



## 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-38-11 / Poyner Place Retail

**General Location:** The north side of Sumner Boulevard, east of its intersection with Triangle Town Boulevard

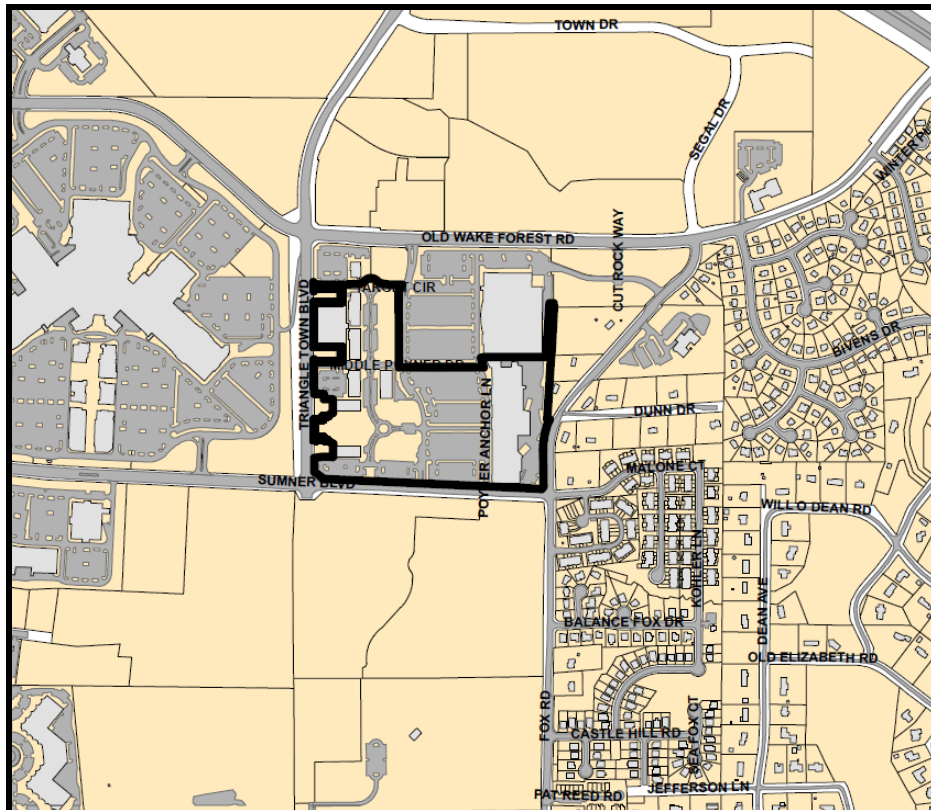
**Owner:** RCG Raleigh, LLC  
**Designer:** The John R. McAdams Company, Inc.

**CAC:** Northeast

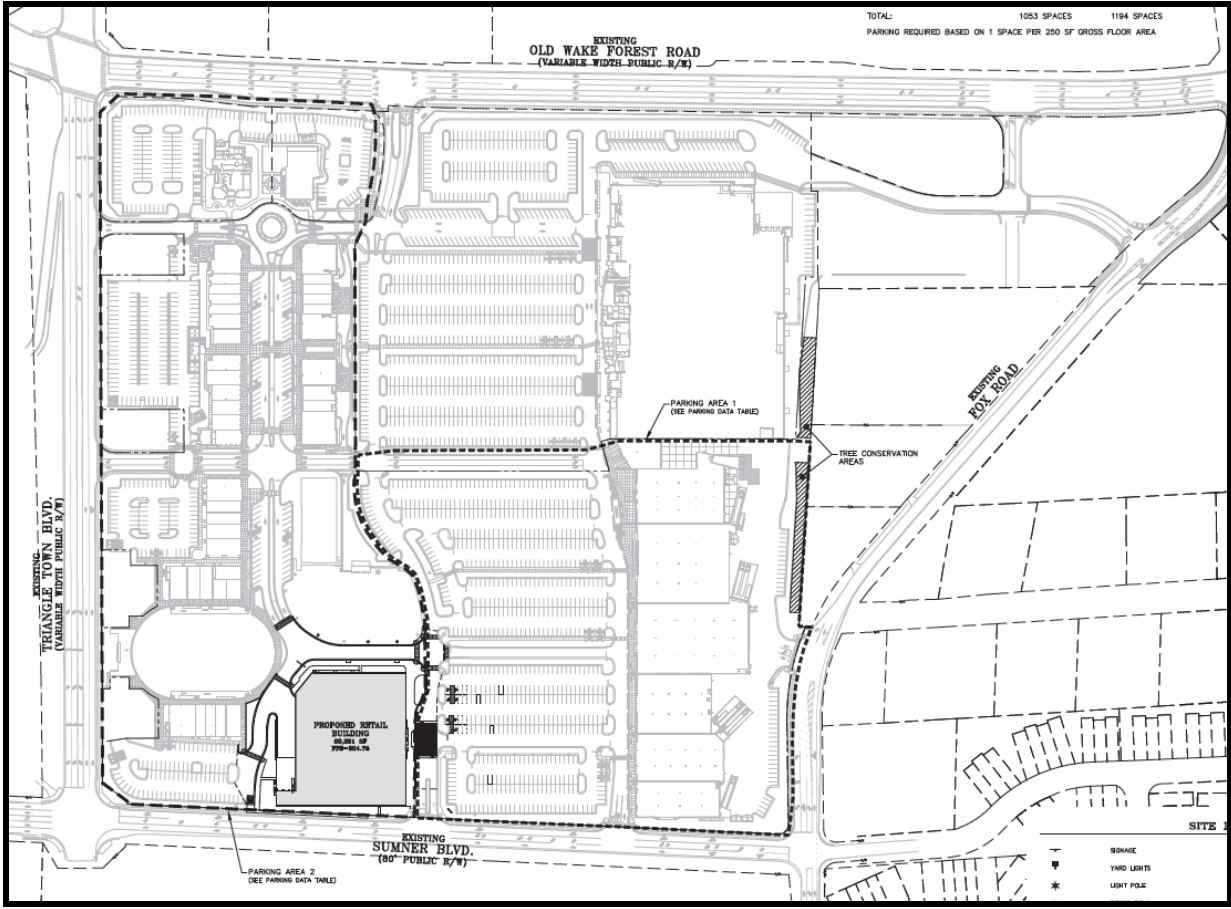
**Nature of Case:** The proposed development is comprised of one new 60,291 square foot retail building on a 27.56 acre site zoned Shopping Center, Conditional Use District. The proposed building would increase the amount of retail space on the site to a total of 262,886 square feet. Because the subject property is within 400 feet of a residential use or zone, the proposal requires preliminary plan approval.

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

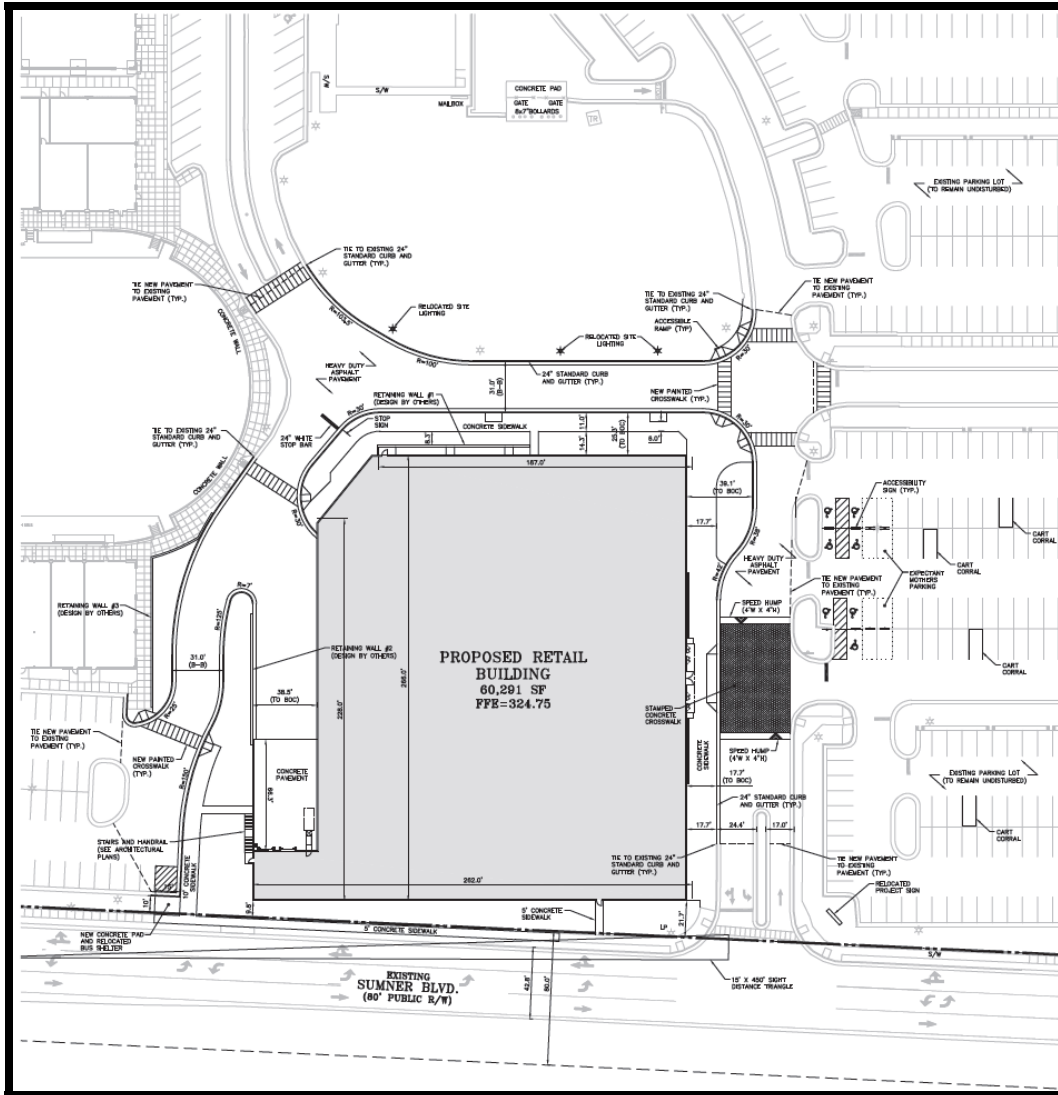
**Contact:** Andrew Padiak, The John R. McAdams Company, Inc.



**SP-38-11 Poyner Place Retail – Site Location Map**



SP-38-11 Poyner Place Retail – Overall Site Plan



SP-38-11 Poyner Place Retail – Preliminary Site Plan

**SUBJECT:** SP-38-11 / Poyner Place Retail

**CROSS-  
REFERENCE:** SP-58-02, Z-5-01

**LOCATION:** This site is located on the north side of Sumner Boulevard, east of its intersection with Triangle Town Boulevard, inside the City Limits.

**REQUEST:** This request is to approve an additional 60,291 square foot retail building on a 27.56 acre site zoned Shopping Center, Conditional Use District. The proposed building would increase the amount of retail space on the site to a total of 262,886 square feet. Because the subject property is within 400 feet of a residential use or zone, the proposal requires Planning Commission approval.

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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 with the following conditions of approval this request conforms to Chapter 2, Part 10, Sections 10-2041, 10-2132.2, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 10/20/11, owned by RCG Raleigh, LLC, submitted by The John R. McAdams Company, Inc.

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

**VARIANCES /  
ALTERNATES:** N/A

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To PC: 11/22/11

**Case History:**

**Staff Coordinator:** Eric Hodge, AICP

**Motion:** Batchelor  
**Second:** Fleming  
**In Favor:** Batchelor, Butler, Buxton, Fleming, Haq, Mattox, Schuster, Sterling Lewis  
**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: 12-13-11

(PC Chair)



date: November 22, 2011



## 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 grading 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 placed on file in the Planning Department;
- (2) That construction plans for public improvements be approved by the Public Utilities Department and the Public Works Department;

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

- (3) That a new 15x20 foot transit easement located on Sumner Boulevard be approved by the Transit Planner in the Public Works Transportation Department, be shown on all maps for recording, and that a transit easement 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 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;
- (4) That a tree conservation map be recorded with metes and bounds showing the designated Tree Conservation Areas in compliance with Code section 10-2082.14;
- (5) That the relocation of the existing transit shelter is coordinated through the Transit Planner in the Public Works Transportation Department and relocated as shown on the preliminary site plan.

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**ZONING:**

**ZONING DISTRICTS:** Shopping Center – Conditional Use District. Ordinance (2001) 66 ZC 502 Effective 8/7/01.

**Z-5-01 Fox Road/Old Wake Forest Road**, west side, Old Wake Forest Road, south side, being Wake County PIN 1726.79 9401. Approximately 100 acres rezoned to Shopping Center Conditional Use.

Conditions Dated: (08/01/01)

**I. OVERALL CONDITIONS (See Exhibits 1-4 )**

- A. Upon development, the rate of stormwater run-off will comply with the CR 7107 based on a coefficient of runoff equivalent to R-10 density.
- B. Reimbursement for future right-of-way dedications for Old Wake Forest Extension (if applicable) and Fox Road (if applicable) shall be based on R-10 reimbursement rates.
- C. Stormwater shall be managed not less than by three (3) facilities positioned within the subject property to receive and detain the quantity of stormwater described in condition I-A above. One of these devices shall consist of an enlargement of the existing pond located generally in the corner of Triangle Town Boulevard and Sumner Boulevard.

Where architectural building elements are more than fifteen (15') feet from the waters edge, the perimeter of the enlarged existing pond at Triangle Boulevard and Sumner Boulevard shall be landscaped with one (1) evergreen shrub per eight (8') linear feet of the exposed waters edge. Said shrubs shall be evergreen and shall be installed at a minimum height of eighteen (18") inches. Said shrubs shall also be of a species that attains a minimum height of three (3') feet in three (3) growing seasons.

- D. Development of the subject property shall be generally consistent with Exhibit 1, The Triangle Town Commons Amendment to the Triangle Town Center Small Area Plan Land Use Development Concept Map.
- E. The transitional protective yard (T.P.Y.) required between any retail use and the Dunn properties parcel PIN #'s 1727.20-80-6335, 1727.20-80-5111, and 1726.08-89-4943 shall be developed as follows:
  - 1. Within the first twenty feet inside the subject site the developer shall cause to be erected a closed wall of a minimum height of six (6') feet;
  - 2. The portion of the TPY on the Dunn's side of said wall is to be planted with a minimum of fifty-five (55%) percent of the required trees and shrubs for the total TPY; and
  - 3. The maximum reduction of the TPY for use of the wall and a berm (if used) shall be ten (10') feet.
- F. In accordance with the criteria of the Triangle Town Center Small Area Plan, retail uses within the subject property shall be limited to 675,000 square feet of the floor area gross. A minimum of 75,000 square feet of retail shall occur in mixed-use areas as shown on Exhibit 1. Retail uses shall include those land uses as set forth and defined as either commercial uses in the Schedule of Permitted Land Uses in Zoning Districts in Code Section 10-2071, or as defined in City Code Section 10-8002 (not including hotels/ motels, Bed and Breakfast inn, or any Telecommunications towers). A recorded allocation of these allowable square footages shall be made contemporaneously with the recording of any plat and an initial allocation shall be made for the existing lots within sixty (60) days following the adoption of this zoning ordinance.

The terms "office" or "office land uses" as used herein refers to all land uses customarily permitted in the O&I Zoning Districts as set forth in the Schedule of Permitted Land Uses in Zoning Districts in Code Section 10-2071 including, without limitation, banks and hotel/motel.

- G. A pedestrian access shall be provided between the subject property and the northeast quadrant area (Murray Parcel Wake County PIN# 1727.20-81-6589) as described in condition H below. It shall be positioned generally as depicted on Exhibit 3 approximately mid-way between Triangle Town Boulevard and Fox Road on Old Wake Forest Road. It may occur in conjunction with a vehicular access to and from Old Wake Forest Road.

- H. Exhibit 4 illustrates the applicant's commitment to assure good connectivity. The applicant shall propose for approval by the City of Raleigh Department of Transportation not more than the following private points of access (ingress/egress) from perimeter public rights-of-way:
1. Four (4) accesses from Old Wake Forest Road;
  2. Six (6) accesses from Triangle Town Boulevard;
  3. Four (4) accesses from Fox Road; and
  4. Five (5) accesses from Oak Forest Road extension if applicable.

A minimum of ten (10) of these points of access shall provide a means for connecting through the project.

The solid arrows on Exhibit 4 depict possible points of ingress/egress from public streets to secondary accessways. Secondary accessways do not necessarily commit that through access across the site via a direct route can be obtained from that facility.

The outlined arrows depict possible points of ingress and egress whereby a vehicle can enter into a primary vehicular pedestrian way that shall provide either a direct route through the site to an opposing public street or connect to other primary vehicular pedestrian ways that connect directly to perimeter public streets.

Nothing in these statements shall be construed as requiring any solid arrow access point to not provide connectivity across the site though the resulting route may be circuitous and may require going through a parking lot where the secondary accessway becomes a parking lot site.

Nothing in this condition shall prohibit the substitution of a public street for either a primary or secondary accessway arrow as depicted on Exhibit 4.

Where these illustrated points of ingress/egress occur (as depicted on Exhibit 4) at a primary or secondary accessway that is not a dedicated public street, then the following shall apply to the primary or secondary accessway:

- i. There shall be at least one travel lane in each direction 12 feet in width with two and one-half (2 ½) foot wide curb and gutter along the outside of each lane;
  - ii. There may be on-street parking along the accessway provided appropriate additional pavement is added to accommodate the desired parking, said parking shall be either parallel or angled at a maximum angle of sixty (60) degrees to the travel lane;
  - iii. If the accessway is categorized as a primary vehicular/pedestrian way on Exhibit 3, then the accessway shall not be intersected by driveway aisles for ninety (90) degree parking bays more frequently than one aisle ("T" type intersection or crossing type intersection) every one hundred and fifty (150') linear feet along the centerline of the accessway. In such instances, said parking bays shall run perpendicular to the primary accessway; and
  - iv. Where these accessways intersect or connect to public streets additional lanes shall be added to accommodate turning movements as required by the City Department of Transportation.
  - v. If the accessway is categorized as a secondary accessway on Exhibit 3, then the frequency by which it may be intersected with ninety (90) degree parking aisles or parking stalls shall not be limited.
- I. Upon subdivision of the subject tract into smaller parcels for development, all resulting parcels shall be cross-connected to a minimum of one other adjacent parcel via either a shared or a cross-access facility and related easement. A shared access facility would be a single driveway straddling a common parcel boundary line. A cross-access facility would be located entirely on one parcel and continue onto the adjacent parcel. All shared access and cross-access facilities shall connect through to both public streets and the internal private primary vehicular pedestrian ways.



J. Pedestrian crosswalks shall be provided within the project and on the perimeter public streets. At a minimum the following such crosswalks shall be requested to be approved by the City of Raleigh Department of Transportation:

1. One on Old Wake Forest Road;
2. Two on Sumner Boulevard;
3. One on Fox Road; and
4. One on Oak Forest Road extension (if applicable).

K. Sidewalks or pedestrian pathways shall be provided to create direct pedestrian interconnectivity between all resulting developments within each land use bubble and from bubble to bubble, said land use bubbles being illustrated on Exhibit 1.

Pedestrian pathways shall consist of either sidewalks (concrete, asphalt or other acceptable pavements) that run along either streets, accessways, or cross-country as trail-like facilities.

L. Exhibits 1,2,3,4 are provided as “filter” maps to illustrate respective conditions. As “filter” maps they shall be considered as being separate layers that when placed one atop the other combine to form a package that provides a total vision for the development of this project

M. Full movement driveway accesses on Triangle Town Boulevard shall not be within three hundred (300') feet of the centerlines of Sumner Boulevard and Old Wake Forest Road.

N. Roof HVAC units shall be screened from view from residential units fronting along Fox Road.

O. Building and area lighting along Fox Road shall have lighting (freestanding and wall mounted) that shields the view of the light source from residential units along Fox Road.

P. On-street parking on public streets shall occur in conformance with City Code.

Q. All private accessways (Primary, Secondary, Alleys etc.) shall be governed by cross-access and maintenance covenants to assure their continued availability for use by the motoring public, and to provide for the right of public maintenance as may be necessary. Similarly, private maintenance for certain public street elements may be provided to the developer where approved by the City Council.

R. Mixed-use includes provisions for ground floor retail and services with either upper story office or residential uses, or both; or a mix of land uses in separate buildings within convenient walking distance of each other and developed in conjunction with one another.

S. Signage Controls

If the signs cited herein are permissible within the designated areas according to City of Raleigh Code Section 10-2083.2, then they shall be limited as follows:

1. Ground High Profile Signs
  - a. Said signs shall be prohibited anywhere within the zoned area.
2. Ground Medium Profile Signs
  - a. Limited to a total of two (2) signs in the Pedestrian Friendly Village Core Area (see Exhibit 2).
  - b. Limited to a total of three (3) signs in the Mixed Use Neighborhood Center Retail and/or Mixed Use Retail, Office, Residential, Civic Areas (see Exhibit 1).
  - c. Said signs shall be prohibited anywhere within the zoned area within one hundred (100') feet of the right-of-way of Fox Road.

T. Limitations on Drive-thru Facilities:

Land uses with drive-thru (including pick up, or drive-up) facilities shall be limited as set forth herein within the denominated areas:

1. A total of two (2) drive-thru facilities shall be permitted in the "Pedestrian Friendly Village Core Area" (see Exhibit 2). Land uses within said drive-thru facilities shall be sited no more than (50') feet from the right-of-way of either Triangle Town Boulevard or Sumner Boulevard.
2. A total of three (3) drive-thru facilities shall be permitted in "Mixed-use Neighborhood Center Retail and/or Mixed-use retail, Office, Residential, Civic Areas (see Exhibit 1).
3. In the Old Wake Forest Road Mixed Use Area (see Exhibit 2), drive-thru windows shall be prohibited within one hundred and fifty (150') feet of the right-of-way of Fox Road. In the remainder of the zoned area, drive-thru windows shall be prohibited within one hundred (100') feet of the right-of-way of Fox Road.

## **II PEDESTRIAN FRIENDLY VILLAGE CORE (See Exhibits 1-4 and 6 )**

Exhibit 2 identifies the area within the project where a Pedestrian Friendly Village Core style of development shall occur. Within this defined area the project shall cause to be developed, at a minimum, 1600 linear feet of the single sides of the block profiles that are consistent with the standards and elements for a Pedestrian Friendly Village Core as set forth herein. As sides of the block profiles develop incrementally in segments, no segment shall have less than fifty (50') feet of frontage along the profile for a mixed use building that is constructed in phases, or one hundred (100) feet of lot frontage if the building is for a free standing single land use. A "block profile" is a length of either public street or private accessway between two (2) intersecting public streets or private accessways (both public, both private, or one public and one private). A block profile has two sides, one on each side of the street, or accessways between the required intersections. The Pedestrian Friendly Village Core shall be a pedestrian-oriented area of development where the following elements occur:

- A. Access shall be provided by either public streets or private primary vehicular/pedestrian ways, or private secondary accessways meeting the criteria of condition I-H;
- B. Pedestrian circulation shall be accommodated with sidewalks on both sides of the street that are a minimum of ten (10') feet wide exclusive of areas where "streetscape" plantings are planted directly into the ground along with the periodic installation of benches and ornamental street furnishings at a rate of one bench and two trash receptacles per block face along with pedestrian scaled lighting;
- C. Buildings shall be set back not more than 20 feet from the back of the curb on private vehicular pedestrian ways or the right-of-way of public streets except in designated pedestrian gathering spots, (outdoor café, galleries, or similar extensions of business or pedestrian plazas, etc), where the gathering spot pavement extends a minimum of twenty-five (25') feet (including any planting strip) from the back of the curb (i.e. sidewalk café areas, sidewalk art gallery areas, pedestrian plaza areas, etc.);
- D. Streetscape plantings shall occur in either:
  1. Street medians and planting cut-outs (i.e. tree wells with grates) in the sidewalks or planting strips located between the sidewalk and the street or on-street parking spaces;
  2. Street buffers between slip roads accommodating parking and the street travel lanes along with planting cutouts in the sidewalks or planting strips located between the sidewalk and the curb of either the street travel lane or the on-street parking spaces. Slip Roads shall consist of a single travel lane parallel to the through travel lanes by which parking spaces are accessed (See Slip Road Alternative Plan view on Exhibit 7);
  3. Parking stall planting spaces (where instead of a parking space one or more stalls are used for planting) where the stall is either angled or perpendicular to the travel lanes and within eight (8) feet or less of the travel lane.

4. Combinations of any of the above.

Streetscape plantings shall, at a minimum, consist of the tree and shrub plantings established for the private primary vehicular pedestrian ways set forth in Condition III-B.

- E. Land uses within the Pedestrian Friendly Village Core shall consist of combinations of retail, office, residential and civic land uses (including public squares, transit facilities, etc). In order to qualify as being part of the required 1600' linear feet of sides of block profiles in the Pedestrian Friendly Village Core, land uses shall occur along the block profiles in one or more of the following ways:
1. As a series of individual buildings along each side of the block profile with each building containing a different single land use;
  2. All buildings on both sides of the block profile contain the same land uses;
  3. All buildings on one side of the block profile contain the same land uses while all buildings on the opposing side of the block profile contain different land uses;
  4. As mixed use buildings where each building contains more than one land use with each use comprising at least five (5%) percent of the Floor Area Gross of the building; or
  5. Buildings facing any building or parking lot screening area in the Retail Core, Pedestrian Friendly Core, or Sumner Boulevard Environs where said parking lot screening satisfies the requirement of condition II-G or II-H.
6. Any combination of 1-5 above.

Prior to establishing any block profile that would qualify toward the 1600' linear foot requirement of the pedestrian Friendly Village Core the developer shall provide a statement to City Staff indicating where qualified block profiles shall occur. Said statement shall be amendable. As site plans are submitted within the designated Pedestrian Friendly Village Core, running totals shall be provided comparing the amount of Village Core Area that has been submitted for development to the 1600 linear feet that area required. "Land Use" shall be any use listed on the Schedule of Permitted Land Uses in zoning districts, Raleigh City Code Section 10-Z071 or any retail use defined in Raleigh City Code Section 10-8002.

- F. Unless otherwise required by the N. C. Building Code, buildings along the sides of the block profile in the Pedestrian Friendly Village Core shall not be separated by more than seventy (70') feet as measured along the public street or private accessway frontage, unless to accommodate physical constraints such as storm water detention devices, bio-retention areas, or changes in elevation of more than three (3') feet, or by off-street parking areas where vehicular surface areas of said parking areas occur within thirty-five (35') feet of the outermost edge (edge farthest away from the travel lane of the street or private drive) of the sidewalk. In such instances, not more than fifty (50%) percent of the cumulative length of both sides of the respective block profile can be devoted to such off-street parking areas (i.e. if each side of the block profile is 380' in length from the center of the intersection to the center of the intersection, the cumulative length is 760', the total length of off-street parking allowed would be 380' divided between the two (2) sides of the block profile.)
- G. Either buildings, plant materials, or amenity features will be used to screen any off-street parking areas within a given block face. Screening shall mean creating a visual opaqueness where at least seventy-five (75) percent of the vertical rectangular plane in conformance with Raleigh City Code Section 10-2082.6 (b) (1) is achieved to a height of five feet above the grade of the sidewalk. A combination of shade trees (evergreen or deciduous), understory trees and evergreen shrubs shall be used to create this screen. Landscape amenity features, if used, shall be items such as public art or sculpture, ornamental walls, fountains, closed fences etc, which combine with plantings to achieve said standard. (see Exhibit 6).
- H. In situations within the Pedestrian Friendly Village Core where gaps of fifty (50') feet or more occur between buildings and off-street parking also occurs within thirty-five (35') feet of the outermost edge

of the sidewalk within said gap, (see II-F above) and a landscape amenity feature (as set forth in condition II-G above) is not employed, the gap shall be landscaped with a minimum of one (1) 2.5 inch caliper shade tree every thirty five (35') linear feet, one (1) one inch (1") caliper understory tree every fifty (50') linear feet, or a portion thereof, and one (1) evergreen shrub every five (5') linear feet, or a portion thereof. Said shrubs to be a minimum of eighteen (18") inches high at installation and to be of a species that shall attain a minimum mature height of five (5) feet and a minimum spread of three (3) feet. Where the gap is less than fifty (50') feet in length and, off-street parking is more than thirty-five feet from the outermost edge of the sidewalk, the same rates of shade trees and evergreen shrubs shall apply while still meeting the provisions of Raleigh City Code Section 10-2082.6 (b) (1).

All trees and shrubs required to meet this condition may also be counted as required vehicular surface area plantings.

If grade changes occur between the pedestrian way and the parking that is to be screened, then the trees and sixty (60%) percent of the required shrubs shall be planted in the uppermost portion of the common slope (see Exhibit 6).

An exception to these planting requirements shall be permissible if a planting area is to be used for bio-retention purposes.

- I. Sides of block profiles created by the Pedestrian Friendly Village Core style of development shall possess two (2) or more of the following traits:
  1. A continuous building for the length of the side of the block profile;
  2. Separate buildings along the block profiles with either intervening pedestrian connectors to facilities behind the buildings; landscape screening for off-street parking areas that open to the block profile (not including driveways and related sight triangles); pedestrian plazas; or pedestrian gathering spots (outdoor cafes, outdoor vending areas, information kiosks, restroom facilities, galleries, or other similar extensions of businesses);
  3. Buildings facing each other (either directly, or by partially overlapping one another) on opposing sides of block profiles;
  4. Buildings on one side of the block profile facing either landscaped areas meeting the standards of condition II-H above or pedestrian gathering spot on the opposing side of the block profile; and
  5. Buildings on one side of the block profile facing parking lot screening areas in either the Retail Core, Pedestrian Friendly Village, or Sumner Boulevard Environs, where said parking lot screening meets, or exceeds, the standards set forth in conditions II-G or II-H and the maximum length of the parking lot area complies with the provisions of condition II-F above.

The Pedestrian Friendly Village Core style of development shall be consistent with the guidelines of the Triangle Town Center Small Area Plan for retail development along thoroughfares, collector or local access streets to the extent permitted by the City Code. In order to achieve those guidelines articulated designs and facilities shall be incorporated to effect more walkable and pedestrian friendly areas. More specific cross-sections, other than those in the guidelines or contained herein, to implement those patterns of development shall be submitted and approved by the City Council as a part of site plan approval.

### **III INTERNAL CIRCULATION SYSTEM (SEE EXHIBIT 3)**

#### **A. The System**

A system of public streets, primary vehicular/pedestrian ways and secondary accessways shall be developed thorough the site consistent with the pattern of such ways as generally illustrated on Exhibit 3.

1. The northern component of this system shall be the Northern East-West connector that shall run generally parallel to the south right-of-way of Old Wake Forest Road. This facility shall create a linkage between Triangle Towne Boulevard, North-South Connector component of the vehicular

pedestrian system, the pedestrian access point with the Northeast quadrant area as defined in the Triangle Town Commons Small Area Plan (Bobby Murray parcel (Wake County PIN# 1727.20-81-6589) on the north side of Old Wake Forest Road and Old Wake Forest Road. If approved by the City Council it shall continue on to Fox Road as either a vehicular/pedestrian facility. If it is not approved as a vehicular connection to Fox Road, it shall continue as a pedestrian connector to Fox Road.

2. The North-South Connector proposed by the Triangle Town Center Small Area Plan shall run generally parallel to Triangle Town Boulevard at a minimum distance of two hundred (200') feet east of the eastern right-of-way of Triangle Town Boulevard. The North-South connector at its northern beginning point at Old Wake Forest Road and southern ending point within the projected Oak Forest Road shall extend a pedestrian crossing across Old Wake Forest Road and Oak Forest Road, respectively. Space shall be set aside for a minimum of one bus stop with a shelter along the North-South connector. Said bus stop space and access shall be provided in an easement approved by the City Attorney, if located on private property.
3. All primary vehicular/pedestrian ways, and secondary accessways, illustrated on Exhibit 3, shall be fully implemented incrementally as the abutting sites to them develop.
4. In addition to Sumner Boulevard and the northern component generally parallel to Old Wake Forest Road described above, there shall be a southern east-west facility in the area south of Sumner Boulevard that shall extend from Fox Road to Triangle Town Boulevard.
5. There shall also be two north-south facilities south of Sumner Boulevard. One shall be the southern extension of the North-South Connector described above. The other shall run generally parallel to Fox Road from the approximate mid-point of Sumner Boulevard and either connect over to the North-South Connector or connect directly to Oak Forest Road extension.

B. Characteristics (See Exhibit 8)

1. Private Primary Vehicular/Pedestrian Ways shall consist of:
  - a. One travel lane in each direction;
  - b. On-street vehicular parking for at least twenty (20%) percent of the length of a given side of a block profile;
  - c. Oversized sidewalks, with a minimum ten (10') foot width on:
    - i. both sides in locations with retail uses; or
    - ii. at least one side in locations with office uses.
  - d. Sidewalks in residential areas shall be a minimum width of six (6) feet on at least one side of the accessway, or ten (10') feet in combination with bike paths.
  - e. Streetscape plantings with either:
    - i. Street medians;
    - ii. Planting strips occurring between the roadway or parking stall curb and the sidewalk;
    - iii. Tree planting grates as cut-outs on the sidewalk;
    - iv. Parking stall planting spaces (where instead of a parking space one or more stalls are used for planting); where the stalls are either angled or perpendicular to the travel lanes and are within eight (8) feet or less of the travel lane; or
    - v. Combination of the above.

Streetscape for the Private Primary Vehicular Pedestrian ways shall consist of two (2) two and one-half inch (2.5") caliper shade trees and six shrubs every forty (40') linear feet. (One (1) tree and three (3) shrubs on each side every forty linear feet). Where a street median is used, the planting rate shall increase to three (3) shade trees, and eight (8) shrubs per forty (40') linear feet with the additional tree and two (2) shrubs located within the median. Said shrubs to be either evergreen or ornamental, a minimum height of twelve (12") inches at installation and of a species that shall attain a minimum mature height of two and one-half (2.5') feet.

2. Private Secondary accessways shall consist of:
  - a. One travel lane in each direction;
  - b. A standard five (5') foot wide sidewalk on at least one side (The sidewalk on the other side may be larger as prescribed elsewhere in these conditions. See III-B-1 above).
  - c. Streetscape plantings in either:
    - i. Planting strips occurring between the roadway or parking stall curb and the sidewalk;
    - ii. Tree planting grates as cut outs on the sidewalk;
    - iii. Parking stall planting space (where instead of a parking space one or more stalls are used for planting); where the stall is either angled or perpendicular to the travel lanes and within eight (8) feet or less of the travel lanes; or
    - iv. A combination of the above.

Streetscapes on private secondary accessways shall consist of two (2) two (2") inch caliper shade trees every fifty (50') linear feet (one tree per side every fifty (50') linear feet).

3. Where landscaped strips are used along the back of curbs for on-street parking stalls (angled or parallel) on either the primary or secondary accessways described herein, a two (2') foot wide footpath shall be provided adjacent to the back of the curb with periodic two (2') foot wide pathway connections to the sidewalk. Where parking stalls are designated for handicapped parking, plantings shall either not occur, or they shall be set back at least four (4') feet from the curb and the pathway connection to the main sidewalk shall be three (3') feet wide.

C. Roadway Standards (See Exhibit 7)

1. Travel lanes for non-median divided accessways (primary and secondary) set forth herein shall be twelve (12') feet in width with two and one-half (2 ½') feet curb and gutter on each side. For median divided accessways the lanes shall be a minimum of ten (10') feet in width. In both instances, lane widths are intended to be of a dimension that is acceptable to the City Department of Transportation as alternate laneage than what would otherwise be required on Fox Road, Sumner Boulevard, Triangle Town Boulevard, Oak Forest Road, or Old Wake Forest Road. Where on-street parking is employed, the pavement shall be widened to accommodate said spaces as follows in accordance with the City Code, as amended:
  - a. For parallel parking an eight and one half (8 ½') feet wide pavement strip shall be added. At the time of development, if the City Code has been amended to permit on-street parking on public streets and parallel parking is added to a public street an additional four (4') foot wide pavement buffer shall be added between the edge of the travel lane and the side of the space (See Exhibit 7).
  - b. For angled parking less than ninety (90) degrees appropriate paving per the City of Raleigh Street, Sidewalks and Driveway Access Handbook shall be added to accommodate the respective angled spaces that are used. At the time of development, if the City Code has been amended to permit on-street parking on public streets and when angled parking is added to a public street, in addition to the pavement required for the parking stall a pavement buffer zone of not less than six (6') feet wide shall be included between the

outside edge of the travel lane and the end of the parking stall as a maneuvering area and safety feature (See Exhibit 7).

- c. Ninety (90) degree parking stalls shall not be used on the primary vehicular pedestrian ways.
- d. Where a median is provided it shall be a minimum width of eight (8') feet from back of curb to back of curb. Plantings within any minimum eight (8') feet wide median shall consist of either shrubs or ground cover or a combination thereof where the mature height of said materials does not exceed two (2) feet.

#### **IV SUMNER BOULEVARD ENVIRONS (See Exhibit 2)**

Sumner Boulevard shall be an integral linkage between the Pedestrian Friendly Community Area, the Pedestrian Friendly Village Core Areas and the Retail Core. In this capacity, Sumner Boulevard shall possess a variety of characteristics.

##### **A. Characteristics**

1. Sumner Boulevard shall be a public street within a dedicated street right-of-way.
2. Sumner Boulevard shall provide a minimum of one travel lane in each direction. It shall provide additional lanes for turning movements at intersections as may be required by the City of Raleigh Department of Transportation.
3. If permissible by City Code at the time of site plan submittal, on-street parking in the form of either parallel or angled spaces not exceeding sixty (60) degrees shall be added to the width of Sumner Boulevard. Where such parking is added, a buffer zone of pavement shall be added between the end, or side, of the parking stall and the outside edge of the travel lane. For angled parking, this buffer shall be six (6') feet in width. For parallel spaces it shall be four (4') feet in width.
4. Where mid-block pedestrian crossings occur the closest point of any adjacent on-street parking as permitted by City Code shall be fifteen (15') feet from either side of the crosswalk. Landscaping provided on either side of the crosswalk shall not screen pedestrian visibility more than two feet (2') above the pavement within ten (10') feet of the edge of the travel lane.
5. Buildings shall not be setback more than twenty (20') feet from the right-of-way of Sumner Boulevard unless to accommodate a pedestrian gathering spot as set forth in Condition II-C.
6. A site for a bus stop with shelters shall be provided adjacent to Sumner Boulevard, other than any such site provided in conjunction with the intersection of the North-South Connector and Sumner Boulevard as may result from condition III-A-2 above. Said bus stop shall be located either in additional public street right-of-way or within an easement approved by the City Attorney.

##### **B. Circulation**

1. If permissible by City Code, at the time of site plan submittal, on-street parking shall be incorporated along Sumner Boulevard. At a minimum, the types of on-street parking to be considered shall be parallel or angled parking stalls. Where the on-street parking is incorporated, additional pavement shall be provided to accommodate the spaces. Design guidelines to be followed for incorporating on-street parking on Sumner Boulevard are provided on Exhibit 7.
2. To provide continuity of North-South access across the site the applicant shall propose for approval by the City of Raleigh Department of Transportation a minimum of two (2) full service (four-legged) intersections on Sumner Boulevard as generally depicted on Exhibit 4. Other "T" types of driveway connections shall also be proposed along Sumner Boulevard.

C. Land use

1. For the portion of the property south of Sumner Boulevard to Oak Forest Road building setbacks shall not exceed a twenty (20') foot front setback from either a public street right-of-way or the back of the curb on any private accessway unless to accommodate a pedestrian gathering spot as set forth in condition II-C. Further, a minimum of ten (10%) percent of the linear footage of the sides of the block profiles as measured along the centerline of any private or public street creating the sides of the block profiles shall be developed with mixed uses in the manner prescribed in condition II-E (1) (3) (4) (5) or combinations thereof (with retail occurring only in the locations prescribed in Exhibit 1).
2. Along the portion of Sumner Boulevard not designated for Pedestrian Friendly Village Core style of development on Exhibit 2, buildings shall not be setback more than twenty (20') feet from the right-of-way unless a larger setback is required to accommodate an enlarged public/pedestrian space.

D. Landscape

1. Where vehicular surface areas occur more than fifty (50) feet from the right-of-way of and otherwise are visible from Sumner Boulevard, said vehicular surface areas shall be screened along their perimeter with landscaping or landscaping amenity features as set forth in either condition II-G and II-H.

**V. PEDESTRIAN FRIENDLY COMMUNITY AREA (See Exhibits 1 and 2 )**

Exhibit 2 illustrates where within the subject site a Pedestrian Friendly Community shall be developed. The Pedestrian Friendly Community shall possess many of the characteristics of the Pedestrian Friendly Village Core but with more emphasis given to office, residential and open space use.

A. Characteristics of the Pedestrian Friendly Community Area

1. Major vehicular circulation shall be accommodated by the public streets, private primary vehicular/pedestrian ways and secondary private accessways set forth on Exhibit 3. These facilities shall be supplemented with alleyways and connecting parking area driveways to create a finer grid of connectivity within the area.
2. Direct pedestrian connectivity shall be provided by either sidewalks along the primary and secondary accessways or via pathways or trail facilities. The resulting network of pedestrian facilities shall provide direct connectivity within individual site development areas and to adjacent site development areas (within residential sites with connections to adjacent residential, office or mixed use areas). These sidewalks or pathways when fully developed shall provide a variety of options for direct pedestrian connection throughout the Pedestrian Friendly Community and to the Pedestrian Friendly Village Core areas and retail area north of Sumner Boulevard.
3. Streetscapes shall be consistent with the planting and sidewalk standards for primary pedestrian accessways and secondary accesses set forth in condition III-B-1 or III-B-2 herein.

B. Land Use Characteristics (See Exhibit 1)

1. The general pattern of land uses shall be consistent with the pattern shown on Exhibit 1 for the Pedestrian Friendly Community Area.
2. Retail uses shall be confined to the retail and mixed use areas permitting retail and the neighborhood center area as illustrated on Exhibit 1.
3. Within the neighborhood retail center the primary anchor(s) shall be limited to a food store not exceeding 75,000 square feet of floor area gross, and one other retail store as an anchor that does not exceed 50,000 square feet of floor area gross. Additional small retail stores shall also be permitted.



4. Within the Pedestrian Friendly Community, building setbacks shall not exceed a twenty (20') foot front yard setback from either the back of the curb on private accessways or the right-of-way line on public streets unless to accommodate a pedestrian gathering spot as set forth in condition II-C.
5. A minimum of ten (10%) percent of the linear footage of the block profiles within the Pedestrian Friendly Community shall be mixed-use block profiles. The minimum incremental length of mixed use development along a side of a block profile shall be fifty (50') feet for a phased mixed use building or hundred (100') feet of frontage if the building is for a free standing single land use. These mixed use sides of the block profiles shall occur in one or more of the following ways:
  - a. Individual buildings containing different land uses;
  - b. All buildings on one side of the block profile contain the same uses while all buildings on the opposite side of the block profile contain a different use;
  - c. Mixed use buildings along each opposing side of the block profile (mixed-use buildings shall contain more than one land use i.e. residential land use, commercial land use, office land use etc.); Comprising at least five (5) percent of the floor area gross of the building; or
  - d. Any combination of the above.
6. Development along Fox Road south of the intersection of Sumner Boulevard shall consist of the following land uses:
  - a. Within the first six hundred (600') feet south of the Sumner Boulevard-Fox Road intersection land uses shall consist of retail, office, residential and mixed use; with only office, residential, or mixed use (not including retail) occurring within seventy five (75') feet of this portion of the Fox Road right-of-way;
  - b. The remaining frontage on Fox Road south to the property line shall be developed in either a mix of office and residential or all office or all residential uses; and
  - c. For a distance of two hundred (200') feet west of the western right-of-way line of Fox Road between Sumner Boulevard and the southern boundary of the subject parcel, building heights shall be limited to a maximum of three occupied stories / (55') feet with building set backs meeting the requirements of Raleigh City Code Section 10-2041 (d) (3).

## **VI OLD WAKE FOREST ROAD MIXED USE AREA (See Exhibits 1 and 2)**

- A. Within the portion of the subject site located 150 feet west of the Intersection of Old Wake Forest Road and Fox Road as measured, along the south boundary of Old Wake Forest Road, land uses shall be limited to office, residential, or civic uses.
- B. Exhibit 5 depicts the manner by which "T" type and "four-legged" ingress/egress access points and mid-block pedestrian crossing shall be designed along Old Wake Forest Road. This exhibit also generally indicates where these types of facilities shall be requested to be approved, along with the general spacing indicated on the Exhibit along the Old Wake Forest frontage.
- C. Where vehicular surface areas serving parking lots occur more than fifty (50') feet of the right-of-way of Old Wake Forest Road and would otherwise be visible from Old Wake Forest Road, said vehicular surface areas shall be screened along their Old Wake forest Road frontage to satisfy the requirements of either II-G or II-H herein.
- D. The pedestrian connector to the northeast quadrant (Murray Parcel Wake County PIN# 1727.20-81-6589) required by condition III-A-1 herein shall be constructed in one of the following ways:

- i. If built within ten (10') feet of the back of curb for a private accessway it shall be landscaped with two (2) two and one-half (2 1/2") inch caliper shade trees per forty (40') linear feet (one tree on each side of the sidewalk every forty (40') linear feet);
- ii. If built more than ten (10') feet from the back of curb for a private accessway it shall be landscaped with two (2) two and one-half (2 1/2") inch caliper shade trees and eight (8) shrubs per forty (40') linear feet. Said shrubs shall be a minimum height of eighteen (18") inches at installation and achieve a mature height of three (3') feet and a spread of two and one-half (2 1/2) feet within five years of planting, (one tree and four (4) shrubs on each side of the sidewalk every forty (40') linear feet); and
- iii. In either instance above, the walk shall be eight (8') feet in width.

**VII. RETAIL CORE (See Exhibits 1 and 2 )**

- A. Pedestrian connections shall be provided into the main retail area from the North South Connector (Condition III A-2), the Northern East-West Connector (Condition III-A-1) and Sumner Boulevard.
- B. As part of site plan approval, building elevations shall be provided for all sides of buildings illustrating a consistency of architectural design for all sides.
- C. Where vehicular surface areas occur more than fifty (50') feet from the edge of the right-of-way of Sumner Boulevard and would otherwise be visible from the pedestrian Friendly Village Core, Sumner Boulevard environs, or the Pedestrian Friendly Community, said vehicular surface areas shall be screened along the perimeter with landscaping or landscape amenity features as set forth in condition II-G and II-H.

**SETBACKS / HEIGHT:**

This plan conforms to all minimum setback standards. Front yard = 9.8', rear yard = 1,140', front / rear aggregate = 1,149.8', side yard = 345', side yard aggregate = 1,105'. This plan conforms to maximum height standards in this zoning district. Proposed height of the building is 38'.

**PARKING:**

Off-street parking conforms to minimum requirements: 1,052 spaces required, based on parking spaces per 250 square feet of retail square footage. 1,194 spaces are provided.

**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 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>
East	40' Type A	20' Type A with 6' tall closed fence

The transitional yard is existing and is located at the rear of the existing shopping center. It was approved as an alternate as part of SP-58-02, the original shopping center approval. The proposed building is far-removed from any abutting parcels.

**TREE CONSERVATION:**

A preliminary tree conservation plan in accordance with code section 10-2082.14 is included with this proposal and has been approved by the Forestry Specialist. 10% or 2.7 acres of tree conservation area is required. However, only .009% or

.26 acres of the site qualifies for tree conservation given the existing conditions on the site. The preliminary plan proposes .26 acres of tree conservation areas.

**DEVELOPMENT INTENSITY:**

Proposed floor area ratio (FAR) of .21 and lot coverage of 21.9%.

**PHASING:**

This is a single phased addition to an existing shopping center development.

**UNITY OF DEVELOPMENT:**

Unity of development and sign criteria are required in this development. The proposed building is in keeping with the existing shopping center's unity of development criteria.

**COMPREHENSIVE PLAN:**

**GREENWAY:**

There is no greenway on this site.

**THOROUGHFARE / COLLECTOR PLAN:**

No dedication of right-of-way or construction of any streets were required by the Thoroughfare and Collector Street Plan.

**TRANSIT:**

The following transit-oriented features of this site are incorporated into the proposed plan: A relocated 10'x15' transit easement and bus shelter located to the southwest of the proposed building. This site is presently served by the existing transit system.

**URBAN FORM:**

This site is located in the Northeast Citizen Advisory Council in an area designated for Community Mixed-Use in the 2030 Comprehensive Plan. That category applies to medium sized shopping centers and larger pedestrian-oriented retail districts.

Plan as shown meets all applicable Comprehensive Plan Policies.

1. Policy LU 2.2 – Compact Development
2. Policy LU 4.5 – Connectivity
3. Policy LU 5.1 – Reinforcing the Urban Pattern
4. Policy LU 7.6 – Pedestrian Friendly Development
5. Policy LU 10.4 – Siting of Regional Retail
6. Policy T 2.6 – Preserving the Grid
7. Policy T 2.9 – Curb Cuts
8. Policy T 5.5 – Sidewalk Requirements
9. Policy UD 2.1 – Building Orientation
10. Policy UD 2.6 – Parking Location and Design
11. Policy UD 6.1 – Encouraging Pedestrian-Oriented Uses
12. Policy UD 7.3 – Design Guidelines

**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>
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As proposed, the building's large mass, blank walls, and monochromatic color scheme represent a departure from the character of the larger retail center. The committee recommends that elevations be revised such that the building displays more consistent design elements. At minimum, large blank walls should be broken up with pilasters, horizontal banding, offsets, or other means of surface articulation—especially on the Sumner Boulevard side--to match the scale and treatment of other buildings in the center and to provide a sense of human scale at the pedestrian level [commensurate with Code Sec. 10-2132.2(d)(6)].

The elevations have been revised with pilasters, horizontal banding, offsets, use of several different materials and colors in response to your comment.

Enhance the area in front of and the wall forming the 45-degree angle at the northwest corner of the building (with an auxiliary entrance, public artwork, etc.) to tie the building in better with the immediately-adjacent "main street" retail area [commensurate with Code Sec. 10-2132.2(d)(6)].

The wall forming the 45-degree angle has been enhanced to include a frame for public art placement. The frame is an offset to the building face using beige split face block. The idea is to provide a local artist with a place to display their art. An auxiliary entrance is not possible since this is the back, rear corner of the retail space.

**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 will be disposed of by a private contractor. Collection facilities are shown and conform to the Solid Waste Manual standards for size, location, screening and access. All collection facilities shall conform to screening standards of 10-2082.8.

**CIRCULATION:** Existing street improvements conform to normal City construction standards.

**PEDESTRIAN:** Existing sidewalk locations conform to City regulations. A sidewalk is provided along the property's frontage along Sumner Boulevard, Triangle Town Boulevard, Fox Road and Old Wake Forest Road.

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

**STORMWATER  
MANAGEMENT:**

This preliminary site plan is showing compliance with the stormwater regulations of Part 10, Chapter 9 as the proposed impervious surfaces are lower than what was approved with the overall Poyner Place site. No additional BMPs or modifications to the existing BMPs are required with this particular site plan approval. Confirmation of the previous buydown payment for nitrogen offset has been provided. The owner has previously submitted a design for a BMP retrofit if at such time the development exceeds the previously permitted nitrogen export limits a floating wetland system will be implemented. The owner is showing however, that this plan - SP-38-11 - does not require any modifications to existing BMPs at this time.

**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.