



## 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:** SP-2-09/ NC Licensing Board General Contractors

**Owner:** North Carolina Licensing Board for General Contractors

**Designer:** John A. Edwards and Company.

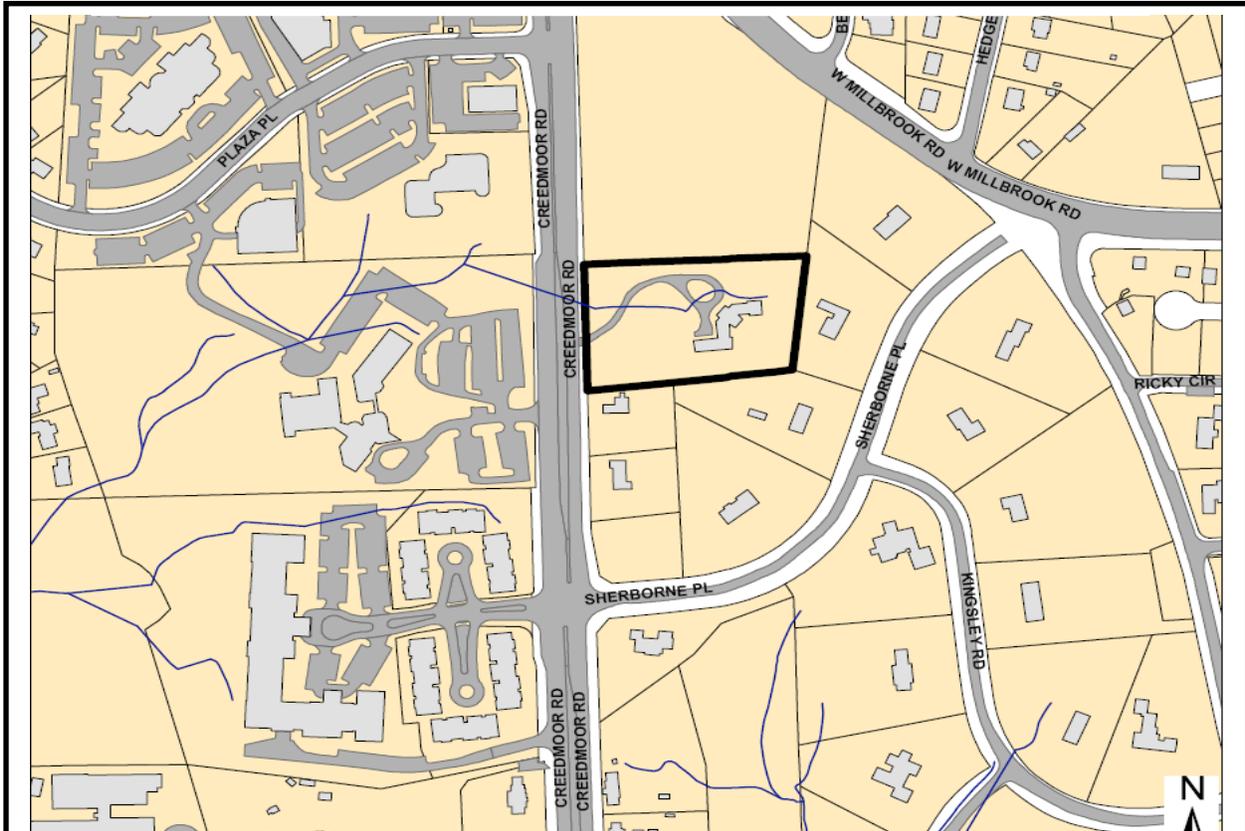
**General Location:** This site is located on the south east intersection of Creedmoor Rd. and Millbrook Rd

**Planning District / CAC:** Northwest/ Northwest

**Nature of Case:** The proposed use is a 19,980 square foot two story office use zoned O&I-1 CUD on a 2.73 acre tract. Currently there is an existing building and tennis court which will be demolished with the approval of this site plan. Pursuant to rezoning condition J of Z-23-07, development of the subject property will require site plan approval by Planning Commission and City Council.

**Key Issues:** As presented, staff finds that this plan conforms to Code standards, rezoning conditions and adopted land use policies.

**Contact:** Johnny Edwards



**Vicinity Map**



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**SUBJECT:** SP-2-09/ NC Licensing Board General Contractors  
**CROSS-REFERENCE:** Z-23-07  
**LOCATION:** This site is located on the south east intersection of Creedmoor Rd. and Millbrook Rd., inside the City Limits.  
**REQUEST:** The proposed use is a 19,980 square foot two story office use zoned O&I-1 CUD on a 2.73 acre tract. Currently there is an existing building and tennis court which will be demolished with the approval of this site plan. Pursuant to rezoning condition J of Z-23-07, development of the subject property will require site plan approval by Planning Commission and City Council.

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**OFFICIAL ACTION:** Approval with conditions

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**CONDITIONS OF APPROVAL:** As noted on the Staff Report, attached

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**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 22 May 2009, owned by North Carolina Licensing Board for General Contractors, submitted by John A. Edwards and Company.

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**ADDITIONAL NOTES:** There are no additional notes for this plan.

**VARIANCES / ALTERNATES:** None

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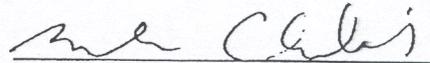
**To PC:** 9 June 2009  
**Case History:**

**Staff Coordinator:** James Marapoti

**Motion:** Gaylord  
**Second:** Butler  
**In Favor:** Anderson, Butler, Chambliss, Fleming, Gaylord, Haq, Harris Edmisten, Holt, Mullins, Smith, Vance  
**Opposed:** Bartholomew  
**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)

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date: \_\_\_\_\_ date: 6/10/09



## Staff Report

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**RECOMMENDED  
ACTION:** Approval with Conditions

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**CONDITIONS OF  
APPROVAL:**

**Administrative Actions:**

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

- (1) That prior to the issuance of a grading permit, the final tree conservation plan must be approved (conforming to Condition C) 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. 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;
- (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) or a NCEEP approved private mitigation bank in accordance with Nitrogen reduction requirements of Section 10-9022, this payment shall be made to NCEEP or approved private mitigation bank 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, or issuance of building permits whichever event comes first.

***Prior to issuance of building permits in the Inspections Department:***

- (4) That a 30' x 30' permanent slope easement on Creedmoor Road, adjacent to the right-of-way for the future sidewalk connection (south of property), be dedicated prior to or in conjunction with the recording of any map;
- (5) That 5.5 feet of right of way ( ultimate section of 1/2-119 feet) along Creedmoor Road be dedicated to the City of Raleigh and a copy of the recorded plat be provided to the Site Review Specialist in the Inspections Department at permit review;
- (6) That a fee in fee-in-lieu of construction for a section of sidewalk (approx. 30') along Creedmoor Rd. in an amount determined by the City Engineer, is paid in the Public Works Department;
- (7) That a 30' cross access easement be provided from the main driveway and parking area to the south adjacent lot owned by Kyle L. Highsmith, Deed Book 2367, Page 468;

- (8) That a 24' cross access easement as shown on the preliminary plans be provided from Creedmoor Rd. to the property to the north DB 12324 Page 545
- (9) That a future driveway connection to the north adjacent lot be partially constructed as shown on the approved preliminary plans and a 10'x15' temporary construction easement, be provided from the beginning of the radius turnout in conjunction with the main driveway;
- (10) That cross access agreements and construction easements (Per rezoning condition F of Z-23-07) between subject lot and parcel to south DB 2367 Page 468 and with parcel to north DB 12324 Page 545, be recorded with the local County Register of Deeds Office in accordance with the City Code and a recorded copy is returned to the Planning Department within 14-days of recording. If a recorded copy of this recorded document is not provided to the Planning Department within the 14 day period, further plat recordings and building permits authorization may be withheld;
- (11) That construction plans for public improvements be approved by the Public Utilities Department and the Public Works Department;
- (12) That a 15x20 foot transit easement located on Creedmoor Road be approved by the Transit Planner in the Public Works Transportation Department, be shown on all maps for recording, and that a transit easement deed approved by the City Attorney is recorded with the local County Register of Deeds Office. That the recorded copy of this transit easement be provided to the Planning Department within 14 days of authorization of lot recording. If a recorded copy of this easement is not provided to the Planning Department within the 14 day period, further plat recordings and building permits authorization may be withheld;
- (13) That all conditions of Z-23-07 are met;
- (14) That a demolition permit be issued by the Inspections Department and this building permit number be shown on all maps for recording;
- (15) That a tree conservation map be recorded with metes and bound showing the designated Tree Conservation Areas and shall be in compliance with Code section 10-2082.14;
- (16) That all stormwater control measures and means of transporting stormwater runoff to and from any nitrogen and stormwater runoff control measures shall be shown on all plats for recording as private drainage easements and the plats shall contain the following note: "All private storm drainage easements & stormwater measures will be maintained by the property owner.";

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**ZONING:**

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**DISTRICTS:** Ordinance N0 (2007) 321 ZC 612; effective November 7, 2007

Z-23-07 – Creedmoor Road, located on the east side, south of its intersection with Millbrook Road, being Wake County PIN 0796468665. Approximately 3.0 acres rezoned to Office & Institution-1 Conditional Use.

- A. The property shall be limited to office uses as specified in the Professional/ Services subgroup of Code Section 10-2071, save and except for copy center, hair replacement, masseur, office machine, publicity, secretarial and travel agents, realtor and mail order store, which uses are prohibited. Said uses shall be limited to 20,000 square feet floor area gross.  
**APPLICANT RESPONSE/STAFF: 19,980 sf LOW IMPACT OFFICE TO BE BUILT/COMPLIED.**
- B. The principal building shall be limited to two stories in height and shall not exceed thirty-seven feet (37') in height measured as provided in the Raleigh City Code.  
**APPLICANT RESPONSE/STAFF: BUILDING TO BE 34' IN HEIGHT/COMPLIED.**
- C. A buffer area, 65 feet in width shall be maintained along the entire East and South property lines (adjacent to Hunt, PIN 0796562637 [Deed Book 2454, Page 368], Schoonover, PIN 0796561425 [Deed Book 5279, Page 306], and Highsmith, PIN 0796468403 [Deed Book 2367, Page 468] all Wake County Registry), or the same as may hereafter be identified). No parking, driveway (unless required by the City of Raleigh for cross access), storage, loading areas, or buildings will be permitted within this buffer area; however, utility, water, sewer, storm drainage or other improvements as may be authorized or required by any governmental authority or conditional use zoning conditions, excluding the wall required by Condition H, may be located in the buffer area. Diseased or dead trees shall be removed from this buffer area, with prior authorization of the City of Raleigh Arborist or his designee; provided, however, no tree six and one-quarter (6.25") inches in circumference or greater in size measured at four and one-half (4.50') feet above ground shall be removed (unless diseased, dead or as necessary to provide a cross access driveway required by the City of Raleigh or to provide access to the utility manhole located adjacent to the south line of the property). Notwithstanding any provision herein to the contrary, tree removal or grading for permitted purposes within the buffer area for any of said purposes which cumulatively exceeds twenty (20%) percent of the buffer area shall not be permitted.  
**APPLICANT RESPONSE/STAFF: 65' BUFFER TO BE MAINTAINED CONFORMING WITH CONDITION / COMPLIED.**
- D. Upon development direct access from Creedmoor Road would be limited one right in/right-out driveway subject to approval by the City of Raleigh Public Works Department and North Carolina Department of Transportation, as applicable.  
**APPLICANT RESPONSE/STAFF: NOTED/COMPLIED.**
- E. Upon development reimbursement for any required right-of-way dedication for Creedmoor Road shall be calculated at the applicable R-4 rate.  
**APPLICANT RESPONSE/STAFF: NOTED/PART OF TRANSPORTATION WRITE-UP**
- F. Upon any development of the rezoned land an offer of cross access will be provided to the adjacent property to the north, Cary Development Ptnr LLC, PIN 0796478165 [Deed Book 12324, Page 545] and to the adjacent property to the south, Highsmith, PIN 0796468403 [Deed Book 2367, Page 468]. The owner of the property subject to this Condition shall be responsible for constructing the portion(s) of the cross access drive(s) upon this property if these offers (or either of them) are accepted.  
**APPLICANT RESPONSE/STAFF: : CROSS ACCESS OFFERED TO BOTH TRACTS PER CONDITION. THE OWNER TO THE SOUTH ACCEPTED (MR. HIGHSMITH [Deed Book 2367, Page 468]). THEREFORE THE DRIVE TO THE SOUTH IS PROPOSED TO BE CONSTRUCTED PER CONDITION. COMPLIED**
- G. Prior to subdivision approval or the issuance of any building permit, whichever shall first occur, the owner of the property shall deed to the City a transit easement measuring twenty (20) feet long adjacent to Creedmoor Road by fifteen (15) feet wide to support a bus stop for transit services in the area. The location of the transit easement shall be approved by the Transit Division of the City (said approval not to be unreasonably delayed) and the City Attorney shall approve the transit easement deed prior to recordation. Notwithstanding the foregoing this Condition shall be a nullity if the City determines not to locate a transit easement upon the property.  
**APPLICANT RESPONSE/STAFF: TRANSIT EASEMENT TO BE PROVIDED/COMPLIED.**

- H. Upon any development of the rezoned land a wall not less than six (6) feet in height above grade, constructed of brick or block, with brick veneer shall be constructed in proximity to a parking area in the eastern portion of the subject property opposite the property of Hunt, PIN 0796562637 [Deed Book 2454, Page 368] on the East and Schoonover, PIN 0796561425 [Deed Book 5279, Page 306] on the South. Said wall shall commence fifteen (15) feet from the north line of the subject property and shall extend in a southerly direction and in a westerly direction, as necessary, to encompass the parking area as aforesaid. No portion of this wall may be located within the sixty-five (65) foot width buffer required by Condition C.  
**APPLICANT RESPONSE/STAFF:** 6' WALL TO BE CONSTRUCTED IN ACCORDANCE TO CONDITION H. WALL TO BE BLOCK WITH BRICK VENEER TO MATCH BUILDING/COMPLIED.
- I. In the event that a dumpster is utilized for the collection of refuse generated by the occupant(s) of the office building, same shall be located within thirty-five (35) feet of the north line of the property and will be screened by the wall provided in the immediately preceding Condition H, extended to the west to the extent necessary to screen this facility in accordance with the City Code. This facility may not be serviced before 6:00 a.m. nor after 6:00 p.m. during weekdays and may not be serviced on Saturdays, Sundays or holidays observed by the City of Raleigh.  
**APPLICANT RESPONSE/STAFF:** NO DUMPSTER TO BE UTILIZED/NOTED NO DUMPSTERS PROPOSED.
- J. The development of the subject property shall require Site Plan approval by the Raleigh Planning Commission and by the Raleigh City Council.  
**APPLICANT RESPONSE/STAFF:** NOTED/COMPLIED.

**SETBACKS /**

**HEIGHT:** This plan conforms to all minimum setback standards. Front yard = 128', rear yard = 155', front / rear aggregate = 283', side yard = 20 and 153', side yard aggregate = 173'. This plan conforms to maximum height standards in this zoning district of 40', proposed building height is 34'.

**PARKING:** Off-street parking conforms to minimum requirements: 67 spaces required, based on 1 parking space per 300 s.f. office use. 67spaces are provided. Site is not utilizing 10% parking reduction allowed by City Code.

**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. Since the property to the north is vacant, only ½ of the width and intensity of landscaping is required. Moreover, since the buffers to the south and east have maintained a 65' buffer with established trees the applicant is only required to provide ½ the shrub requirements per code 10-2082.9 (f).

<u>Location</u>	<u>Yard type required</u>	<u>Width proposed</u>
North	½ Type C	10'
South	Type C	65'
East	Type C	65'

**TREE  
CONSERVATION:**

Total site 2.73 acres; 10% required = 0.27 acres of Tree Conservation Areas. Primary TCA provided = 0.80 acres. 65' wide tree conservation areas are located along south and east property lines consistent with condition Z-23-07.

**DEVELOPMENT INTENSITY:** Proposed floor area ratio (FAR) of 0.16 and building lot coverage of 0.08 meet the maximum in the O&I-1 zoning district which requires a FAR of 0.75 and building lot coverage of 0.25.

**UNITY OF DEVELOPMENT:** Not applicable to this project.

**COMPREHENSIVE PLAN:**

**GREENWAY:** There is no greenway on this site.

**THOROUGHFARE / COLLECTOR PLAN:**

Dedication of right-of-way and construction of the following streets are required by the Thoroughfare and Collector Street Plan:

<b>Street</b>	<b>ROW</b>	<b>Construct</b>	<b>Slope Esmt.</b>
Creedmoor Rd.	½ 119' or 5.5'	12' turn lane+5'sidewalk	N/A

Additional right-of-way to be dedicated is reimbursable at R-4 rates per Zoning Condition E of Z-23-07. This site is provided a 5' sidewalk the entire length of Creedmoor Rd. except for a small section on the south (approximately 30') which will require a fee in lieu and a 30' x 30' slope easement to be provided.

**TRANSIT:** One 15' x 20' transit easement is provided on Creedmoor Rd.

**URBAN FORM:** The site is located in the Northwest Planning District, which falls within a designated Corridor Transition area (defined by the Creedmoor Road Corridor Plan for the stretch of Creedmoor Road that connects Creedmoor/ Millbrook Focus area to the Crabtree City Focus area) recommended for mixed uses. The site is consistent with the Comprehensive Plan.

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

**SUBDIVISION STANDARDS:**

**BLOCK LAYOUT:** Not applicable.

**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:** Private contractor to provide waste removal.

**CIRCULATION:** Proposed street improvements shall conform to normal City construction standards. Cross access easements will be required between the north and south adjacent properties and they will be required to be recorded prior to map recordation and / or building permit. A 24' cross access easement is shown allowing access from the adjacent lots to the north and south to gain access via this site plan onto Creedmoor Rd.

**PEDESTRIAN:** A sidewalk is required along both sides of Creedmoor Road. Proposed sidewalk locations conform to City regulations along the majority of the Creedmoor Road frontage. The sidewalk is terminated 30 feet short of the southern property line due to steep grades and will be required to be constructed with the development of the south adjacent property. Sidewalks are proposed internally linking subject site with parcels to the north and south and Creedmoor Rd.

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

**STORMWATER MANAGEMENT:** Stormwater nitrogen reduction and stormwater runoff control are required for this site plan by City Code Part 10 Chapter 9. This project will utilize underground pipe detention to ensure post-development peak discharge rates for the 2 and 10 year design storms do not exceed pre-development rates. A one time mitigation payment option is proposed to comply with nitrogen reduction control regulations.

**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.