



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-14-09 / Leith Mercedes Benz Expansion

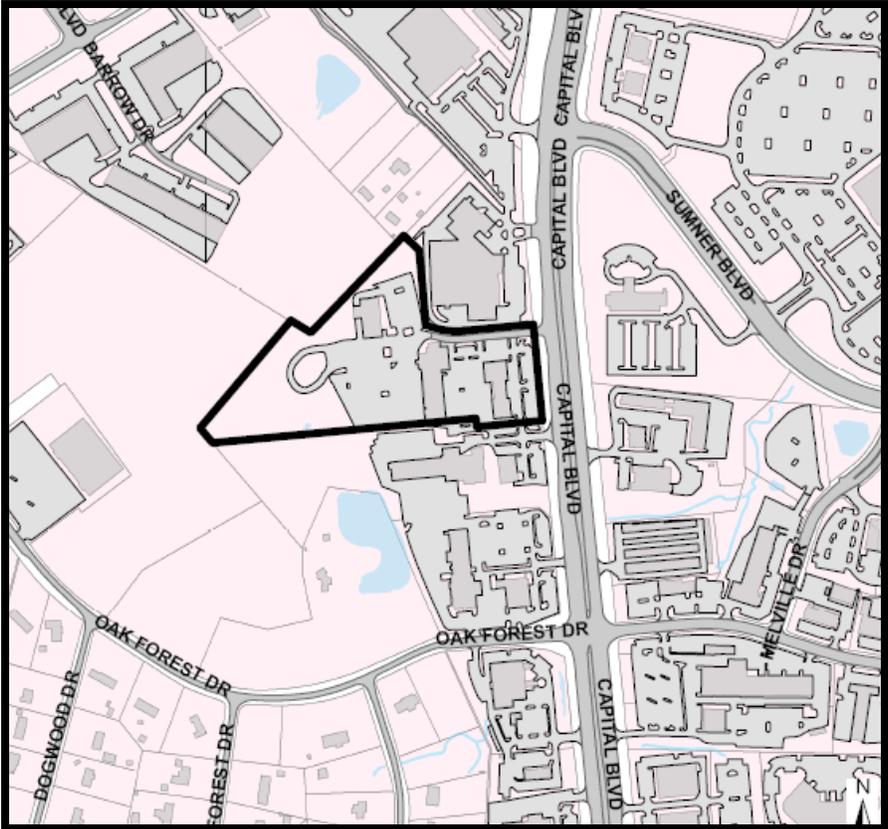
Owner: MLC Automotive, LLC
Designer: Bill Daniel

General Location: Capital Boulevard between Oak Forest Drive and Old Wake Forest Road.

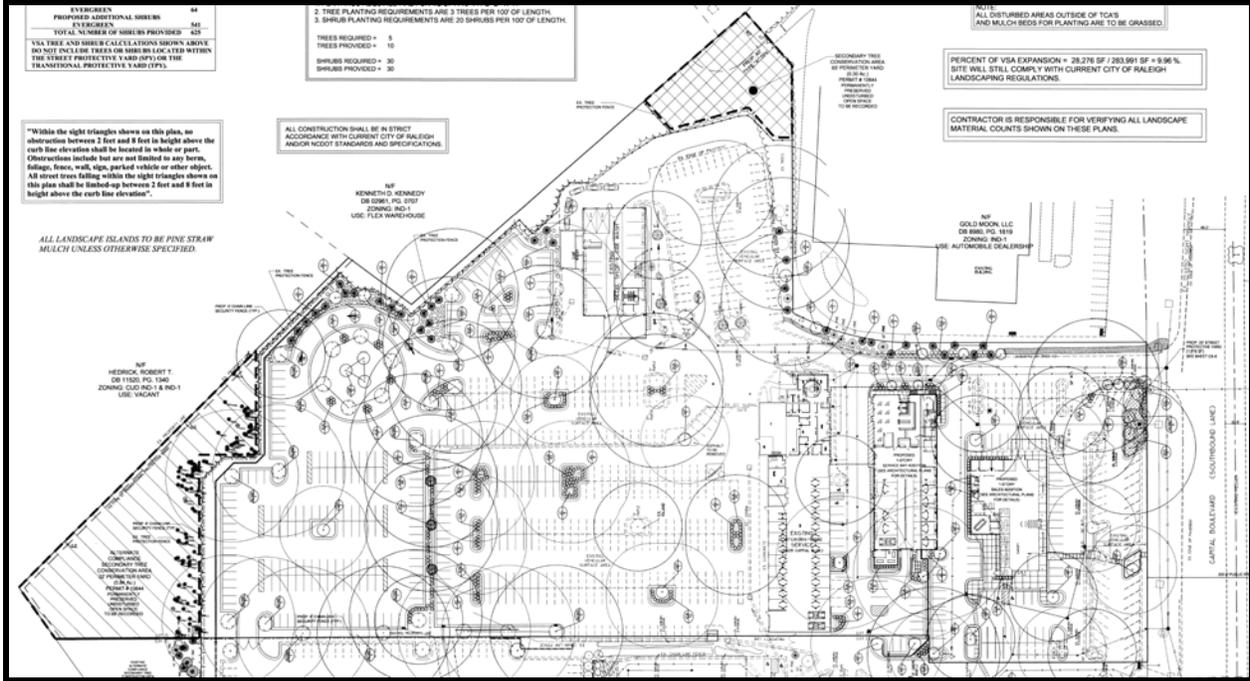
Planning District / CAC: Northeast/ Northeast

Nature of Case: This request is to approve the addition of a 12,640 square foot one story service bay facility, a 8,522 square foot sales/showroom and 235 parking space expansion to an existing automotive sales and service facility on an 11.45 acre site (Lot 3 BM 2009 PG 159), zoned Industrial-1) The proposal includes the demolition of an 8,857 existing automotive sales/showroom.

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



SP-14-09 Leith Mercedes Benz Expansion – Location Map



SP-14-09 Leith Mercedes Benz Expansion – Site Plan

SUBJECT: SP-14-09 / Leith Mercedes Benz Expansion
CROSS-REFERENCE: SP-48-1999, SP-65-07 (Lot 2 BM 2009 PG 159)
LOCATION: This site is located on the west side of Capital Boulevard, north of its intersection with Oak Forest Drive, inside the City Limits.
REQUEST: The approval a 12,640 square foot one story service bay facility (14 service bays), a 8,522 square foot sales/showroom and 235 parking space expansion to an existing 20,070 square foot service bay facility (23 bays) and a 10,712 detail shop (11 bays) on an 11.45 acre site (Lot 3 BM 2009 PG 159), zoned Industrial 1. This site plan requires Planning Commission approval because it is a retail sales use 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 below being met, conforms with the following conditions of approval to Chapter 2, Part 10, Sections 10-2046 and 10-2132.2, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated April 1, 2009, owned by MLC Automotive LLC, submitted by William Daniel and Associates.

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

VARIANCES / ALTERNATES: N/A

To PC: June 23, 2009

Case History: This case was deferred at the June 9, 2009 Planning Commission meeting because the applicant was not present.

Staff Coordinator: Meade Bradshaw

Motion: Haq

Second: Mullins

In Favor: Anderson, Bartholomew, Butler, Chambliss, Fleming, Haq, Harris Edmisten, Holt, Mullins, Smith, Vance

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: 6/24/09



date: 6/24/09



Staff Report

**RECOMMENDED
ACTION:** Approval with Conditions

**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 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 to be 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) 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, the approval of construction drawings, or issuance of a building permits, whichever event comes first;

Prior to issuance of building permits in the Inspections Department:

- (4) That as stormwater control facilities are to be shared between lots 2 and 3 of BM 2009 PG 159 Wake County Registry, the City's three party form "Stormwater Replacement Easement and Access Maintenance Agreement and Replacement Contribution" (Installation or Lump Sum payment version) shall be completed and executed by the owners of both lots, applicable property owners' association and given to the City of Raleigh Attorney for signature of the City Manager. Following the signatures of the City, the developer shall record the Stormwater Agreement with the local county Register of Deeds. A recorded copy of the Stormwater Agreement shall be given to the Stormwater Engineer in the Public Works Department within (14) days of plat recording . No building permit will be issued until a recorded copy of the drainage easement is provided to the Inspections Department;

- (5) That the City Attorney approves a drainage easement between lots 2 and 3 of BM 2009 PG 159 Wake County Registry granting lot 3 the right to drain, store and treat stormwater runoff from lot 3 onto lot 2. The drainage easement shall assign maintenance obligations to one of the lot owners and it shall grant the other lot owner the right to enter the lot 2 to maintain, repair, reconstruction and replace all stormwater pipes and stormwater control measures within the drainage easement on lot 2. The drainage easement shall contain assessment provisions for maintenance repair reconstruction and replacement all stormwater pipes and stormwater control measures within the drainage easement on lot 2. The assessment provisions shall also collect assessments to pay the City of Raleigh in accordance with the stormwater agreement in condition number 4 above. Each lot shall be severally and jointly liable to the City of Raleigh for all contractual breaches. The stormwater drainage easement shall not be amended or terminated without the consent of the Public Works Director of the City of Raleigh.
- (6) That all permanently protected undisturbed open space areas, if any, used to meet the nitrogen reduction requirements of Part 10 Chapter 9 shall be labeled on recording plats. These plats shall include a note stating: Within permanently protected undisturbed open space areas used for stormwater treatment, there must not be any land disturbing activity, any placement of impervious surfaces, any tree removal, any new development or expansion thereof, or new use, construction, or encroachment;
- (7) That the maximum height of the new light poles will be 20' and the fixtures will be of full cutoff (shielded) design;
- (8) That a tree conservation map be recorded with metes and bound showing the designated Tree Conservation Areas prior, to issuance of building permits. Tree conservation shall be in compliance with Code section 10-2082.14 and a copy of the recorded plat must be provided to the Site Review Specialist in the Inspections Department;
- (9) That the 25' cross access easement shown on the preliminary plan between this lot, lot 3, and lot 2 (BM1997 PG 0879) 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; and
- (10) That for any reason the off-site stormwater facility is unable to be utilized at permitting, a new site plan will need to be prepared and reviewed through the preliminary review process;

ZONING:

ZONING DISTRICTS: Industrial-1

SETBACKS / HEIGHT: This plan conforms to all minimum setback standards. Front yard = 112', rear yard = 65', front / rear aggregate = 117', side yard = 60' and 5', side yard aggregate = 65'. The maximum height of 26'4" conforms to the maximum height standards of 50' in the Industrial-1 zoning district.

PARKING: Off-street parking conforms to minimum requirements: 187 spaces required, 687 spaces are provided. This project is adding 235 parking spaces for display lot parking. This expansion brings the total number of display lot parking to 500 parking spaces.
Parking is based on existing and proposed uses:
Existing service component 23 bays at 3 spaces per bay = 69 spaces
Existing detail shop 11 bays at 3 spaces per bay = 33 spaces
Existing uses = 102 required spaces
Proposed sales component at 8,522 square feet/ 1 space per 200 square feet = 43 spaces
Proposed service component: 14 bays at 3 spaces per bay = 42 spaces
Proposed uses = 85 required spaces

LANDSCAPING: Street yard landscaping in conformity with Section 10-2082.5 is shown. Vehicular surface area landscaping in conformity with Section 10-2082.06 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:

<u>Location</u>	<u>Yard type required</u>	<u>Width proposed</u>
North	40' Type A	Width varies 140'-150'
West	½ Type D	Width varies 5'-200'

TREE CONSERVATION: Total site 11.45 acres; 10% required = 1.14 acres of Tree Conservation Areas
This site is dedicating 65' of width for secondary tree conservation areas totaling .3 acres and 32' width secondary perimeter yard totaling .84 acres for a total of 1.14 acres for tree conservation
Tree conservation areas are located along the North and Western portions of site.

DEVELOPMENT INTENSITY: Not applicable to this plan

PHASING: There is one phase in this development.

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 was paid under the Leith Auto Center Site Plan, SP-48-1999, for 360 feet of frontage for ½ sidewalk and shoulder.

TRANSIT: Not required

URBAN FORM: This site is located in the Northeast Planning District within the Northeast Regional Center Plan. The property is located within an area designated as a Regional Intensity Area, defined as an area within a regional center which contains the highest concentration of development.

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>
1. The Development Review Committee recommends that, given the relative elevation of the subject area, that the maximum height of the new light poles be 20 feet, and that all fixtures be of full cutoff (shielded) design.	The maximum height of the new light poles will be 20' and the fixtures will be of full cutoff (shielded) design.
2. To tie the building closest to Capital Boulevard both symbolically and practically to the street, a direct, straight-line pedestrian connection should be made from its front entrance to the street right-of-way.	A Pedestrian connection was created from the front entrance of the building to the street right-of-way.

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: The proposal shows one access point on Capital Boulevard and a 25' cross access easement to lot 2, the adjacent parcel to the south (BM1997 PG 0879).

PEDESTRIAN: There exists an internal sidewalk linking the proposed sales/showroom to the property line along Capital Blvd and an additional sidewalk connection to the adjacent Leith BMW Site to the adjacent south. Sidewalk does not exist on this portion of Capital Boulevard where a fee in lieu of sidewalk construction was previously paid.

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

**STORMWATER
MANAGEMENT:**

This site is subject to stormwater management controls in accordance with Chapter 9 of Part 10 of the Raleigh City Code. The amount of existing impervious area on site is 7.73 acres. This proposal is increasing the amount of impervious surface area by .94 acres, an increase of 12.65%. Stormwater regulations for both nitrogen reduction and stormwater runoff control for the subject lot will be met by utilizing the existing off-site constructed wetland located on lot 2 (BM1997 PG 879 Wake County Registry) which is adjacent and south of the subject property. A drainage easement has been recorded BM 2009 PG 159 to the off-site stormwater wetland. If for any reason the off-site facility is unable to be utilized at permitting, a new site plan will need to be prepared and reviewed through the preliminary review process.

**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.