



Certified Action of the City of Raleigh Planning Commission

City of Raleigh
Development Plans Review Center
One Exchange Plaza
Raleigh, NC 27601
(919) 996-2626
www.raleighnc.gov

Case File / Name: SP-9-15 / Crabtree Commons Lot 3

General Location: The site is located at the southeast quadrant of Creedmoor Road and Crabtree Valley Avenue, inside the city limits.

Owner: Weingarten Investments, Inc.
Designer: The John R. McAdams Company

CAC: Northwest

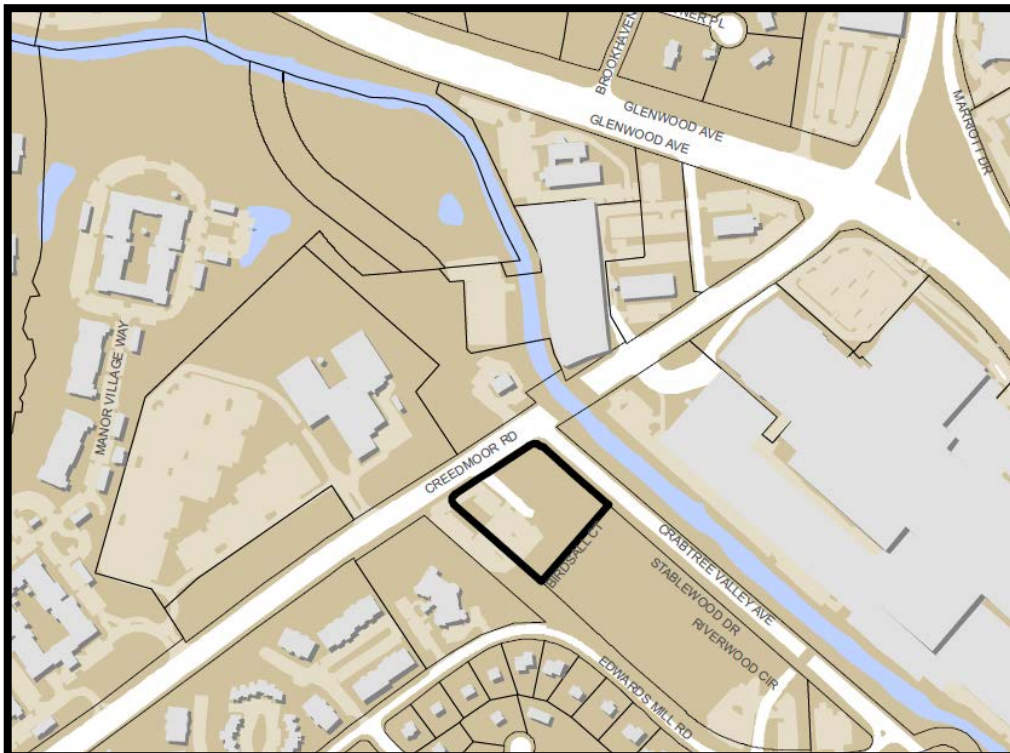
Nature of Case: The construction of an 8,420 square foot restaurant with no drive-thru on a 2.7 acre zoned Shopping Center District CUD.

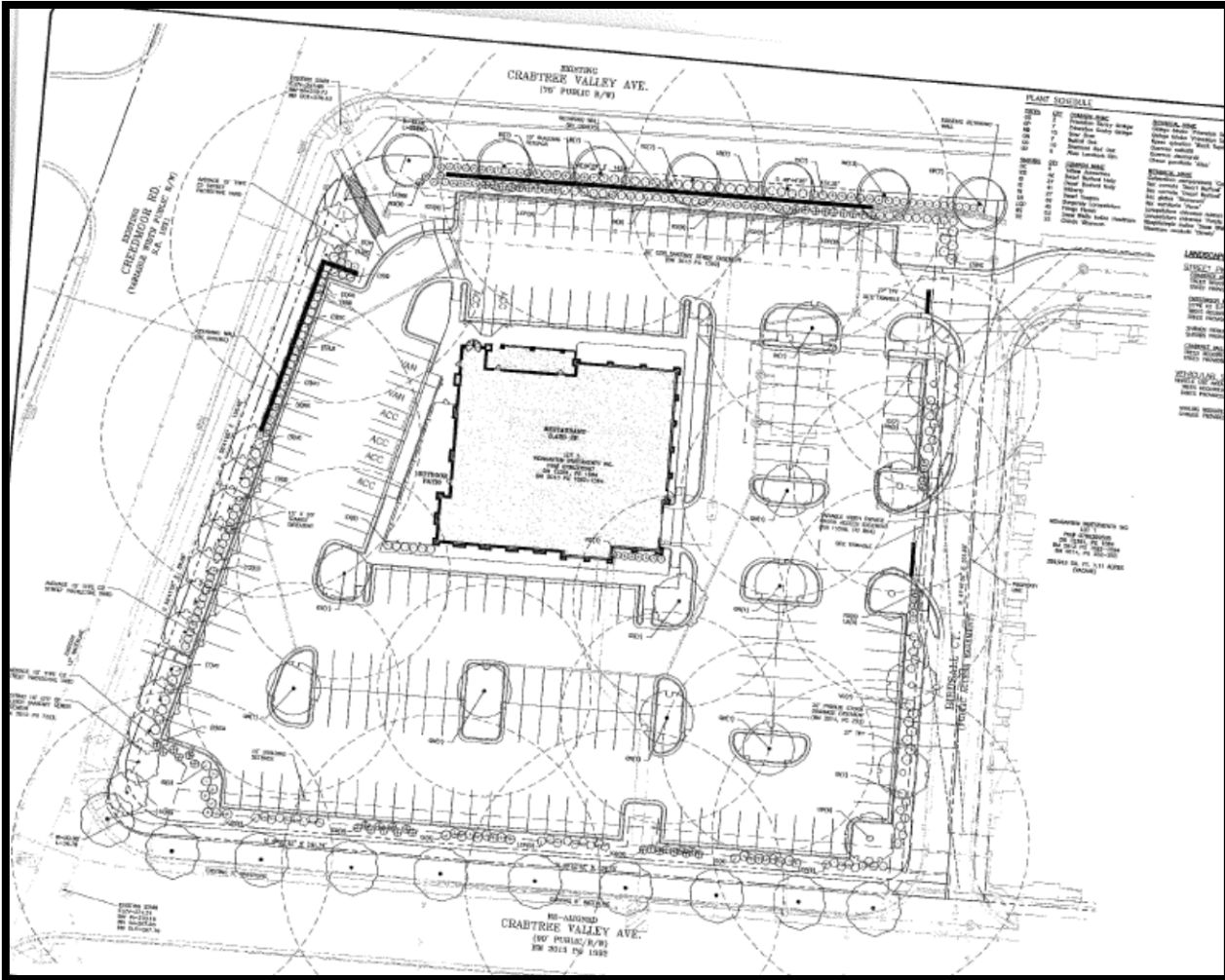
Key Issues: Code Section 10-2082.4 - Requested alternate means of compliance from providing a 30' Type B transitional protective yard along the southeast property line.

Design Adjustment: One Design Adjustment has been approved by the Interim Public Works Director for this project, noted below.

1. A Design Adjustment was approved by the Interim Public Works Director, on Crabtree Valley Avenue per UDO Article 8.4.5.1.G, providing a Type C2 yard along the existing Crabtree Valley Avenue.

Administrative Alternate: N/A





SUBJECT: SP-9-15 / Crabtree Commons Lot 3

CROSS-REFERENCE: Z-9-11, S-16-11, GH-5-12

LOCATION: The site is located at the southeast quadrant of Creedmoor Road and Crabtree Valley Avenue, inside the city limits.

PIN: 796305907

REQUEST: The construction of an 8,420 square foot restaurant with no drive-thru on a 2.7 acre zoned Shopping Center District CUD. This site is 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 with the following conditions of approval this request conforms to Part 10, Chapter 2, Sections 10-2041 and 10-2132.2, Part 10A (Unified Development Ordinance) Chapters 8, and 9. This approval is based on a preliminary plan dated 4/29/15, owned by Weingarten Investments Inc., submitted by John R. McAdams Company.

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

VARIANCES / ALTERNATES: A Design Adjustment was approved by the Interim Public Works Director, on Crabtree Valley Avenue per UDO Article 8.4.5.1.G.

To PC: May 26, 2015

Case History: This case was deferred at the May 26, 2015 Planning Commission meeting with concerns regarding the number of parking spaces and the alternate means of compliance for the transitional protective yard.

Staff Coordinator: Meade Bradshaw

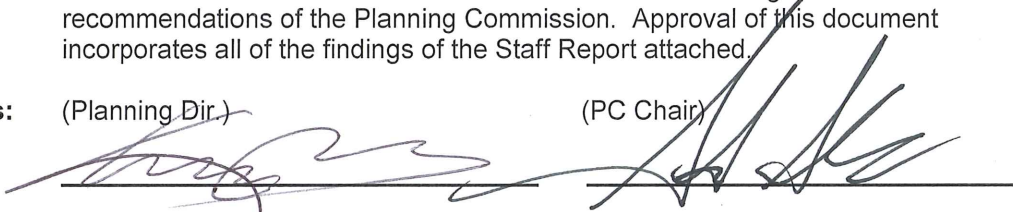
Motion: Braun
Second: Whitsett
In Favor: Alcine, Braun, Lyle, Hicks, Schuster and Whitsett
Opposed: Buxton, Fluhrer and Terando

Excused: xxxxx

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: 6-09-15 date: 6-09-15



Staff Report

RECOMMENDED ACTION: Approval with Conditions

CONDITIONS OF APPROVAL:

Planning Commission Actions:

- (1) That the Planning Commission approve the alternate means of compliance request consistent for the reduced width transitional protective yard on the southeast property line in accordance with Code Section 10-2082.4;
- (2) That the Planning Commission finds that this site plan meets the standards for approval of Code Section 10-2132.2(d);

Administrative Actions:

Prior to issuance of a site review permit, infrastructure construction plans or whichever comes first:

- (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 10A Chapter 9 of the Unified Development Ordinance, 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 nitrogen offset payment must be made to a qualifying mitigation bank;
- (5) That in accordance with Part 10A Section 9.4.4, a surety equal to of the cost of clearing, grubbing and reseeding a site, shall be paid to the City;

Prior to issuance of building permits:

- (6) That the developer shall pay to the City a stormwater facility replacement fund payment equal to twenty-four percent (24%) of the estimated cost of constructing all stormwater control facilities shown on the development plans;
- (7) That in accordance with Part 10A Section 9.2.2, a surety equal to 125% of the cost of the construction of a stormwater device is paid to the Public Works Department;
- (8) That ½-126' of the required right-of-way and 5' utility easement for Creedmoor Road is dedicated to the City of Raleigh and a copy of the recorded plat be provided to the City prior to building permit issuance;
- (9) That ½-104' of the required right-of-way and 5' utility easement for re-aligned Crabtree Valley Avenue is dedicated to the City of Raleigh and a copy of the recorded plat be provided to the City prior to building permit issuance;

- (10) That a 15' x 20' transit easement located on Creedmoor Road requested with Z-9-11(j) 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. That the recorded copy of this transit easement be provided to the Planning Department prior to building permit approval;
- (11) That cross access agreements are recorded for the private drive between lots 2 and 3 of S-16-11;

Prior to issuance of an occupancy permit:

- (12) That in accordance with Part 10A Section 9.2.2, an as-built plan and certification any stormwater control device shall be reviewed and accepted by the City prior to final stormwater inspection approval or certificate;
- (13)

ZONING:

**ZONING
DISTRICTS:**

Shopping Center CUD. Ordinance 940ZC662 Effective 9/6/11

Z-9-11 Conditional Use – Creedmoor Road - located on the east side, southeast of its intersection with Crabtree Valley, being Wake County PINs 0796302996, 0796308642, and 0796314150. Approximately 11.74 acres to be rezoned from Shopping Center (0.81 acre) and SC with (PDD) Planned Development District and (PBOD) Pedestrian Business Overlay District (10.93 acres) to SC CUD with PBOD (8.126 acres), and SC CUD (3.613 acres).

Conditions Dated: 8/15/11

Narrative or conditions being requested:

For the purposes of the following conditions, Property” shall refer to tax parcels (PINs) 0796-30-2996, 0796-30-8642, and 0796-31-4150.

(a) The following uses shall be prohibited upon the Property: automotive service and repair facility; utility service and substation; emergency shelter Type A or Type B; landfill; manufacturing-custom; manufacturing-specialized; adult establishment; kennel/cattery; riding stable; correctional/penal facility; and outdoor stadium, outdoor theater or outdoor racetrack.

Proposed use is a restaurant

(b) With the exception of Hotel/Motel, an allowed use upon the Property, all uses developed upon the Property that are categorized as “Commercial” in the Schedule of Permitted Land Uses attached hereto as Exhibit C-1 shall not exceed 200,000 square feet floor area gross.

Proposed use is a 8,420 square foot restaurant

(c) All uses developed upon the Property that are characterized as Institution/Civic/Services or Office in the Schedule of Permitted Land Uses attached hereto as Exhibit C-1 shall not exceed 100,000 square feet floor area gross.

Proposed use is not characterized as Institution/Civic/Service or Office

(d) Uses developed upon the Property that are characterized as Residential in the Schedule of Permitted Land Uses attached hereto as Exhibit C-1 shall not exceed 575 dwelling units.

Proposed use is non residential

(e) Within fifteen (15) days following the approval of the form and substance of the restrictive covenant hereinafter mentioned by the City Attorney or his or her deputy, the owner of the Property shall cause to be recorded in the Wake County Registry a restrictive covenant that allocates allowable development upon the Property as provided in the foregoing conditions (b), (c), and (d) among all existing lots of record comprising the Property. Such restrictive covenant shall be submitted to the City Attorney within thirty (30) days following approval of this zoning case by the City Council and shall be approved by the City Attorney or his or her deputy prior to recordation. Such restrictive covenant shall provide that it shall become null and void and of no effect whatsoever in the event that a court enters a final judgment (not subject to appeal) declaring the rezoning resulting from the approval of this case invalid. The restrictive covenant and the allocation of development set forth therein may be amended from time to time following recordation. Any such amendment shall require the written concurrence of the owner(s) of all portions of the Property affected by the amendment and shall be at the sole discretion of such owner(s). Following recordation a copy of each amendment shall be mailed to the Planning Director at P.O. Box 590, Raleigh, NC. 27602.

Recorded in DB 14526 PGS 2378-2423

(f) The land use or uses developed upon the Property shall be limited to a use or uses which when analyzed using the Trip Generation Manual published by the Institute of Transportation Engineers will generate no more than 12,947 daily vehicle trips with no more than 705 vehicle trips in the AM peak hour and no more than 934 vehicle trips in the PM peak hour.

The average daily trip with the recently approved 335 unit apartment development to the east and this restaurant will be 3,225 daily trips. 259 trips will occur in the AM and 285 trips will occur in the PM.

(g) Upon development of Section 1 of the Property as shown on Exhibit B-1 of the Petition in this case, a means shall be provided for pedestrian connectivity from the then existing grade of Section 1 to the grade of Crabtree Valley Avenue as it is now located between the Property and Crabtree Valley Mall (PIN 0796-50-2569).

This parcel is Section 3 in Exhibit B-1

(h) The actual location of the "Crabtree Valley Mall Connector Road" shown on pages 4 and 16 of the Streetscape and Parking Plan in this case will be established at the time of site plan approval.

This parcel is not located within the portion of the zoning district zoned PBOD

(i) Along the Creedmoor Road frontage of the Property, parking between the street right-of-way and the building(s) shall not exceed two rows of parking.

2 rows of parking are shown

(j) Upon approval of a site plan or plans for the development of all or a portion of the Property, if requested by the City's Transit Division, the owner shall dedicate a transit easement approved by the Raleigh City Attorney upon the respective site or sites of a size, nature and location acceptable to such Division and provide any improvements, such as a bench and/or shelter, specified by such Division that shall be in accordance with its standard policies. The owner shall dedicate up to three (3) transit easements upon the Property.

A 15' x 20' transit easement is shown along Creedmoor Road

(k) Upon development of Section 3 of the Property as shown on Exhibit B-1 of the Petition in this case, pedestrian connectivity shall be provided between such Section and the adjoining Section 2. With regard to sidewalks along public rights of way, the design of sidewalk sections and curb and sidewalk details for Section 3 shall be coordinated with such design for Sections 1 and 2, although to the extent allowed by the City's Ordinances, sidewalk widths may be reduced for Section 3. Plants planted along public rights of way in Section 3 shall be consistent with those utilized for such purpose in Sections 1 and 2.

Pedestrian connectivity is provided to the adjacent parcel to the east. The street trees are planted in a location consistent with the locations in Sections 1 & 2.

SETBACKS / HEIGHT:

This plan conforms to all minimum setback standards. Front yard = 146', rear yard = 86', front / rear aggregate = 232', side yard = 90' & 138', side yard aggregate = 228'. This plan conforms to maximum height standards in this zoning district. Proposed height of the building is 22'.

PARKING:

Off-street parking conforms to minimum requirements: 133 spaces required, based on 1 parking space per 50 square feet of floor area gross for public use. 191 spaces are provided.

LANDSCAPING:

Street yard landscaping in conformity with UDO Chapter 8. Vehicular surface area landscaping in conforming with Section 10-2082.6 is shown. This is a medium impact use under Section 10-2082.9. Transitional protective yards are shown in compliance with City standards in the following locations:

<u>Location</u>	<u>Yard type required</u>	<u>Width proposed</u>
southeast Property Line	Type B	10'

* An alternate means of compliance from providing a 30' in width yard with 8 trees and 120 shrubs every 100' has been requested. In lieu of planting a Type B' transitional protective yard, the applicant proposes a 10' in width yard with trees planted at 4" caliper instead of the 2" code requirement, as well as shrubs installed at 60" in height instead of the code requirement of 18".

TREE

CONSERVATION: Code Section 10-2082.14 was fulfilled for this property via a fee-in-lieu payment made on 10/16/07.

DEVELOPMENT INTENSITY: There is no floor area ratio or building lot coverage maximums in the Shopping Center Zoning District.

PHASING: There is one phase in this development.

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

COMPREHENSIVE PLAN:

GREENWAY: There is no greenway on this site.

STREET PLAN MAP: Dedication of right-of-way and construction of the following streets are required by the Street Plan Map of the Comprehensive Plan.

Street Name	Designation	Exist R/W	Required R/W	Existing Street (b to b)	Proposed Street (b to b)
Crabtree Valley Avenue (existing)	Avenue 4-Lane Divided	75'	N/A	36'	N/A
Crabtree Valley Avenue (proposed)	Avenue 4-Lane divided	½ 90'	½ 104'	41'	N/A
Creedmoor Road	Avenue 6-Lane divided	100'	½-126'	77'	N/A

A surety for the required improvements shall be provided in accordance with 8.1 of the UDO.

TRANSIT: The following transit-oriented features of this site are incorporated into the proposed plan: 15' x 20' easement along Creedmoor Road.

COMPREHENSIVE PLAN: This site is located in the Northwest Citizen Advisory Council, in an area designated a residential area

HISTORIC / DISTRICTS: This site is not located in or adjacent to a designated Historic District.

APPEARANCE COMMISSION:

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

<u>Comment</u>	<u>Response</u>
The commission requests additional shade plantings adjacent to the outdoor dining area to separate the outdoor seating from the adjacent parking area is added near the outdoor patio area.	6 Dwarf Burford Holly added.
The Commission recommends the addition of supplemental pedestrian connections into the site, particularly from the south	An additional sidewalk connecting to Creedmoor Road in the southwest area of the site in a location where the grades allow a reasonable slope with no stairs has been added.
The Commission recommends the addition of evergreen plantings between the sidewalk and base of retaining walls	48 evergreen shrubs were added at the base of the retaining wall.
The Commission notes that the circulation pattern of the site is unfortunate in that almost all users of the site including the adjacent apartment resident enter the site to the view the rear (east) elevation of the façade including the trash room and suggests modifications to the architecture and planting plan of the site to better connect the proposed development to the adjacent residential project. The Commission recommends flipping the building footprint vertically so that the tower element and entry are most proximate to the intersection of Creedmoor Road and the realigned Crabtree Valley Avenue at the corner of the building.	The overall building design and site placement was driven by the topography of the site, and creating a primary entrance point at the most beneficial location, With the understanding that all four sides are visible to many different audiences, the design is very much four-sided in its massing and proportion and ensuring of quality of the materials and masking from view of any perceived back house functions.

SUBDIVISION STANDARDS:

LOT LAYOUT: The minimum lot size in Shopping Center zoning district is 5,000 square feet. The minimum lot depth in this zoning district is 70 feet. The minimum corner lot width in this zoning district is 60 feet. Lots in this development conform to these minimum standards.

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 to be provided by private contractor.

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

BLOCKS / LOTS / ACCESS: Block perimeters, lot arrangement and access conform to Chapter 8 of the UDO. The lot will be accessed via an internal driveway adjacent to Lot 2. A cross Access agreement will be recorded between Lots 2 & 3.

STREETSCAPE TYPE: The applicable streetscape is Commercial. The following streetscapes are proposed:

- Existing Crabtree Valley Avenue – Design Adjustment approved by the Interim Public Works Director to provide a Type C2 Yard.
- Creedmoor Road – 5' sidewalk exists and a Type C2 yard is proposed due to Creedmoor Road being a NCDOT maintained street.
- Re-aligned Crabtree Valley Avenue – 6' planting strip between the street and 6' sidewalk.

PEDESTRIAN: Proposed sidewalk locations conform to City regulations. A sidewalk is required along the re-aligned Crabtree Valley Avenue. Sidewalk exists along Creedmoor Road. No sidewalk is need along the existing Crabtree Valley Avenue.

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

STORMWATER MANAGEMENT: This site is subject to stormwater management controls in accordance with UDO Chapter 9. Site is exempt from stormwater runoff control requirements under UDO Article 9.2.2.E.2.d as detention of runoff on this site would increase discharges for the 100 year storm event within Crabtree Creek in the vicinity of Crabtree Valley Mall. Water quality (nitrogen loading) will be addressed with an on-site underground sand filter and a mitigation payment.

WETLANDS / RIPARIAN BUFFERS: No wetland areas or Neuse River riparian buffers are required on this site.

OTHER REGULATIONS: Developer shall meet all City requirements of Part 10 and Part 10A (Unified Development Ordinance) unless specifically varied by this approval.