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-85-07 / Alexander Place ABC Store**

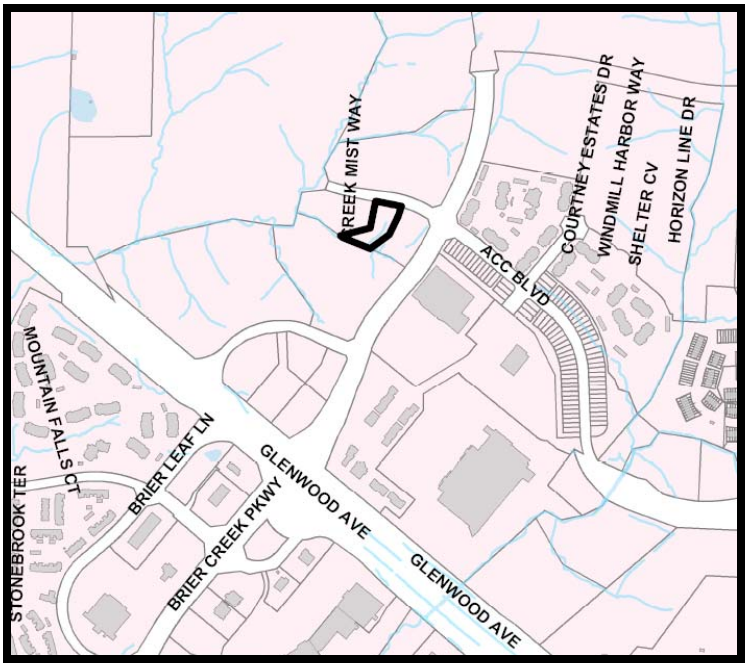
General Location: Southwest quadrant of the intersection of ACC Boulevard and Brier Creek Parkway

Planning District / CAC: Umstead / Northwest

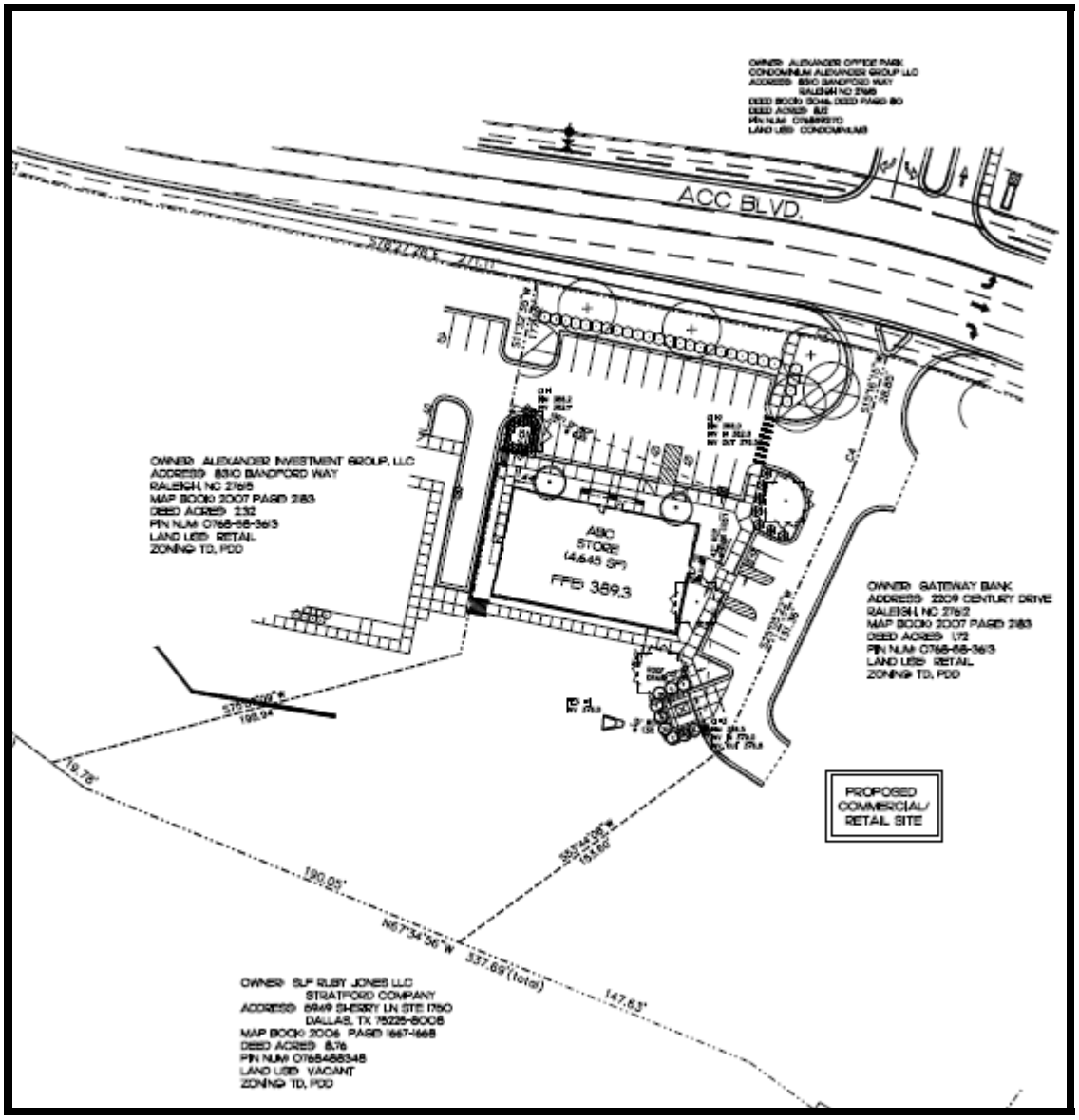
Nature of Case: A 4,645 square foot retail building on a 1.16 acre site zoned Thoroughfare District Conditional Use District with Planned Development District Overlay. The Master Plan governing this tract allows retail in this location but through previous site plans and subdivisions, only 1,500 SF of retail use has been allocated to this particular lot (Lot 2 of S-70-06). The Master Plan requires Planning Commission review for any increase in retail square footage over 10%. This request equates to a 209% increase in the retail square footage assigned to this particular lot and a 14% increase in the retail square footage assigned to the parent tract in the Master Plan. This lot was created out of a 13.96 acre tract which was allocated a total of 22,000 square foot of retail use within the Master Plan. The land area devoted to retail use is not being increased by this request, just the intensity of the retail use. As this request does not exceed an increase in retail square footage beyond an additional 25,000 square feet, over and above the 22,000 square footage originally allocated in the PDD, the approval authority lies with the Planning Commission.

Key Issues: This proposal includes a significant increase in retail square footage over that Previously allocated to this lot.

Contact: Jimmy Thiem, Hagersmith Design



SP-85-07 / Alexander Place ABC Store – Location Map



SP-85-07 / Alexander Place ABC Store – Site Plan

SUBJECT: SP-85-07 / Alexander Place ABC Store

CROSS-REFERENCE: S-70-06, SP-86-07, MP-1-00

LOCATION: This site is located on the south side of ACC Boulevard, west of its intersection with Brier Creek Parkway, inside the City Limits.

REQUEST: This request is to approve a 4,545 square foot retail building on a 1.16 acre site zoned Thoroughfare District Conditional Use District with Planned Development Overlay District. This site is located within 400 feet of a residential use or zone. As additional retail square footage over and above that allocated through the PDD, per the Master Plan amendment process, the site plan is required to be approved under the processes spelled out in City Code Section 10-2132.2.

OFFICIAL ACTION:	**Approval with conditions**
CONDITIONS OF APPROVAL:	**As noted on the Staff Report, attached**
FINDINGS:	The Planning Commission finds that, with the conditions of approval below being met, this request conforms to Chapter 2, Part 10, Section 10-2045, 10-2057, 10-2132.2, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 11/15/07, owned by the Alexander Group, LLC, submitted by Hagersmith Design, PA.
ADDITIONAL NOTES:	There are no additional notes for this plan.
To PC:	1/15/08
Case History:	
Staff Coordinator:	Eric Hodge
Motion:	Chambliss
Second:	Haq
In Favor:	Bartholomew, Butler, Chambliss, 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: 1/17/08	date: 1/17/08

Staff Report

RECOMMENDED ACTION: **Approval with Conditions**

CONDITIONS OF APPROVAL:

Planning Commission Actions:

(1) That as allowed by the Master Plan, the Planning Commission finds that this site plan meets the standards for approval of a preliminary site plan, Code Section 10-2132(d) and that an increase of 3,145 square feet of retail use for this parcel is hereby granted;

Administrative Actions:

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

(2) That prior to the issuance of a grading permit, the final tree conservation plan must be approved by the Forestry Specialist in the Inspections Department. The plan must show metes and bounds descriptions of all tree conservation areas, and tree protection fence around all tree conservation areas and Neuse River Riparian Buffers. Tree protection fence must be located in the field and inspected by the Inspections Department. A copy of the approved plan is placed on file in the Planning Department;

(3) 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;

(4) That riparian buffers, in accordance with the preliminary plan and the State of North Carolina regulations, shall be shown on plats for recording along with a note stating “The areas shown on the recorded plat identified as Neuse River Riparian Buffer shall be maintained in perpetuity in their natural or mitigated condition, No person or entity shall fill, grad, excavate, or perform any other land-disturbing activities; nor cut, remove, or harm any vegetation; nor construct any structures nor add any additional impervious surface, nor allow animal grazing or water or any other agricultural use on such protected areas without written authorization from NC Division of Water Quality in accordance with the Riparian Buffer Protection Rules (15A NCAC 2B.0233 or .0259).”. This covenant is to run with the land, and shall be binding on the Owner, and all parties claming under it;

(5) That flood prone areas, as approved by the City Stormwater Engineer, are shown on the preliminary plan and shall be shown on the recorded map;

(6) 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::

(7) That a tree conservation map be recorded with metes and bound showing the designated Tree Conservation Areas. Tree conservation shall be in compliance with Code section 10-2082.14;

(8) That an amendment be provided to the City Attorney outlining the use and density for this lot, not to exceed 4,645 SF, revising the original declaration restrictive covenant recorded in the Wake County Register of Deeds Book 012562 Pages 02656-02659. Upon approval this amendment shall be recorded with the local County Register of Deeds Office and a copy of the recorded documents be returned to the Planning Department within 14 days of authorization of lot recording;

(9) That all conditions of S-70-06 have been satisfied, excepting the increase in retail allocation for this lot approved;

(10) That all the conditions and requirements of Z-58-00 and MP-1-00 and are executed;

(11) That evidence is provided to the City Attorney's office confirming that this lot has been included in the Alexander Place Owner's Association, Inc., which is the master property owner's association for this Planned Development District;

ZONING:

ZONING DISTRICTS: Thoroughfare District Conditional Used District with Planned Development District overlay. Ordinance (2000) 898 ZC 489 Effective November 21, 2000.

Z-58-2000 / MP-1-00 U.S. 70 West, northeast side, extending across the Durham County Line. Approximately 232 acres are requested to be rezoned from Thoroughfare District, Thoroughfare District Conditional Use, Residential-4 and Durham County Rural District to Residential-4, Thoroughfare District and Thoroughfare District Conditional Use w/ Planned Development District.

1. No development shall take place on the subject property except in general accordance with the accompanying Master Plan, and amendments thereto approved by the City Council.

2. The developmental guidelines and conditions contained in the accompanying Master plan, and amendments thereto approved by the City Council replace the conditions contained in Z-90-86.

MP-1-2000 Ruby Jones Planned Development Master Plan. This request is to approve a master Plan for a Planned Development Conditional Use Overlay District, proposed in case Z-58-2000, currently Thoroughfare Conditional Use. The overall site proposed to be zoned PDD is 232 acres. The same uses are allowed under both the existing zoning and the proposed PDD for the Master Plan area. The master plan proposes uses ranging from residential dwellings at a min. 15 units per acre to uses allowed in the O&I-2 district (with some exclusions) to retail uses, as noted on a plan dated October 26, 2000. The Master Plan includes some maximum setbacks and minimum densities on certain tracts to promote an urban-scale high intensity development. An alternate means of compliance is proposed to eliminate the

Thoroughfare District yard requirements for 50' tree protection area on all thoroughfares within the Master Plan area. 19.2% of the site is to be set aside as either open space or public greenway (37.5 acres).

SETBACKS / HEIGHT: This plan conforms to all minimum setback standards. Front yard = 96', rear yard = 83', front / rear aggregate = 179', side yard = 9', side yard aggregate = 52'. This plan conforms to maximum height standards in this zoning district and those of the Master Plan (MP-1-2000).

PARKING: Off-street parking conforms to minimum requirements: 24 spaces required, based on 1 parking space per 200 SF of retail space. 28 spaces are provided.

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 medium impact use under Section 10-2082.9. Transitional protective yards are not required given surrounding uses proposed in the Master Plan.

TREE CONSERVATION: Tree Conservation for the entire master plan was handled by a cumulative tree conservation map dated 5/30/06 in MP-1-00 file.

This tree conservation plan entails the entire 296.46 acres of the Master Plan. It included the following credit areas:

Dedicated greenway's to include both zone 1 and zone 2 Neuse Buffers= 28.7 acres

Floodplain areas outside of Neuse River Buffers= 5.03 acres

Protective yards= 2.3 acres

Total dedicated tree conservation approved = 36.1 acres or 12.2%
*Excluded in calculations were all 25' wide greenway trails and CP&L easement.

Approximately 1.15 acres of tree conservation existed on the 5.3 parent tract from which this lot was carved which encompasses Zone 1 and Zone 2 Neuse River Buffers as depicted on the map. Zone 1 is 0.77 acres and Zone 2 is 0.38 aces, portions of which are on the subject parcel.

DEVELOPMENT INTENSITY: Proposed floor area ratio (FAR) is .09 and proposed lot coverage is 9.3%.

OPEN SPACE: The total open space set aside in the Planned Development District is 32.16 acres. This equates to 16.5% of the entire PDD. This proposal does not affect the open space areas.

PHASING: This is a one phase development.

UNITY OF DEVELOPMENT: Unity of development applies to this development. A statement has already been approved by the Planning Director. Final building permit review must assure compliance with the approved criteria.

COMPREHENSIVE PLAN:

GREENWAY: There is no greenway on this site.

THOROUGHFARE / COLLECTOR PLAN: Adequate rights of way exist off ACC Blvd. (60') and no additional road improvements were required by the Thoroughfare and Collector Street Plan.

TRANSIT: No transit-oriented features were required of this site as a transit easement is located within close proximity on the adjacent parcel to the west.

URBAN FORM: This site is located in the Umstead Planning District, within the Triangle Regional Center, for which a small area plan has been prepared. In that small area plan, the site falls within the limits of the Airport City Focus area where commercial and high density residential uses are recommended. Generally intense mixed use development is encouraged in regional center if adequate infrastructure is available to support such uses.

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

Comment	Response
1. Open up the street face of the building by increasing fenestration and installing low brick posts or bollards rather than the proposed brick columns.	The center brick column has been removed to allow increased visibility to the main entrance storefront. In place of the column, there will be a low brick planter instead of posts or bollards.
2. To soften the façade further, add low plant materials to the planting beds immediately in front of the building.	A minimum of 10 low height, evergreen shrubs will be planted in front of the building.
3. Add a low horizontal band around the building echoing that established by the pre-cast elements on the corners of the building and the brick columns/posts.	A brick soldier course has been added to continue the horizontal band established by the pre-case horizontal accents.

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,

Sidewalks and Driveway Access Handbook. 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.

SOLID WASTE: The proposed refuse collection facility is located within the rear of the parking area. Refuse collection will be by means of a private contractor. The collection facility shall meet the standards set forth in the City's Solid Waste Design Manual.

CIRCULATION: Proposed street improvements shall conform to normal City construction standards. Cross access agreements have already been executed between this lot and the adjacent lots on ACC Boulevard (Wake County Register of Deeds Book 012562 Pages 02660-02667).

PEDESTRIAN: Proposed sidewalk locations conform to City regulations. A 5' sidewalk exists along the property's road frontage on ACC Boulevard.

FLOOD HAZARD: There are flood hazard areas on this site. The bulk lot coverage for any flood fringe areas and any future conditions flood hazard areas as shown on the site plan is in accordance with City Code 10-4008(c).

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 with offset fees paid to the NCEEP. The site will comply with stormwater quantity control provisions under 10-9023(b)(2). The increase in peak stormwater runoff from pre- to post-development conditions for the two and ten-year storm will be detained to pre-development conditions in underground pipes. This is not a shared facility. There are riparian buffers and floodplain located on the property. A minimum finished floor elevation will be required for building(s) constructed on this site to comply with floodplain regulations.

PAYMENT TO NCDENR

This project has chosen to offset a portion of nitrogen load limitations by paying monies to the North Carolina Department of Environment and Natural Resources fund. [10-9022(c)].

WETLANDS / RIPARIAN BUFFERS: Neuse River riparian buffers are present and are shown as being undisturbed on the proposed plans.

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.