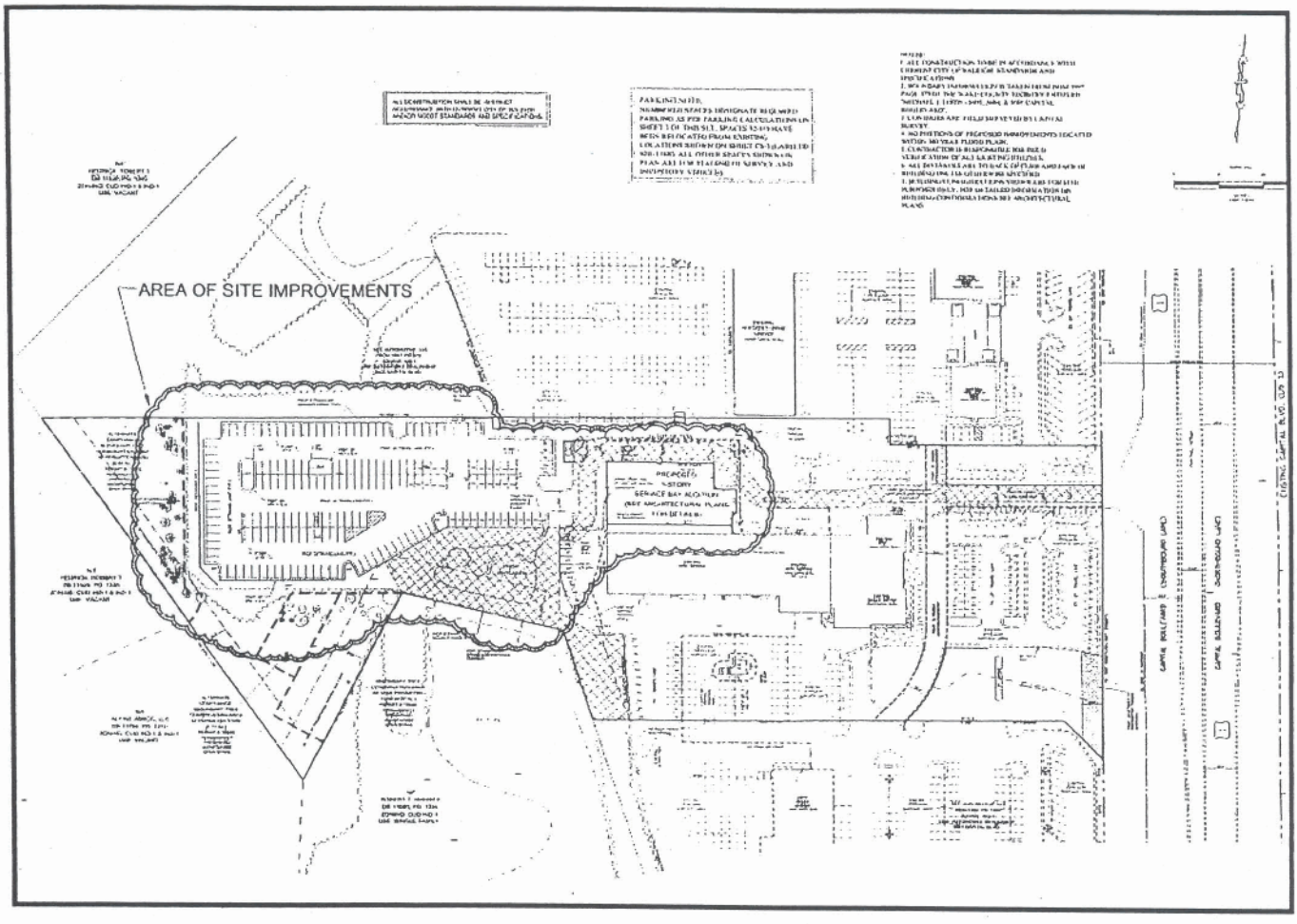
Nature of Case: This request is to approve a 9,900 square foot one story service bay and 100 parking space expansion to an automotive sales and service facility on an 8.12 acre site, zoned Industrial 1. This site is within 400 feet of a residential use.

Key Issues: This project is seeking an alternate means of compliance for the south transitional protective yard due to 5 existing parking spaces within the standard width buffer.

Contact: Bill Daniel



SP-65-07 Location Map



SP-65-07 Site Plan

SUBJECT:	**SP-65-07/ Leith BMW Service Expansion**
CROSS-REFERENCE:	R-119-97, S-78-1996
LOCATION:	North of the intersection of Capital Blvd. and Hickory Rd., within the City Limits.
REQUEST:	This request is to approve a 9,900 square foot one story service bay and 100 parking space expansion to an automotive sales and service facility on an 8.12 acre site, zoned Industrial 1. This site is a retail use expansion located within 400 feet of a residential use.
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 being met, conforms to Chapter 2, Part 10, Section 10-2046, 10-2132.2, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated Aug. 9, 2007, owned by Leith Auto center, submitted by William Daniel and Associates.
ADDITIONAL NOTES:	There are no additional notes for this plan.
To PC: Case History:	November 27, 2007
Staff Coordinator:	James Marapoti
Motion:	Anderson
Second:	Bartholomew
In Favor:	Anderson, Bartholomew, Butler, Chambliss, Gaylord, Haq, Harris Edmisten, 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: 11/29/07 date: 11/29/07

Staff Report

RECOMMENDED ACTION: **Approval with Conditions**

CONDITIONS OF APPROVAL:

Planning Commission Actions:

(1) That the Planning Commission approves an alternate means of compliance in accordance with Code Section 10-2082.4 to allow a reduction in the required 40' width Type A transitional protective yard (TPY) on the south side of the site due to the presence of 5 existing parking spaces. These existing parking spaces are within the standard 40' width TPY only allowing a width of 16' to plant within.
As an alternate, this site plan is providing a 65' long x 16' wide area with 13 double row staggered Nellie Stevens Hollies at 8' tall at installation (required shrubs typically are installed at 18" tall) in addition to the standard shrub and tree plantings in the Type A TPY;

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;

Prior to issuance of building permits in the Inspections Department:

(4) That a 25' wide cross access easement between this lot (2R) and lots 1 and 3R (as shown in BM 1997 PG 879) be recorded and be shown on all maps for recording. A copy of the recorded cross access easement shall be provided to the Site Review Specialist in the Inspections Department prior to permit issuance;

(5) That as required by the Stormwater Engineer in the Public Works Department, a 20' storm water access and maintenance easement be recorded that connects from the right of way to the proposed BMP.

ZONING:

ZONING DISTRICTS: Industrial-1

SETBACKS / HEIGHT: This plan conforms to all minimum setback standards. Front yard = 50', rear yard = 0', front / rear aggregate = 50', side yard = 0', side yard aggregate = 40'. Front existing= 230', rear= 570', side yard aggregate = 160'. This plan conforms to maximum height standards in this zoning district of 50', proposed addition will be 26'.

PARKING: Off-street parking conforms to minimum requirements: 166 spaces required, 166 provided:
Parking is based on existing and proposed uses:
Existing sales component at 10,924 square feet/ 1 space per 200 square feet or 55 spaces and service component 21 bays at 3 spaces per bay= 63 spaces or 118 total existing required.
Proposed service component: 16 bays at 3 spaces per bay= 48 spaces, total= 166 spaces.

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 high 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	10' Type D	Greater than 60' No buffer required
South	40' Type A	Width varies from 16'-240'

This plan is proposing an alternate (Code Section 10-2082.4) to providing a full Type A 40' wide transitional protective yard. This proposal is located on the south side where 5 existing parking spaces are. These existing parking spaces are within the area required for a standard 40' width TPY thus only allowing a width of 16' to plant within.
As an alternate, this site plan is providing a 65' long x 16' area with 13 double row staggered Nellie Stevens Hollies at 8' tall at installation (required shrubs typically are installed at 18" tall) in addition to the standard shrub and tree plantings in the Type A TPY.

TREE CONSERVATION: The required tree conservation plan has already been recorded BM 2007 PG 2120.8.12 acre site at 10%= .812 acres required. This site is dedicating 65' secondary tree conservation areas.27 acres and 32' secondary perimeter yard .55 acres for a total of .82 acres for tree conservation.

DEVELOPMENT INTENSITY: Not required for Ind-1.

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

COMPREHENSIVE PLAN:

GREENWAY: There is no greenway on this site.

THOROUGHFARE / COLLECTOR PLAN:

No additional right of way is required for Capital Boulevard.
A fee-in-lieu for improvements on Capital Boulevard were paid under the Leith Auto Center Subdivision Plan, S-78-1996, for 508 feet of frontage for curb and gutter and sidewalk."

TRANSIT: Not required.

URBAN FORM: The property is located within the northwest quadrant of a Regional Intensity Area prescribed by the Northeast Regional Center Plan. This area is prescribed for "mixed uses, including office with residential, retail and service uses...Industrial and distribution uses should be encouraged to locate on the outer edges of this quadrant."

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

SUBDIVISION STANDARDS:

BLOCK LAYOUT: No new streets are proposed with this plan.

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 private contractor will be provided.

CIRCULATION: Proposed street improvements shall conform to normal City construction standards.

PEDESTRIAN: There exists an internal sidewalk linking the primary building to the property line along Capital Blvd.; however, no sidewalk exists on this side of Capital Blvd. where a fee in lieu of sidewalk construction was previously paid.

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 an engineered wetland 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 the proposed wetland.

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.

Wm. G. Daniel & Assoc.

Engineering • Planning • Landscape Architecture

Memo to Planning Commission

To: Chairman and ~~Members of Planning~~ Commission
From: William G. Daniel, P.E.

Date: November 9, 2007

Ref: Request of approval for proposed Alternate Means of Compliance
SP-65-07 Leith BMW Service Expansion

The parcel of the proposed site plan of **SP-65-07** is adjacent to Industrially-zoned property that is occupied by a single-family residence. Based on the existing use on the adjacent property, a 40' Type A Transitional Protective Yard is required by Section 10-2082.9 of the City Code.

The length of common property line between the parcel of the proposed site plan and the adjacent parcel on which the residence is located is approximately 550 feet. The westernmost 250 feet of this common property line is well buffered by a wide band of Tree Conservation Area (65 to 115 feet in width) occupied by mature woodlands. These Tree Conservation Areas have been fully permitted and recorded (TCA Permit # 10645) as indicated on the proposed site plan. With the exception of approximately 45 feet of the common property line at the northeastern corner of the adjacent parcel of residential use, the landscape treatment proposed as part of the landscape plan is in strict accordance with the landscaping requirements specified within Section 10-2082.9 of the City Code.

At the northeast corner of the parcel to the west of the site, a portion of the existing vehicular surface area on the parcel of the proposed site plan encroaches into the specified TPY area. This pavement has existed for many years and is necessary to the accommodation of adequate service operations and vehicular circulation associated with the existing automobile service building located on the property. At the point of maximum encroachment, a corner of the existing pavement is located 16.4 feet from the common property corner between the site and the adjacent parcel of residential use. The length of common property line where the proposed landscape area is less than the 40' width as specified in the Code is approximately 45 feet. To ameliorate any potential negative impact upon the adjacent parcel, we have incorporated special landscape measures to ensure that the intended purpose of the ~~TPY~~ will be achieved. The major element used to achieve the desired buffering is a staggered, double row of Nellie Stevens hollies—8' in height at time of installation and 6' on center. The size of plant material specified in the plan significantly exceeds that specified in the Code. The selection of plant is well suited to the application and should thrive in the proposed environment. In addition to the proposed Nellie Stevens hollies, evergreen shrubs in

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excess of the number specified by the Code are incorporated into the landscape plan. The full number of canopy trees specified within the Code for the TPY is also incorporated into the landscape plan. The proposed hedge of 13 Nellie Stevens hollies, in addition to the trees and other plant material incorporated into the proposed landscape plan, will result in a buffer treatment at least equivalent to that prescribed in the Code in quality, effectiveness, durability, hardiness, and performance. The proposed landscape treatment within the proposed TPY will serve as a very effective visual buffer between the two properties, and will, in fact, establish a more effective buffer treatment than the measures specified within the City Code.

We ask that the Planning Commission, in accordance with Section 10-2082.4.(a) approve in plan the proposed landscaping treatment as presented in the landscape plan that is a part of SP-65-07 as an acceptable alternate method of compliance for this Transitional Protective Yard.

End of Memo