



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-24-10 / Thales Academy – Fox Road

General Location: On the Northwest quadrant of Fox Road, Town Drive and I-540, inside the city limits.

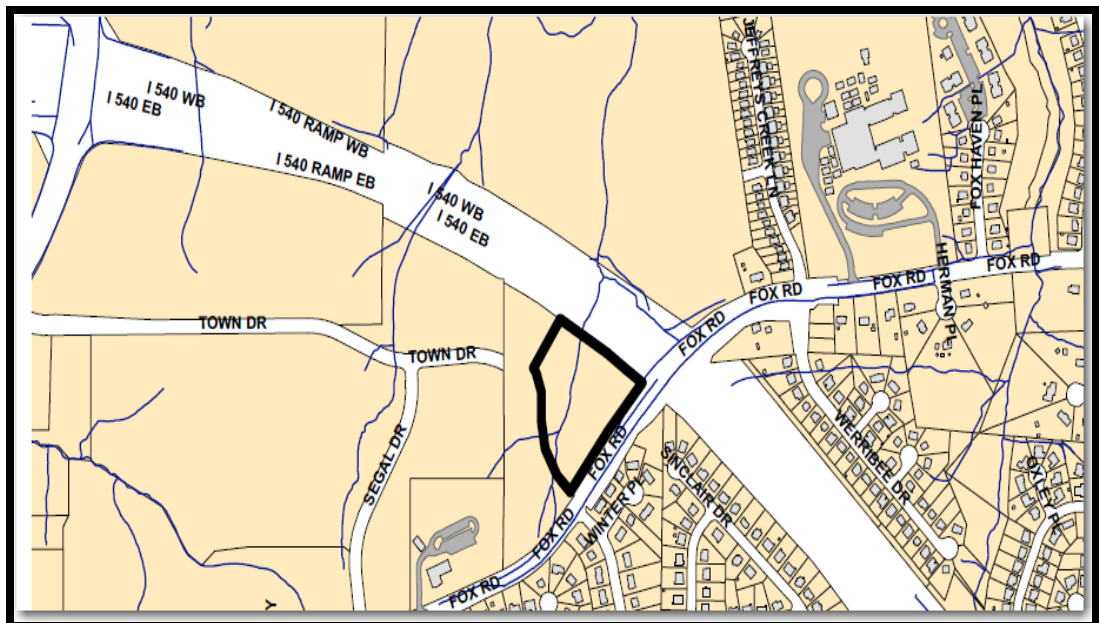
Owner: Thales Academy, Inc
Designer: Civil Consultants

CAC: Northeast

Nature of Case: This request is to approve a 31,250 square feet two-story private school with 410 enrolled students located on a 4.87 acre tract (lot 1), zoned Residential-15 CUD with Special Highway Overlay District-1. This lot 1 is part of a subdivision to be approved by staff, but has not been recorded yet (case S-13-10 Thales Academy – Fox Road). This site plan exceeds the criteria for administrative approval of site plans for residential institutions in residential zoning districts, Code Section 10-2072(b), and must comply with Code Section 10-2132.2(c)(1)(e).

Key Issues: Planning Commission should evaluate the proposal based on the 8 site plan approval standards of code section 10-2132.2 (d).

Contact: Civil Consultants



SP-24-10 Thales Academy – Fox Road site location map

SUBJECT: SP-24-10 / Thales Academy - Fox Road

**CROSS-
REFERENCE:** S-13-10 & Z-25-87

LOCATION: On the Northwest quadrant of Fox Road, Town Drive and I-540, inside the city limits.

REQUEST: This request is to approve a 31,250 square feet 2 story private school with 410 enrolled students on 4.87 acre tract located (lot 1), zoned Residential-15 CUD with Special Highway Overlay District-1. Lot 1 is to part of a subdivision to be approved by staff (case S-13-10 Thales Academy – Fox Road). The subdivision has not yet been recorded. This site plan exceeds the criteria for administrative approval of site plans for residential institutions in residential zoning districts, Code Section 10-2072(b), and must comply with Code Section 10-2132.2(c)(1)(e).

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 10-2022, 10-2058 and 10-2072(b) and 10-2132.2, Chapter 3, Part 10, and Sections 10-3001-3059. This approval is based on a preliminary plan dated 9-7-2010, owned by Thales Academy, Inc, submitted by Civil Consultants.

**ADDITIONAL
NOTES:
VARIANCES /** The creation of S-13-10 Thales Academy subdivision is under review by staff.

ALTERNATES: N/A

To PC: September 14, 2010

Case History:

Staff Coordinator: Jacque Baker

Motion: Fleming
Second: Sterling
In Favor: Anderson, Bartholomew, Batchelor, Fleming, Harris Edmisten, Mattox, Mullins,
Smith, Sterling
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.)



date: 9/14/10

(PC Chair)



date: 9/14/10



Staff Report

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

**CONDITIONS OF
APPROVAL:**

Planning Commission Actions:

- (1) That the Planning Commission finds that this request, with the conditions of approval below being met, conforms to the standards of approval contained in sections 10-2072(b) and 10-2132.2(d).
- (2) That the City Planning Commission finds that there is a minimum of five hundred square feet (500) of total land area per enrolled pupil. 410 enrolled students multiplied by 500 square feet equal 4.706 acres.

Administrative Actions:

Prior to issuance of a grading permit for the site:

- (3) 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 placed on file in the Planning Department;
- (4) That all conditions of S-13-10 Thales Academy – Fox Road have been satisfied, and the subdivision plat and all required easements are recorded;

Prior to issuance of building permits in the Inspections Department:

- (5) That a final detailed landscape plan in accordance with 10-2082.5, 10-2058 and 10-2082.9 be submitted/stamped and approved by the Site Review Specialist in the Inspection Department and a stamped approved copy is placed on file in the Planning Department.
- (6) That all conditions of S-13-10 Thales Academy –Fox Road have been satisfied and the subdivision plat and all required easements are recorded;
- (7) 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;

- (8) That the 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 as required in S-13-10;

Prior to issuance of an occupancy permit in the Inspections Department:

- (9) That the SHOD-1 yard and the 20' transitional protective yard as shown on the preliminary plan and all required landscaping has been installed;
- (10) That Town Drive as approved under S-13-10 be constructed by the developer and accepted for maintenance by the Transportation Public Works Department.

ZONING:

ZONING DISTRICTS: Residential-15 CUD with SHOD-1 overlay.
Ordinance (1987) 974 ZC 211 Effective 4/21/87.

Z-25-87 Fox Road, north side, between Spring Forest Road and Louisburg Road, being the northwestern portion of Parcel 13, Tax Map 355, rezoned to Residential-15 Conditional Use District, according to map on file in the Planning Department.

CONDITIONS:

- 1) Those uses permitted in a Residential-15 District
- 2) The owner will reserve and dedicate to the City of Raleigh the right-of-way for Raleigh's Outer Belt Loop in accordance with the preliminary location shown on the attached map.
- 3) The provision for density transfer as provided for under Ordinance No. (1985) 678 TC 255 (TC-22-85) will not be utilized on the property covered by this petition.
- 4) The owners will dedicate an additional 10' of right-of-way along Fox Road (to be renamed Old Wake Forest Road) thereby providing one-half (40 feet) of the proposed 80 foot right-of-way for the street to be classified a Minor Thoroughfare.

SETBACKS /

HEIGHT: This plan conforms to all minimum setback standards. Front yard = 104.32' from Town Road, rear yard = 167.45' from I-540, side yard = 91.26', side yard from Fox Road and 290' from the western property line (lot 2). This plan conforms to maximum height standards in this zoning district. Proposed height of the building is an average of 34' in height.

PARKING: Off-street parking conforms to minimum requirements: 44 spaces required, based on 5 parking spaces per principal assembly room (1,539 sq ft 1 seat/7sq.ft. = 220 seats). 77 spaces are provided.

LANDSCAPING: Street yard landscaping in conformity with Section 10-2082.5 is shown. Preliminary vehicular surface area landscaping in conformity with Section 10-2082.6 is shown. This is a low impact use under Section 10-2082.9 and complies with Section 10-2072(b). 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> |
|-----------------------|---------------------------|-----------------------|
| Western Property line | "C" | 20' |

TREE

CONSERVATION: All required tree conservation area was required and will be recorded under S-13-10 Thales Academy – Fox Road. The tree conservation area has been based on the entire site of 10.2 acres.

DEVELOPMENT INTENSITY: The proposed floor area ratio (FAR) is .15 and the proposed building lot coverage is .07%.

PHASING: Site plan only has 1 phase.

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

COMPREHENSIVE PLAN:

GREENWAY: There is no greenway on this site.

THOROUGHFARE / COLLECTOR PLAN:

All required right-of-way dedication and fee in lieu of construction was required under S-13-10 Thales Academy – Fox Road.

TRANSIT: A 15'x20' transit easement was required under S-13-10 along Fox Road.

URBAN FORM: This site is located in the northeast Citizen Advisory Council.

1. This site is within the Northeast Quadrant of the Triangle Town Center Small Area Plan in an area designated as being appropriate for residential, with open space/greenway suggested along I540 and Fox Road.
 - a. Required 50' SHOD Yard meets suggested open space buffering of I-540 and Fox Road.
2. Policy LU 4.5 Connectivity – New development and redevelopment should provide pedestrian and vehicular connectivity between individual development sites to provide alternative means of access along corridors.
 - a. Plan as shown conforms to the above policy. When sites 2 and 3 are developed, cross access to the adjacent parcels may be required.
3. Policy T 5.5 Sidewalk Requirements – New subdivisions and developments should provide sidewalks on both sides of the street.
 - a. Plan as shown indicates sidewalks continuing from Town Drive and a portion of Fox Road, to the transit easement.

HISTORIC / DISTRICTS: The existing building is not a designated Historic Structure. 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> |
|---|---|
| <p>Add trees to the sidewalk and parking lot areas fronting the building, to provide shade to counter heat island effects likely from the concentration of hardscape surfaces.</p> <p>Add a second brick color, as either vertical accents or horizontal bands, to break up the expanse of building walls.</p> | <p>Additional trees added along the front of the building and along the playground area.</p> <p>Owner has elected to incorporate a second brick color on the front elevation as indicated in the elevations.</p> |
| <p>Add a fixed canopy or canopies along the front of the building, to acknowledge the building entrance and provide weather protection to individuals entering or exiting.</p> | <p>Canopy has been added to the front entrance to extend weather protection beyond the recessed area in that location. It also adds hierarchy to the front elevation signifying the building's entrance. Please see the revised elevations.</p> |
| <p>Consider increasing the size of the building windows, to be more visually proportionate with the expanses of building walls and permit increased natural lighting.</p> | <p>The owner is pleased with the scale of the windows & believes they provide more than adequate natural lighting.</p> |
| <p>Consider additional measures to soften the transition of the building to its surroundings (e.g., added landscaping or other green space immediately adjacent to the building, including omission of the paved drive).</p> <p>Given the existing and planned residential development nearby, consider adding direct pedestrian path connections from the building to Town Drive and Fox Road.</p> | <p>Additional plantings have been placed around the building's perimeter. The paved drive along the eastern side of the building is provided for fire access.</p> <p>Cross walk added across Fox Road and pedestrian access (stairway) from the sidewalk along Town Drive added in front of the building to provide easier access to the site from adjacent properties.</p> |

**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: Refuse collection will be provided by means of a private contractor. Location and design of collection facilities shall meet the standards in the Solid Waste Design Manual.

CIRCULATION: Existing street improvements as required in S-13-10 Thales Academy – Fox Road shall conform to normal City construction standards.

PEDESTRIAN: Proposed sidewalk location along Town Drive as required in S-13-10 Thales Academy – Fox Road conforms to City regulations. A fee in lieu has been paid under S-13-10 Thales Academy – Fox Road for ½ of a 5' sidewalk along Fox Road.

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

**STORMWATER
MANAGEMENT:**

This site is subject to stormwater and nitrogen reduction requirements of part 10 chapter 9. All proposed lots exceed one acre in size. Stormwater management measures will be required at the time of site plan submittal for each lot or at the time of further subdivision. This site will utilize a wet detention pond and a bioretention pond in order to meet stormwater regulations. Per S-13-10 Thales Academy – Fox Road, the impervious surface area associated with the roadway improvements is assigned to Lot 1 and will be accounted for in the design of the wet pond BMP to be located there.

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:**

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.

Thales Academy – Fox Road
Case Number SP-24-10 / TR# 275060
Planning Commission – 8 Findings

The site plan protects the public from unsafe or inefficient vehicular circulation, parking, and loading/unloading operations. The site plan considers, among other things:

- a. The physical character of adjacent and surrounding roads;
The proposed site incorporates the layout of proposed Town Drive connecting Fox Road and Triangle Town Blvd.
- b. Nearby median openings or intersections;
No median openings are located within the vicinity of the site. However, Town Drive will align across Terrace Ct to provide a full intersection and adding the appropriate right and left turn lanes.
- c. The classification of roads and plans for future improvements;
Town Drive is a new road that will connect Fox Road with Triangle Town Blvd. Town drive will be built to a three-lane build out providing some traffic diversion within the proximity of Triangle Town Center.
- d. Proximity to pedestrian generators such as schools, transit facilities, parks and greenways;
Sidewalks will be located on both sides of Town Drive providing interconnectivity to the proposed Wal-Mart facility, Triangle Town Blvd., and nearby residential development.
- d. The accident experience near the site;
Based on information in the Traffic Impact Analysis (TIA), prepared by Green Transportation Solutions, PC, dated July 2010, indicates the 1.07-mile area of Fox Rd. between Old Wake Forest Rd. and US 401 has a severity index of 3.4. Based on NCDOT's TEAAS manual a severity index of 8.4 or higher indicates the area is likely to have more serious crashes. The majority of the wrecks within this area were rear end, slow or stop type of collisions. The TIA indicates approximately 3 crashes occurred at the Fox Rd and Terrace Ct. intersection during the study period (September 1 2006 thru September 1, 2009). No fatalities occurred along this section of the roadway during the study period.
- e. Bicycle, pedestrian and transit access and circulation;
A transit access facility will be located adjacent to the Town Drive and Fox Rd. intersection and is shown on the site plan.
- g. Traffic volumes existing and projected from approved site plans;
The TIA, prepared by Greene Transportation Services, dated July 2010 indicates on average of 621 daily trips will be generated by the new facility.
- h. Interference with any other driveway;
No interference with other driveways exists within the vicinity of this project.
- i. Response time of nearby emergency services such as fire and hospital; and
The nearest fire department is located on St. James Road and access to nearby hospitals can be quickly made from Capital Blvd and I540.
- j. The character of the traffic to be generated from the site.

The primary traffic generator associated with this site will be parents dropping / picking up school children, teachers, administrators, etc. working at the school

- (2) The plan is in accordance with the general plans for the physical development of the City as embodied in the Comprehensive Plan, Redevelopment Plans, Streetscape Plans, manuals, handbooks or other *City Council* - adopted plans and standards. If there are conflicts between the plan and Code restrictions, the more stringent shall apply.”

The plan layout conforms to the general requirements associated with development within the City of Raleigh. There are no site characteristics or conflicts relative to the City's adopted plans.

- (3) The plan contains adequate measures to protect the development and other properties, including public corridors and facilities, from adverse effects expected from the proposed development or expansions to the existing development, including without limitation those associated with:

a. Storm water;

The school site will contain two different types of BMP's -- a storm water detention pond and a bio-retention cell. These devices will collect on-site rainwater and treat before releasing into the public drainage way as prescribed by the City of Raleigh's storm water requirements.

b. Air or water pollutant discharges,

Air pollution associated with project would primarily be associated with normal automotive exhaust. Water pollutant discharges associated with rainwater will be treated as previously noted.

c. Noise, light and odor;

Noise levels associated with school should be minimal and would involve children outside on the playground during certain periods of the day. The site's lower grade level than adjacent roadways would mitigate excessive noise levels experienced in the nearby community.

Lighting – the building and site will have area typical lighting that conforms to City code. The prescribed light levels will be contained on site. No additional or excessive lighting requirements are needed for the proposed facility. No ball fields or tennis courts will be located on site, thus outdoor recreation lighting is not required.

d. Access to air and light;

Excessive pollution in regards to air and light should not be an issue with this facility. Environmental constraints are considered as a part of the design incorporating landscaping and storm water detention.

e. On and off-street parking;

Adequate off street parking is provided on site.

e. Dust, smoke and vibration;

Dust, smoke and vibration levels will not be an issue with this site during normal course of the daily school activities.

f. Hours of operation; and

Typical hours of operation will be from 7:00 am until 4:30pm, Monday through Friday. On occasion there will be some activities outside the normal school hours geared toward special student events.

g. Site conditions that may foster unsafe or unlawful activities.

The conditions on site would not encourage or promote unsafe or unlawful activities.

- 4) The plan contains adequate measures to mitigate the impact of the development on nearby residential neighborhoods from incompatible characteristics such as:
 - a. Building scale;
The building is a 2-story facility and will be located approximately 1-foot below Fox Road finished grade. The nearest residential development is across I540 and Fox Road.
 - b. Architectural character;
The exterior is comprised of brick and the architectural character of the building is consistent with nearby commercial developments.
 - c. Landscaping;
The site will be landscaped in accordance with the City of Raleigh's requirements. Also, located in the front yard is the bio-retention cell that will exhibit a plethora of trees and shrubs to mitigate storm water discharge adding to the diversity of on-site vegetation.
 - d. Amount and placement of impervious surfaces;
The amount of impervious surface is approximately 50% of the lot area. Impervious areas consist of the building and the space needed to accommodate staff / parent parking.
 - e. Placement of structures and vehicular surface areas; and
The placement of the building and parking area is to maximize the efficient use of the lot providing for on-site automobile stacking during pickup and drop off. Also, the placement of the building utilizes the topographical features minimizes the visibility of the structure. The detention pond is located along the rear of the parcel utilizing the current drainage features on site.
 - f. Orientation of uses and entranceways.
The entrance is located to maximize the ability to efficiently drop off and pick up students. A canopy compliments the front entrance to extend weather protection beyond the recessed area at the doorway.
- (5) The site plan coordinates with existing and planned public facilities such as:
 - a. Storm water drainage structures;
The storm water BMP's outlet to a carrier pipe discharging under I540 consistent with the existing site features.
 - b. Public utilities;
Public water availability is located in Fox Rd and a public sewer main extends toward the rear portion of the property.
 - c. Streets, sidewalks and on-street parking;
The extension of Town Drive will provide direct access from Triangle Town Blvd to Fox Road. The street will be 41-foot width with curb and gutter and sidewalks on each side of the new roadway.
 - d. Parks, greenways and recreational facilities;

No greenway trails are located near the proposed site and the nearest park appears to be located on Spring Forest Road.

e. Fire stations and community service facilities;

The nearest fire department is located on St. James Road

f. Schools;

Fox Road elementary is located North of the site across I540 less than a mile away.

g. Trash collection; and

An on-site dumpster will be provided.

h. Transit facilities.

A transit station is included with site plan. The new location will be located on Fox Road adjacent to the Town Drive intersection.

- (6) The plan provides for a unified development within the site and with adjoining properties when such properties are either:
- Under similar ownership as the site,
 - Are being developed in a coordinated manner with the site, or,
 - The site shares a common relationship with surrounding properties, where establishing similar architectural elements, landscaping, shared access or signage will promote good order, convenience and safety.

Situations a, b, and c may consist, among other things, of shared driveways, definitive streetscape character or block face, similar topography, both properties are located within a previously approved concept or master plan or within the same conditional use zoning ordinance).

No master plan exists for this development. The parcels immediately adjacent to the school site will be vacant and could be under separate ownership. Architectural unity will be encouraged with the adjacent vacant properties. The school site has made allowance to share the entrance drive onto the adjacent property (lot 2).

- (7) The plan complies with all street, sidewalk, open space, drainage, greenway, transit, utility and other public facility dedication and improvement requirements of Part 10, chapter 3 and applicable conditional use zoning ordinances.

The plan layout complies with improvements required as outlined above.

- (8) The plan conforms to previously approved subdivision plans for the site. The site plan meets all applicable Code requirements, and if there are conflicts between Code provisions the more restrictive shall be met.

The plan conforms to City of Raleigh applicable plans for the site. The applicable subdivision plan is currently under review / approval by the City of Raleigh.