



Certified Recommendation 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: MP-2-11 / Brier Creek Town Center II

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.

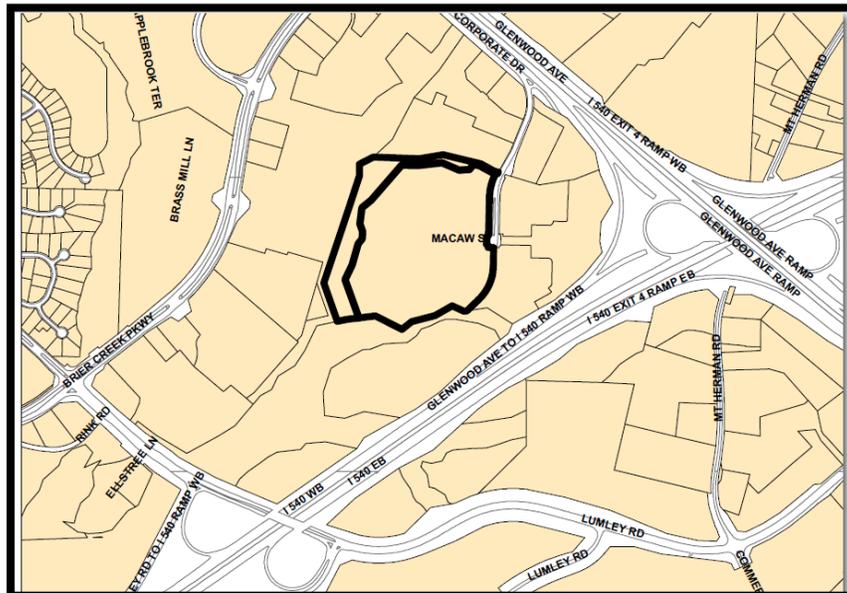
Owner: Brier Creek Corporate Center Associates, LP c/o American Asset Corporation
Designer: JDavis Architects

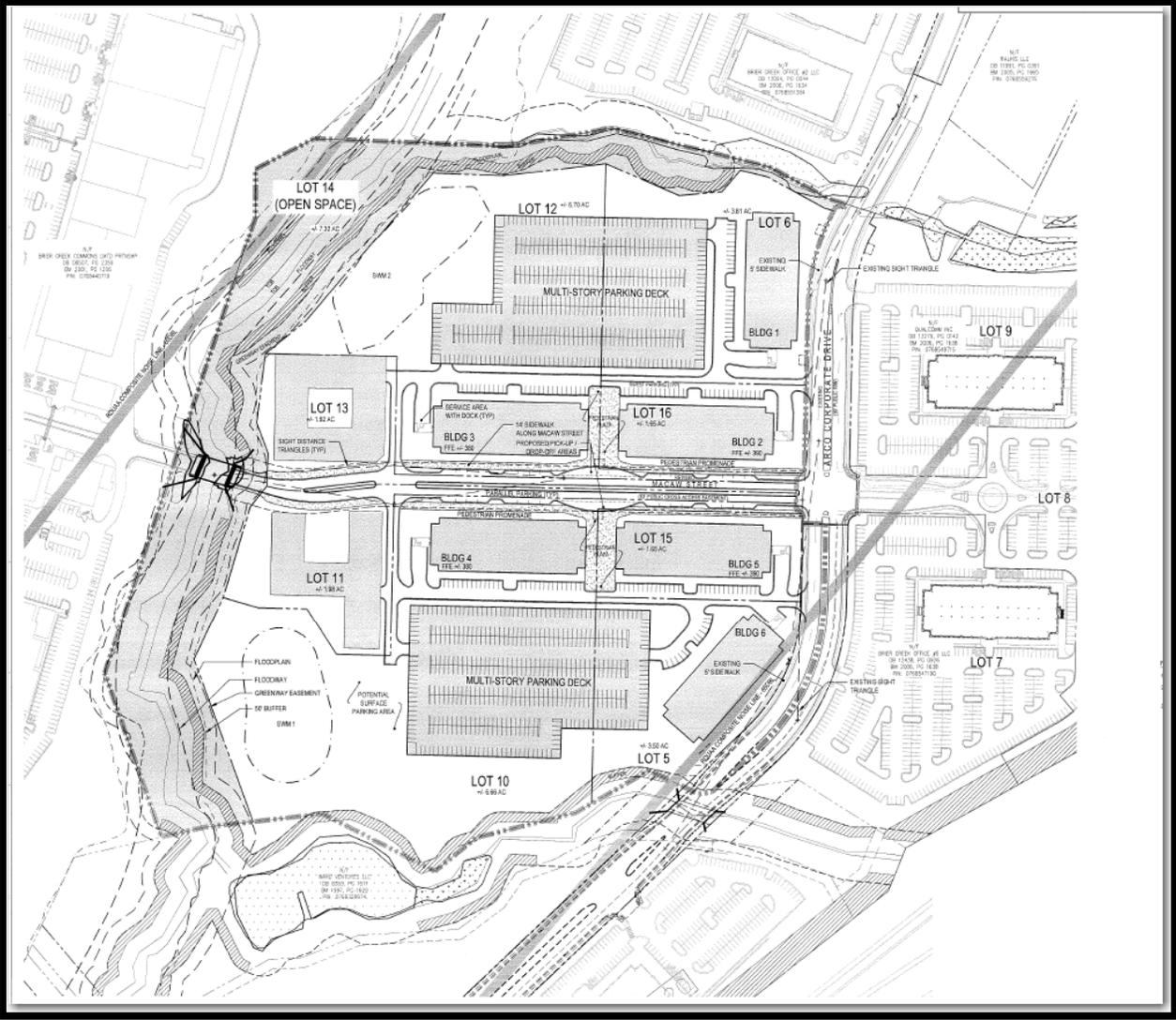
CAC: Northwest

Nature of Case: Master plan associated with the petition to rezone approximately 38.5 acres, currently zoned Thoroughfare District Conditional Use, Special Highway Overlay District -2, Airport Overlay District, and Planned Development Conditional Use Overlay District. The proposed zoning is for an amendment in the Planned Development Conditional Use Overlay District master plan and a change in the boundary of the Airport Overlay District. Removing a portion of the Airport Overlay District will allow residential uses in the PDD (600 dwelling units maximum).

Development is proposed on eight tracts with potential mixes of office, residential, hotel, and retail space totaling up to 1.63 million square feet of building space, a maximum of 600 residential units, and possibly 300 hotel lodging units. Retail uses are limited to a maximum of 115,000 square feet. Building heights up to 195' with supporting parking in separate decks not exceeding 90' in height are proposed. Urban design guidelines for building placement, façade character, building setbacks, parking, and streetscape elements have been incorporated within the master plan. Open space totaling 7.3 acres is included on a separate lot.

Contact: JDavis Architects





MP-2-11 Brier Creek Center II - master plan

SUBJECT: MP-2-11 / Brier Creek Town Center II

CROSS-REFERENCE: Z-49-07, S-82-05, S-64-06, MP-1-07 & Z-16-11

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-16-11) Special Highway Overlay District -2 and a small portion of Airport Overlay District remaining to include Planned Development Conditional Use Overlay District. This plan proposes development on eight tracts with potential mixes of office, residential, hotel, and retail space totaling up to 1.63 million square feet of building space, a maximum of 600 residential units, and possibly 300 hotel lodging units. Retail uses are limited to a maximum of 115,000 square feet. Building heights up to 195' with supporting parking in separate decks not exceeding 90' in height are proposed. Urban design guidelines for building placement, façade character, building setbacks, parking, and streetscape elements have been incorporated within the master plan. Open space totaling 7.3 acres is included on a separate lot.

**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 eight tracts within the development (#5, 6, 10, 11, 12, 13, 15 and 16) 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.

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)*

The previous master plan proposed elimination of the ten percent tree conservation area of the PDD area. The tree conservation areas for this PDD constitute 0.84 acres or 0.022 % of the PDD. The remaining tree conservation areas 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 eight tracts with six at the core (lots 5, 6, 10, 12, 15 and 16) and two outparcels (lots 11 and 13). At total build-out, the six tracts propose 6 office towers (with ground level retail) with a maximum building height of 195 feet. The two outparcels are proposed for Residential or restaurant / retail / hotel use with a maximum building height of 150 feet. Parking structures shall be limited to 90' 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 min. and 25'* max. – 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* min. and 25'** max. – structures greater than 35 feet in height
14'*** min. for all building containing a residential use
*measured from private access easement
**measured from back of curb
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 with accompanying maps dated 5/11/12, 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: No residential structure will be located in the Airport Overlay District.

To PC: November 8, 2011

Case History: Action deferred until May 22, 2012
Planning Commission recommendation for approval on May 22, 2012

To CC: June 5, 2012
City Council Status:

Staff Coordinator: Stacy Barbour, AICP

Motion: Harris Edmisten
Second: Haq
In Favor: Butler, Buxton, Fleming, Harris Edmisten, Haq, Mattox, Schuster, Sterling Lewis
Opposed:
Excused: Fluhrer

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: 5/22/12



Staff Report

**RECOMMENDED
ACTION:** **Approval with Conditions**

**CONDITIONS OF
APPROVAL:**

City Council Actions:

- (1) That the City Council pursuant to section 10-2082.4 approves the proposed alternative landscape design standards noted in this request;
- (2) That the Council pursuant to section 10-2057(f)(4) h approves the proposed alternate standards for off-street parking requirements of Code Section 10-2081 as detailed in the master plan;
- (3) 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 City authorization to record lots or issuance of building permits
whichever first occurs:***

- (4) That construction plans for all street and utility improvements be approved by the Public Works Department;
- (5) That subdivision plan to create the proposed tracts be submitted to the Planning Department, approved, and recorded;
- (6) That the greenway as shown on the plan be dedicated at the time of map recording or prior to issuance of building permits;
- (7) That flood prone areas and wetlands as shown on the preliminary plan be shown on any plat for recording;
- (8) 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";
- (9) 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;

- (10) That a unity of development plan with unified sign criteria is approved by the Planning Director. 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;
- (11) 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 prior to issuance of any building permits, whichever shall come first;
- (12) That final building elevations be approved by the City to show conformance with both the approved unity of development guidelines and the Master Plan design guidelines for this site;
- (13) That the downstream sewer must be replaced at least until the point of connection to the 18" SS main at Lumley road. Actual limits of replacement may be further downstream and are to be determined based on modeling by the engineer prior to construction plan approval;
- (14) That a revised plan be submitted showing the stormwater BMP's that must be revised such that their dams and maintenance easements do not encroach into the SS easement;
- (15) That a revised plan be submitted showing each lot must stand alone from a hydrant coverage standpoint. Hydrants must be added to lot #11 at time of construction plan review;
- (16) That the engineer shall be required to calculate the "Required Fire Flow" for all buildings and demonstrate that the utility system will deliver the required fire flow when the water system is operating at maximum demand for the domestic systems. Systems will be reviewed at building permit application review for adequacy NCF 508.1";
- (17) That the owner of the property shall record an Avigation Easement approved by the Raleigh-Durham Airport Authority, which shall grant in favor of the Raleigh-Durham Airport Authority a perpetual right and easement for the free and unobscured flight of aircraft over and in the vicinity of any portion of the property not within the Airport Overlay District and used for residential purposes;
- (18) That any residential dwelling unit developed on the property shall be designed to meet a minimum sound level reduction (SLR) rating of 25 and a maximum day-night average sound level (DNL) of 45 dB(A). Prior to issuance of any building permit for the property, the project shall be design-verified in accordance with the above standards;
- (19) That in the event a residential unit ownership (condominium) use is developed on the property, the condominium documents shall disclose the noise contour information to all future owners, and the condominium

documents contain the provisions required in Raleigh City Code Section 10-2109(g); and

- (20) That all development plans shall conform to rezoning conditions of Z-16-11 including recordation of required covenants as required by condition (i) prior to lot recordation or building permit issuance.

Prior to City issuance of certificates of occupancy for buildings to be constructed

- (21) That as the master plan includes a commitment to construct a transit shelter and benches within the proposed transit easements, no transit shelter will be installed without the prior approval of the shelter design by the City's Public Works Department transit division. Transit shelters shown on the master plan shall be constructed by the property owner(s) of the parcel(s) where the shelter(s) are to be located prior to issuance of certificates of occupancy for any structure(s) on the affected lot(s) or within five years of approval of this master plan, whichever event comes first.

ZONING:

**ZONING
DISTRICTS:**

This site is currently zoned Thoroughfare Conditional Use District and Planned Development Conditional Use Overlay District. 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 min. and 25'* max. – structures greater than 35 feet in height
20 feet - all parking structures

Macaw Street (private): 10 feet* – canopies, screen walls and other features /
20 feet* min. and 25'* max. – structures greater than 35 feet in height
14'** min. for all building containing a residential use
*measured from private access easement
**measured from back of curb

Internal lot lines: 0 feet
Perimeter lot lines: 20 feet

The proposed maximum building height varies from 150' (on lots 11 and 13) to 195' (on lots 5,6,10, 12, 15, and 16) with parking structures limited to 90' 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 for all uses on tracts #5, 6, 10, 11, 12, 13, 15 & 16 with the proposed residential and mixed use office buildings, 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. 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.

**DEVELOPMENT
INTENSITY:**

The proposed plan allows up to 600 residential units for an average of 18 residential units per acre on for the entire development over the 38.53-acres.

Maximum hotel lodging units allowed: 300

Maximum retail use allowed (as primary use): 115,000 square feet

Maximum potential building space for all uses: 1.63 million square feet

- **Lot 5: Mixed-Use Office; Retail; Parking** (240,000 SF of building maximum, maximum retail 10%)
- **Lot 6 Mixed-Use Office; Retail; Parking** (240,000 SF of building maximum, maximum retail 10%)
- **Lot 10 Mixed-Use Office; Retail; Parking** (255,000 SF of building maximum, maximum retail 10%)
- **Lot 11 Residential/Hotel/Retail; Parking**
Minimum of 50 dwelling units with maximum of 320 dwelling units and maximum 20,000 sq ft retail if developed with residential. OR maximum 150 lodging units OR maximum 65,000 sq ft retail.
- **Lot 12 Mixed-Use Office; Retail; Parking** (255,000 SF of building maximum, maximum retail 10%)
- **Lot 13 Residential/Hotel/Retail; Parking** Minimum of 50 dwelling units with maximum of 280 dwelling units and maximum 20,000 retail if developed with residential. OR maximum 150 lodging units OR maximum 65,000 sq ft retail.
- **Lot 14 Open Space** (0 SF of building maximum)
- **Lot 15: Mixed-Use Office; Retail; Parking** (255,000 SF of building maximum, maximum retail 10%)
- **Lot 16 Mixed-Use Office; Retail; Parking** (255,000 SF of building maximum, maximum retail 10%)

Lot acreages and boundaries are proposed and are subject to change via future subdivision and or recombination's.

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 9.1% (3.52 acres) of the land area may be devoted to commercial/retail uses. 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.

**TREE
CONSERVATION:**

Tree conservation 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).

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 four stages of development illustrating how initial building construction will utilize surface parking and subsequent construction will include structured parking and the hotel/retail/restaurant uses as well as development of two tracts with potential residential uses with parking (lots 11 & 13).

**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 urban design elements. 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:**

OVERVIEW: This proposal is located in an area designated as being appropriate for Regional Mixed Use on the Future Land Use map. Regional Mixed Use areas typically include high-density housing, office development, hotels, and region-serving retail uses. The proposal is consistent with this policy. The Master Plan associated with this request envisions a mix of high density residential, office and retail uses. See the accompanying analysis of applicable Comprehensive Plan Policies in the report for zoning case Z-16-11.

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. However, the accompanying rezoning case Z-16-11 includes limits on the amount of building space to be allocated to each lot within the development such that trip generation thresholds are established. Upon development in excess of 340 vph for total overall inbound trips or 731 vph for total overall outbound trips, construction of an additional shared through/right turn lane on Arco Corporate Drive and a second departure lane on the I-540 southbound access ramp shall be required of the development which exceeds the overall established trip thresholds.

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 commission expressed support for the Master Plan revisions, especially entitlement of Lot 11 and Lot 13 for dense residential use, offering a broader mix of site uses, reinforcing the streets, and providing a stronger physical connection to the retail to the West.

**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. 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. A traffic impact assessment for this proposal has been 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 14' 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.